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Family Court and Beyond: A Survival Workbook for Women

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Thank you to the Luke's Place staff who contributed to the workbook and the development of the accompanying workshops.

We would also like to acknowledge the input and support of our community advisory committee, which was made up of several women's organizations across Ontario who support women through the family court process.

Finally, thank you to everyone who envisions and works toward a future that is free from violence against women, children and society as a whole.

SAFETY

We encourage you to keep this workbook private and safe. Abusers will often attempt to gain power and control by getting access to your personal information and records. Hide printed material in a safe place, and ensure online or computer documents are stored on a secure device and are password protected. It is also important to keep this book away from your children as they may find it upsetting to read about your family law case; in addition, your ex-partner may pressure them for information.

LEGAL DISCLAIMER

The material contained in this workbook is legal information and not legal advice. Only a lawyer who is aware of the facts of your situation can provide you with legal advice.

We strongly encourage you to obtain legal advice whenever possible before you make any major decisions about your case or agree to any suggestions made by your ex-partner or his lawyer.

The information in this work-book is accurate and current to the date of publication. Please be aware that laws, their interpretation and application, as well as services, change over time. We will do our best to update the online version of this workbook as we become aware of changes; however, if you are using a printed version, please note the copyright date to determine how current it is.

Luke's Place takes no responsibility for any use made of the information appearing in this workbook.

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INTRODUCTION

IS THIS WORKBOOK FOR ME?

If you are a woman who is in an abusive relationship or thinking about leaving an abusive relationship, or if you have already left one and you want to know more about family law and court, this workbook is for you. The family law information in this workbook is specific to Ontario family law. These laws will be different from province to province and outside of Canada.

Even if you have already started to deal with your family law issues, you will find this workbook helpful.

Sorting out the many family law issues that come up at the end of a relationship, especially when you have an ex-partner who has been abusive, can be overwhelming. The more information you have – about the law, court processes, the people you will encounter on your journey – the better you will be able to manage your way through the system. You will be safer, feel more confident and be better able to make the many important decisions that lie ahead of you. You will also be in a better position to support your children, who may also find the process overwhelming.

NOTE

Throughout this workbook, we use the words "woman" or "she/her" to refer to the person who is being subjected to abuse and the words "man" or "he/him/his" to refer to the person who is causing the abuse because that reflects the majority of these situations. However, this workbook is designed to assist any woman leaving an abusive relationship, regardless of the gender of the abuser. We define the word woman to include anyone who self-identifies as a woman.

WHO ARE WE AND WHY HAVE WE WRITTEN THIS WORKBOOK?

Luke's Place Support and Resource Centre for Women and Children is a family law support centre for women leaving abusive relationships. We provide a wide range of direct services for women in Durham Region, Ontario, including:

- One-on-one support with our Family Court Support Workers
- Group support through legal information workshops
- ◆ Peer support groups
- Access to summary legal advice from our team of pro bono lawyers

Women across Ontario can access free summary legal advice through our Virtual Legal Clinic.

We also work on the provincial and national levels, conducting research, engaging in law reform advocacy, creating resources for frontline workers and women and developing and delivering both in-person and online training to workers, lawyers and others involved with family law.

After many years of providing family court support to women in our community who are leaving abusive relationships and training workers across Ontario, we have learned a great deal about the common challenges and barriers that women face. Based on this knowledge, we have developed tips and strategies to assist women in overcoming these challenges and barriers.

In this workbook, we bring together basic legal information about key issues that are likely to arise as well as tip sheets, worksheets and checklists to help you think about and organize your case.

HOW SHOULD I USE THIS WORKBOOK?

How you use this workbook will depend on a number of things:

- ◆ The legal issues with which you are dealing
- ◆ The stage of the process you have reached
- ◆ Your learning style, and so on

We strongly encourage you to work with a women's legal advocate throughout your family law case. Depending on where you live and what resources are available to you, you may be able to work with a counsellor at your community women's shelter who has experience with family court, a counsellor in another community agency or a Family Court Support Worker. For a listing of Family Court Support Workers throughout the province of Ontario please visit Ontario's Attorney General's website (attorneygeneral.jus.gov.on.ca).

We suggest that you start by reading the Table of Contents so you can see which sections of the book you are interested in. Take a "need to know" approach and only read those sections that apply to your situation at the moment. Information can be a key tool in helping you to feel more empowered, but it can also feel overwhelming at times. Remember to use self-care techniques and take breaks or access support as needed when reading this workbook.

We have created two versions of this workbook to make it more accessible for women and service providers. A smaller version that contains the checklists and worksheets in this workbook can be found online at FamilyCourtAndBeyond.ca.

WHAT SHOULD I DO IN AN EMERGENCY?

If you believe you or your children are in danger or at imminent risk of harm, please contact the police emergency line for support.

If you want to leave an unsafe relationship but you are not in immediate danger, please refer to the sections on safety planning in this workbook. It is important to have support and to stay as safe as possible when you separate from an abusive partner. A list of women's shelters in Ontario can be found at sheltersafe.ca. You can also contact the Assaulted Women's Helpline at 1-866-863-0511 or TTY 1-866-863-7868.

Remember that you are not to blame for the abuse, but you can take steps to increase your safety and the safety of your children.



INTIMATE PARTNER ABUSE

WHAT IS INTIMATE PARTNER ABUSE?

Intimate partner abuse is the abuse of power by one partner in a dating, common-law or married relationship. This abuse can be physical, sexual, emotional, financial, social, cultural or a combination of some or all of these. It creates a power imbalance between the two partners and can leave one partner feeling intimidated by and fearful of the other. Most often in heterosexual relationships, this abuse is perpetrated by men against their female partners, so it is also called woman abuse. The United Nations General Assembly (1993) defines woman abuse as "any act of gender-based violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or in private."

The impact of abuse can last long after the relationship ends, with the woman experiencing triggers, fears and panic attacks as a result of what her ex-partner did to her in the past.

HOW DOES ABUSE RELATE TO THE FAMILY COURT SYSTEM?

Abusers often seek out new weapons to exert control over their partners or ex-partners, especially around the time of separation when they are starting to lose power in the relationship. In many cases, the family court system becomes one of those weapons. By equipping yourself with information and an understanding of the tactics of abuse and how they relate to the family court system, you can strengthen your defences against this form of abuse. In this book, we discuss abuse that occurs after separation (post-separation abuse) and legal abuse as well as strategies to help protect yourself.

- ◆ Woman abuse is intended to induce fear, humiliation and control.
- ◆ It can occur in both heterosexual and same-sex relationships.
- Abuse may occur during a relationship, while the couple is breaking up or after the relationship has ended.
- Violence against women is not a result of someone losing control. It is the intentional control by one person of another. The abusive person is purposefully using verbal, non-verbal and/or physical means to gain control over the other person. In many cases, abusive partners are not abusive or violent to others outside the family or home.
- Woman abuse is a crime and a serious societal problem that has negative
 effects on the health, well-being and development of women, children,
 families and the community.
- Abuse is not limited to any single act or behaviour but rather involves a pattern of physical, sexual and/or psychological behaviours perpetrated by a current or ex-partner. It may or may not include physical violence.
- Abuse is intentional and, although there is a relationship between woman abuse and such factors as substance use or stress, these are not causes of woman abuse.

POWER AND CONTROL WHEEL PHYSICAL VIOLENCE SEXUAL **BASED ON DULUTH MODEL** (theduluthmodel.org) Permission to adapt from Domestic Abuse Intervention Programs **USING** COERCION **USING AND THREATS** INTIMIDATION • Making and/or carrying out Making her afraid by using threats to do something to hurt her looks, actions or gestures • Threatening to leave her, Smashing things to commit suicide, · Destroying her property to report her to welfare Abusing pets **USING** Making her drop Displaying **ECONOMIC ABUSE** charges weapons **USING** Making her do **EMOTIONAL ABUSE** · Preventing her from illegal things Putting her down getting or keeping a job · Making her feel bad about herself Making her ask for money Calling her names • Giving her an allowance • Taking her money Not letting her know about or have access · Making her think she's crazy **POWER** · Making her feel guilty to family income **AND CONTROL USING MALE PRIVILEGE USING ISOLATION** • Treating her like a servant • Controlling what she does, who she sees Making all the big decisions and talks to, what she reads and Acting like the "master of the castle" where she goes • Being the one to define men's • Limiting her outside involvement and women's roles **USING** MINIMIZING, Using jealousy to justify **CHILDREN DENYING** actions · Making her feel **AND BLAMING** Making light of the abuse guilty about the children • Using the children to and not taking her concerns relay messages about it seriously Saying the abuse didn't happen Using visitation to harass her Shifting responsibility for • Threatening to take the children away abusive behaviour · Saying she caused it **NOTES**

NOTES	CHECKLIST ABUSE BEHAVIOURS			
	The following is a list of behaviours that women may be subjected to during a relationship in which they are being abused. These tactics are often used by an abusive person in an effort to maintain power and control. They typically serve to reinforce fear, intimidation and coercion. When someone is being subjected to abuse, it often changes the way they view themselves, others and the world around them. Abuse is a cycle that can be broken. The first step is to identify the types of abuse that are hap pening. This abuse checklist can be used as a guide to help you remember instances of abuse, but it is not a complete list. Each woman's experiences are different and this is only a guide. Add your own events as needed.			
	ISOLATION			
	☐ Isolates you from others			
	☐ Tells you that you cannot do something			
	☐ Is jealous about who you see			
	☐ Monitors your time, makes you account for where you were			
	☐ Does not allow you to leave the house			
	☐ Restricts your use of the car			
	☐ Alienates you from family/friends			
	☐ Keeps you from getting medical care/counselling			
	☐ Tries/threatens to turn children/people against you			
	☐ Deprives you of sleep			
	ANGER AND INTIMIDATION			
	☐ Changes his mood suddenly			
	☐ Gives silent treatment			
	☐ Shouts or yells			
	☐ Pounds fists on table			
	☐ Throws or kicks something			
	☐ Stomps out of the house			
	☐ Slams doors			
	☐ Says that he has "nothing to lose"			
	☐ Has criminal background/current activity			
	☐ Has third parties monitor/harass you			
	PSYCHOLOGICAL ABUSE			
	☐ Blames you for his problems			
	☐ Blames you for miscarriages/ termination of pregnancy			
	☐ Drives cars in a frightening way			
	Threatens to:			
	☐ Leave the relationship			
	☐ See someone else			
	☐ Take children away from you			

Threatens to:	NOTES
☐ Come after you if you leave	
☐ Have you committed to an institution	
☐ Hurt or kill you	
☐ Hurt or kill the children	
☐ Hurt or kill himself	
☐ Have someone else kill you, your family, friends, etc.	
ECONOMIC ABUSE	
☐ Makes you account for all the money spent/controls the money	
☐ Keeps you short of money	
☐ Makes you ask for basic necessities/money	
☐ Undermines your attempts to improve your education	
☐ Undermines your attempts to get or keep a job	
☐ Makes you give all your earnings to him	
☐ Chooses not to work, when he is capable of obtaining a job,	
and makes you be the sole earner	
MALE PRIVILEGE/ PATRIARCHY	
☐ Demands obedience like you're a servant	
☐ Makes major decisions without your input	
☐ Treats you like you're inferior	
☐ Tells you that you can't cope without him	
\square Coerces you into marriage through threats and force	
IMMIGRANT/CULTURAL ABUSE	
☐ Threatens to cancel sponsorship/have you deported	
☐ Lies about your current status	
☐ Provides false information about immigration laws/process	
\square Uses religion and cultural practices to threaten or isolate you	
from accessing supports	
\square Undermines you because of your race, religion or country of origin	
☐ Makes false allegations to immigration officials	
☐ Threatens/tries to remove children from Canada	
☐ Makes threats about penalties in country of origin	
Uses or glorifies patriarchal cultural practices	
☐ Refuses to acknowledge divorce through religion	
CEVILAL ABUSE	
SEXUAL ABUSE	
Pressures you to have sex	
☐ Makes you feel guilty if you don't have sex	
Forces sex against your will	
Pressures you to have sex after being abusive	
Pressures/forces you into unwanted sex acts	
☐ Treats you like a sexual object	

NOTES	
	\square Threatens to share or does share pictures of you on the Internet
	☐ Inflicts unwanted pain on you during sex
	\square Pressures you to engage sexually with a third party
	☐ Uses sex and intimacy to control you
	☐ Forces sex as a condition to keep children safe/allow you to see them/
	return them to you
	☐ Exposes children to pornography
	☐ Sexually abuses the children
	PHYSICAL ABUSE
	☐ Throws things at you
	☐ Pushes, grabs or shoves you
	☐ Pulls your hair/twists your arm
	☐ Pins you to wall, floor or bed
	☐ Chokes you
	☐ Kicks, hits or punches you
	☐ Threatens you with a knife, gun or other weapon
	☐ Tries to run you down with a car
	☐ Physically abuses the children
	☐ Hurts or kills pets
	☐ Forces you to terminate pregnancy
	☐ Causes physical harm while you are pregnant
	EMOTIONAL ABUSE
	☐ Insults you in front of others
	☐ Puts down your physical appearance
	☐ Treats you as though you are stupid
	☐ Criticizes your care of children/home
	☐ Calls you names and swears at you
	☐ Calls you crazy/irrational
	☐ Accuses you of having an affair
	☐ Ridicules family or friends
	☐ Goes through personal things, i.e., purse, drawers, pockets, phone
	or computer
	☐ Sends harassing messages through social media sites or via text messages
	☐ Abuses drugs or alcohol
	HETEROSEXIST/TRANSPHOBIC ABUSE
	☐ Exploits societal homophobia
	☐ Exploits internalized anxieties about your sexual orientation to control you
	☐ Threatens to "out" you and reveal your sexual orientation to family, friends,
	neighbours and employers
	☐ Uses offensive pronouns
	and the second production of the second of t

	NOTES
☐ Denies you access to medical treatment or hormones or coerces you to	
pursue medical treatment	
☐ Tells you that you are not a real "woman"	
☐ Uses looks, actions, gestures to reinforce homophobic, biphobic	
or transphobic control	
☐ Makes you feel bad about yourself	
☐ Says no one will believe you, especially if you are lesbian, gay, bisexual	
or trans	
\square Says women can't abuse women or men can't abuse men and therefore	
it is just "fighting" and not abuse	
\square Threatens to tell your ex-spouse or authorities that you are lesbian, gay,	
bisexual or trans so they will take the children	
\square Controls/defines each partner's role or duties in the relationship	
\square Uses privilege or ability to "pass" to discredit you, put you in danger,	
cut off your access to resources or use the system against you	
POST-SEPARATION ABUSE	
☐ Blocks access to money after separation	
Drains joint bank accounts or assets	
\square Uses stalking behaviours (property damage, excessive phone calls,	
phone threats and verbal abuse, phones and hangs up, etc.),	
particularly if you take a stand against what he wants	
☐ Monitors your whereabouts and/or follows you	
Uses technology to stalk you	
Uses social media to talk about your case or slander your name	
Locks you out of the family home	
☐ Increases threats and intimidation	
☐ Escalates abusive behaviours when you have a new partner	
☐ Threatens/causes harm to your new partner	
☐ Makes false allegations to slander/undermine your new partner	
Destroys your/children's belongings	
Uses children to justify breaking no contact orders	
Disrupts children's routines (e.g., sleep, eating, sports, etc.)	
☐ Withholds information about children	
Contradicts your rules for children	
Demands visitation schedules at your/children's expense	
Makes false accusations of bad parenting	
Exploits "father's rights" to gain sympathy/undermine you	
☐ Withholds child/spousal support, medical insurance, financial	
contribution to children's extra expenses (e.g., sports, daycare,	
school uniform/graduation costs)	
☐ Neglects children during his time with them	
Uses violence in front of children	
☐ Uses corporal punishment with children	

NOTES	
	☐ Ignores children's schedules, needs, identities, fears
	☐ Uses new partner to take on parental duties
	☐ Tells children his new partner is their new mother
	\square Enforces strict gender roles with the children
	☐ Degrades you to children/family members
	☐ Uses children as spies/to monitor you
	☐ Threatens to kidnap children
	☐ Refuses to permit your travel with the children
	☐ Refuses to sign for children's passports/provide you with them
	☐ Threatens to call CAS and have the children removed
	LEGAL ABUSE
	☐ Denies the abuse
	☐ Appears charming and conciliatory to the judge or other legal personnel,
	raising questions about the credibility of your story
	☐ Has you countercharged by the police, complaining that you assaulted him too
	☐ Doesn't allow children to call you when they are with him
	☐ Acts as his own lawyer as a bullying strategy in which he cross-examines
	you as an intimidation tactic
	☐ Makes endless motions over minor or inappropriate issues
	\Box Uses intimidation and threats if you do not agree to financial arrangements
	that disadvantage you
	☐ Pressures you to accept mediation and joint parenting arrangements even
	if you feel threatened and unsafe
	☐ Coerces you to trade away some legal rights (e.g., the right to property or
	financial support) in exchange for others (e.g., child-related)
	☐ Pressures you to change bail conditions or to try to have the charges
	dropped if he has been criminally charged
	☐ Contacts you out of court under the guise of negotiating the case
	☐ Uses delay tactics such as refusing to sell the matrimonial home or respond
	to legal offers, delaying providing financial information, etc.
	Repeatedly changes lawyers, thus slowing the process down
	☐ Withholds information (such as financial disclosure) and then insists on unreasonable disclosure from you
	☐ Threatens to take/keep the children if you insist on leaving
	\square Makes malicious reports slandering you to the court and other officials
	(child protection authorities, police, housing personnel, Ontario Works, etc.)
	☐ Threatens harm/death if you pursue legal proceedings
	☐ Attempts to interfere in the professional relationship you have with your
	lawyer in an effort to reduce your confidence in your own lawyer or make
	them reluctant to represent you.
	•

SAFETY

SAFETY PLANNING

Having a safety plan is helpful for women staying in relationships in which they are being abused, as they are leaving and after they have left. Women are at the greatest risk of serious injury or harm around the time of separation. While your ex-partner's behaviour is unpredictable and beyond your control, you can make a safety plan to help increase your safety and reduce your risks. Never minimize the safety concerns you may have.

When you make a safety plan, it is important to remember that there is more involved than just physical safety. It is also important to protect yourself emotionally.

Creating a safety plan can be overwhelming. It is very helpful to work with a women's legal advocate who can assist you with developing your plan as well as provide you with support and referrals to other services you might need, such as financial and/or legal assistance.

WHAT IS A SAFETY PLAN?

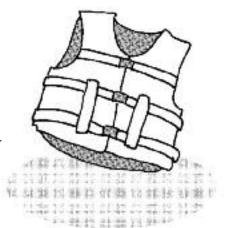
A safety plan is an individualized plan that reduces the risks of further abuse for you and your children. It should also include strategies for basic needs like income, housing, health care, food, child care and education for the children.

The details of your plan will depend on your situation – whether you are living with or separated from your partner, whether you plan to leave or to stay with him, your financial resources, your housing options, whether or not you have children, and so on. The plan will also be affected by the resources that are available to you.

Your plan must change as your circumstances change. You should review and revise it when there are changes in your life in order to make sure that it still meets your needs.

SAFETY PLANNING STRATEGIES

You will know best what you need to do to stay safe. You probably already have strategies that keep you and your children safe. These will become part of your safety plan.



NOTES	Talking to others can be very helpful. This lets friends, family and even work colleagues and neighbours become involved and offer support and resources. But think carefully before you share information with other people: You don't want this information making its way back to your partner/ex-partner.
	Seek to reduce or eliminate the range of risks you face, including but not limited to physical violence.
	 How to keep in touch with people, including the police, who will help you. How to keep your children safe.
	All types of abuse can have an emotional and psychological impact. This can cause a heightened sense of fear for many women. It is important to seek out counselling and support services to deal with this. Once you have left your partner, situations related to the children, court dates and times when you may need to have contact with him can be very stressful. You may find it helpful to plan for these situations. Your emotional safety plan should include measures to increase safety for you and/or your children as well as an after-care plan. The following checklist offers strategies for supporting your emotional safety by establishing boundaries with your ex-partner. Please see the section "Self-care" for

CHECKLIST	SETTING BOUNDARIES	NOTES
Set boundaries	with your ex-partner.	
☐ Open a new For more tip tion with an ☐ Adjust social "friends" list ensure that I managing to Be clear and able. Keep a you can take ☐ Try to get an contact with exchanges a chance there and end exchance there and end exchance there and end exchanges a chance there and end exchance there are the exchange and exchance there are the exchanges and exchance there are the exchance there are the exchanges and exchance there are the exchanges and exchanges are the exchanges and exchance there are the exchanges and exchanges are the	email account just for communication with your ex-partner. It is not email, see our Tip sheet: Managing electronic communications with ex-partner. It is not an email, see our Tip sheet: Managing electronic communications with your ex-partner. It is not an email, see our Tip sheet: Safer use of technology. It is not an email is unaccept-written record of all communications of that if he continues action by involving authorities. Order that is as specific as possible about all aspects of the children: when it is permitted, by telephone, how are to be handled, etc. The more specific the order, the less is for your ex-partner to manipulate arrangements. It is father it is promitted for example, if their father it is promitted in the children about you, sharing inappropriate information asse, etc.). Remember to document these instances. Dinstalled so you can screen calls and only answer calls from the children are available to talk to him. In the spoken about when the children have phone calls with and end the call if it becomes intrusive or abusive. In do every text, phone call or email immediately. Most rewait 24 hours if it is not an emergency. This will give you time response and help you to set boundaries with your ex-partner. Contact becomes challenging, limit contact to email or a green and in public the children away from your home and in public the children's school or daycare. In the properties of the children away from your home and in public the children's school or daycare. In the properties of the children away from your home and in public the children's school or daycare. In the properties of the children away from your home and in public the children's school or daycare. In the properties of the children away from your home and in public the children's school or daycare. In the properties of the children away from your home and in public the children's benefit the children's benef	

MY SAFETY PLAN

Your individualized safety plan should be designed to reduce the risks of further abuse for you and your children. You may want to make a few copies of this blank chart so you can include different measures as your situation changes. For example, what you need to stay safer when you are still with your partner is different from what you need when you first leave. You may need additional measures in place when you start your family law case and when you move into your own apartment or house.

Take some time to think of the protective measures you can put in place in the following areas of your life:

PHYSICAL (be aware of your surroundings, car/transportation, workplace safety, etc.)	EMOTIONAL (boundaries, self-care, attend counselling, connect with friends and family, online safety, etc.)
SEXUAL (consider medical testing, set boundaries, attend counselling, etc.)	HEALTH/ WELLNESS (visit doctor, self-care, exercise, healthy eating, limit substance use, etc.)
FINANCIAL (set a budget, organize bank accounts, seek advice, change passwords, etc.)	SPIRITUAL (explore your sense of purpose, seek counselling, etc.)
HOUSING (protect your address, plan escape routes, etc.)	LEGAL (learn about legal rights and options to protect self and children, etc.)

TIP SHEET

SAFETY PLANNING FOR CHILDREN

The safety plan that you develop with your children will be aligned with your own. But because children within the same family vary in age, needs and abilities, they will require different plans.

The goal of the safety plan is to empower your children by making sure they know how to get help when they need it.

It is important for children to understand that they are not responsible or to blame for the violence or abuse they witness or are subjected to.

PREPARING FOR EMERGENCIES

- ◆ Teach children that, during a violent episode, their job is to get away from the violence, stay safe and, if it is safe for them to do so, get help.
- Create a code word. This will be a cue for them to find a safe place and/or get help.
- ◆ Teach your children how to call 911 or local police services in an emergency. Role play with them by teaching your child(ren) to give their address and location, a description of the situation, their phone number and name. Make sure they remember to leave the phone off the hook until help arrives. This avoids the operator calling back and alerting the abuser.
- ◆ Depending on the ages of your children, you may want to talk to them about the five-finger system. In this system, each finger represents a safe person for them to contact in an emergency and/or someone they can talk to about what is going on at home: the police, a trusted neighbour, their teacher, the parent of a friend, a close relative.

SUPPORTS FOR CHILDREN

- Talk to children about who they can go to for help in their community (family members, friends, teachers, neighbours, police, etc.).
- ◆ Talk to supportive people involved in your child's life so that they know they are part of your child's safety plan.
- ◆ If the Children's Aid Society is involved with your family, consider speaking to your worker about the safety plan for your children.
- Connect with a counsellor who understands the dynamics of woman abuse and the impact on children. This person can help to formulate a safety plan and help children to emotionally deal with what is happening in their family.
- Use formal resources such as the family court, Children's Aid Society and police to help ensure your children's safety. It can be very helpful to do this with the support of an advocate or counsellor.

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NOTES	CONTACT CHALLENGES
	 Keep a journal of the impact of the time your kids spend with their father,
	recorded by visit dates.
	 Remember that a parenting order can be changed if you believe that your
	child is being mistreated or abused.
	ONGOING
	withheld by the father, they can also be used by the father to find you and/or your children. Check their devices from time to time to be sure no such functions have been installed by your ex-partner. Talk to your children about their experiences, worries and hopes, and allow them to own their feelings. Make safety plans for each situation that has happened or that you believe could happen to your children. This will help them to be prepared and to know what to do in those circumstances.
	mont the children's father, etc., and update the safety plant as needed.
	what is going on. However, you can help a very young child feel safer and more secure by assuring them you will always come back if you leave, that things will be okay and that the situation is not one for them to worry
	Even though safety planning with children means you need to discuss risks posed by their father, you can and should make sure your children know that it is okay for them to love their father and to want to spend time with him. Assure them that you will support them in spending time with their dad in a way that is safe and comfortable for them.

SAFETY PLAN FOR CHILDREN	NOTES
\square My child(ren) have a safety plan that includes the following:	
☐ My child(ren) and I have a safety code word that is a signal to each of us	
when help is needed. (Keep this word private between you and your children.)	
\square We have people who support us and are part of our safety plan. They are:	
☐ My child(ren) know how to get help and who to go to. (If they cannot leave the house, then a safe room where they can go – with a lock and a phone if possible.)	
\square My child(ren) know how to call 911, and this is what they will say:	
ADDRESS AND LOCATION:	
SITUATION:	
PHONE NUMBER:	
NAME:	

NOTES	SAFETY PLANNING BEFORE AND AFTER COURT
	Developing a plan specifically for court can help you feel safer both physically and psychologically. Prepare for your court date by visiting the court beforehand to get a sense of what to expect and who the court officials are. You should also make sure you have support before, during and after court. Make plans ahead of time for transportation and child care.
	MY LEGAL SAFETY PLAN
	I HAVE APPLIED FOR: ☐ A restraining order ☐ Exclusive possession of the matrimonial home ☐ A peace bond
	STAGE OF THE PROCEEDING:
	I HAVE A COURT ORDER: ☐ I have provided my children's school and/or daycare centre with a copy of relevant court orders such as a restraining order and/or parenting order. ☐ I have provided others with a copy of the relevant court order, such as my workplace security, landlord or home security.
	☐ My ex-partner has been released on bail. These are his conditions:

NOTES

NOTES	CHECKLIST BEING SAFE AT COURT		
	☐ I have a women's legal advocate. That person is:		
	\square I have a support person who is coming to court with me. That person is:		
	\square I have visited the courthouse and know where to go on my court date.		
	I know how to find: ☐ The duty counsel office ☐ Court security ☐ The washrooms ☐ The courtroom I have to be in		
	I have contacted court security and given them relevant information, including: ☐ My ex-partner's name ☐ The restraining order against him ☐ A copy of his bail conditions ☐ A photograph of him		
	This is what the court security officer has said they can do to help me stay safe:		
	I know what to do if/when I see my ex-partner: ☐ Ask court security for assistance ☐ Move away from where he is sitting ☐ Ask him to move away from where I am sitting ☐ Go into the washroom ☐ Ask my support person to intervene		
	Other:		

I have made arrangements to get to and from court as safely as possible. I am going to: Take a cab. Use public transit with a friend. Bring my car and travel with a friend. Park in a safe place. Have a friend walk me from my parking spot or the transit stop to the courthouse. Have a friend meet me at the courthouse. Bring a cell phone so I can call if there are any problems. Get to court early. Ask court security to help me leave safely.	NOTES
\square All my documents are organized and ready for me to take to court.	
☐ I have reviewed all the court documents.	
☐ I have booked time off work.	
☐ I have arranged for child care.	
\Box I have some snacks and drinks ready to take to court.	
\square I have comfortable clothes ready.	
☐ I have plans for the evening after court so I can relax and feel safe. My plans are:	

NOTES	CHECKLIST LEAVING HOME
	If you are preparing to leave your partner, it is a good idea to make a plan of what can be done before you leave and what you are going to take with you when you go. If it is safe to do so, you should take anything you need or think you may need when you go because you may not be able to return to your home safely, and your ex-partner may destroy or hide items that he knows you will want.
	Create a 72-hour kit and put it in a safe location from which it will be easy to retrieve. Your kit should contain essential items (copies of identification and health cards for you and your children, changes of clothing for all of you, medication, etc.) to get you through a few days if you have to leave in a hurry.
	We have developed a checklist that includes suggestions for safe ways to remove these items from the family home. You can use the column on the left to keep track of what you have done/plan to do with each item in the list.
	Of course, if you leave in a hurry because it is not safe for you to stay, you won't take these steps, and that is okay. Everything can be sorted out later when you and the children are in a safe place.
	FINANCIAL
	YOUR OWN BANK ACCOUNT ☐ Open a new bank account, at a different financial institution, in your name only. Use a new PIN that your partner will not guess. ☐ If you have direct deposit, inform your employer about your new account once it is safe to do so.
	UTILITY BILLS ☐ Photocopy utility bills for the previous several months and keep them somewhere safe.
ALWAYS REMEMBER	RESPs Talk to your financial institution about whether you can move any RESPs to a new bank. This may not be possible if both your and your partner's names are on the RESP.
Your safety and the safety of your children is more important than any document or possession, no matter how treasured it may be.	YOUR FINANCIAL INFORMATION ☐ Take your tax returns, pay stubs and other financial documents from the past several years and store in a safe place: at work, with a trusted friend or family member or in a safety deposit box at your new bank.

YOUR PARTNER'S FINANCIAL INFORMATION ☐ If you can do this safely, look through your partner's financial documents (bank statements, pay stubs, tax returns, mortgage documents, investment reports, etc.) and make photocopies. ☐ Put the photocopies in a safe place away from home: at work, with a trusted friend or family member or in a safety deposit box at your new bank.	NOTES
MORTGAGE/LINE OF CREDIT ☐ Talk to your bank or mortgage broker to ensure your partner cannot add to the mortgage/line of credit without your in-person consent.	
CREDIT CARDS ☐ Get a new credit card in your name only from a different credit card company than any cards you have now. Use a new PIN that your partner will not guess.	
REVENUE CANADA (FEDERAL TAXES) Contact Revenue Canada as soon as you have a new address. Complete and submit change of information form with Revenue Canada.	
MONEY IN JOINT ACCOUNTS ☐ You have a legal right to half the money in any joint accounts, so you should remove that money and put it in an account in your own name. Do this as soon as possible after you leave so your partner does not take all of the money, but do not do it before you leave in case he checks the bank balance and sees that half the money is gone.	
BANKING ☐ Tell your bank once you have left the relationship and discuss financial considerations.	

NOTES	HOUSING	
	and to learn about the shelter's services. You can also call to make arrangements for beds for you and your children.	
	APARTMENT/HOUSE	
	Begin acquiring and moving household items and furniture into your new apartment/house.	
	Contact a Transitional Housing and Support Worker at your local shelter if you need subsidized or other supportive housing. Make an application and get on the waiting list as early as possible. In most communities, you need to apply for housing within three months of leaving your relationship in order to get on the priority list. Ask your counsellor to provide you	
	LEGAL	
	LAMIVED/LECAL ADVICE	
	 ☐ Make an appointment to meet with a family law lawyer to review your rights and responsibilities before you leave your relationship. (You can get a two-hour free legal advice form from your local women's shelter.) ☐ If you have been sponsored to come to Canada by your partner, meet with an immigration lawyer to find out how leaving your partner will affect your immigration status. (You can get a two-hour free legal advice form from your local women's shelter.) 	
	If you think you might qualify, apply for a legal aid certificate.	
	EVIDENCE If you have a safe place to keep it where your partner won't find it, begin	
	COURT ORDERS If any court orders – family, criminal, immigration – are in place, either remove the originals or make photocopies and keep them in one of the safe places we have suggested in this checklist.	

WORK	NOTES
TRANSPORTATION After you leave:	
 ☐ If you drive to work, consider using a new route that your partner will not be familiar with. Talk to your employer about safe parking. ☐ If you use public transit to get to work, find an alternate route that your partner won't expect you to use. 	
☐ If you have a car and are concerned about your partner stalking you, get it checked for a GPS tracking device. Learn more about technology abuse in the section "Managing electronic communication with an abusive expartner."	
SAFETY AT WORK ☐ Let your employer and key co-workers, as well as security staff, know that you are planning to leave your partner and are concerned that he may visit your workplace. ☐ Develop a workplace safety plan.	
CHILDREN	
COUNSELLING Consider setting up counselling for your children so they will have emotional support when you leave. You may need to get their father's consent or a court order for this.	
TOYS AND OTHER IMPORTANT POSSESSIONS ☐ Talk to your children about their most prized possessions and encourage them to keep them all in one place in case of an emergency.	
PHOTOS Carry a recent photo of your children with you and/or have one on your phone in case you need emergency assistance to find them.	
SAFETY ☐ Develop a safety plan with your children so they know what to do in an emergency. See the "Safety planning" section for tips.	

NOTES	COMMUNICATION
	school/daycare centre, your doctor, bank manager, lawyer and anyone else you may need to reach quickly after you leave. Create or change the password to your phone. Back up any important information you keep on your phone to a secure location.
	COMPUTERS, LAPTOPS, TABLETS Create or change the password to any technology that is yours. Keep it where you can easily grab it when you leave.
	DOCUMENTS
	PASSPORTS – YOURS AND YOUR CHILDREN'S ☐ If it is safe to do so, remove passports from the home and leave at work, with a trusted friend or family member or in your safety deposit box. ☐ If it is not safe to do this before you leave, keep them all together somewhere you can grab them quickly when you leave.
	IMMIGRATION /CITIZENSHIP PAPERS Photocopy these documents and keep in one of the safe places we have suggested.
	MARRIAGE CERTIFICATE Description: Descript
	VEHICLES ☐ Find and copy vehicle-related documents (registration, insurance, loan) and store in a safe place. ☐ After you leave, if you take a car with you, contact the insurance company to change the policy into your name only and to remove your name from policies for any other vehicles.
	CHILDREN'S REPORT CARDS Remove the originals from the home or, if that is not safe, make photocopies and store in one of the safe places we have suggested.

DRIVER'S LICENCE, BIRTH CERTIFICATES, SOCIAL INSURANCE NUMBER ☐ Make photocopies of these documents and keep them in one of the safe places we have suggested. This will be helpful if your partner takes your wallet or you have to flee without it.	NOTES
HEALTH	
HEALTH CARDS – YOURS AND THE CHILDREN'S ☐ If you don't normally carry these in your wallet, do so now, if you can safely. ☐ Even if you have the health cards with you, make photocopies of them and keep them in one of the safe places we have suggested. This will be helpful if your partner takes your wallet or you have to flee without it.	
DRUG CARD/PARTNER'S WORKPLACE HEALTH BENEFITS INFORMATION ☐ Photocopy any of these documents and keep them in one of the safe places suggested.	
 MEDICATIONS ☐ If you can, buy extra prescription medication so you can keep a supply away from your home in case you are not able to grab medication when you are leaving. ☐ Let your pharmacy know your new address as soon as you move. 	
DOCTOR Let your doctor know you are planning to leave your partner in case they have any health-care-related suggestions for you.	
PERSONAL ITEMS	
JEWELLERY ☐ If you have jewellery that you can put away without your partner noticing, put it in your safety deposit box, or leave it at work or with a trusted friend or family member.	
TOILETRY SUPPLIES AND CLOTHES ☐ Buy extra toiletry supplies for you and your children. Store this and a change of clothes as well as nightwear in a duffel bag or backpack. Keep the bag somewhere your partner won't find it or in one of the safe places we have suggested.	
 KEYS ☐ Have copies made of all your keys – house, office, cars, cottage – and keep sets away from the house in safe places that you can access quickly. If your partner has a key to your car, consider having the car rekeyed. 	

TIPS FOR WHEN YOU LEAVE **NOTES** • If possible, leave when your partner is not at home and, ideally, when he won't be home for several hours. ◆ Leave a note/letter for him or text/email him as soon as you have left to let him know that the children are with you, that you are all fine and that you will be in touch with him within a day or two to talk about arrangements for him to see the kids. If you already have a lawyer, let your partner know that he can communicate with you through your lawyer. Give him the lawyer's contact information. ◆ Take along a recent photograph of your partner and of his car (showing the licence plate number). Make sure the photograph is in focus. Call the non-emergency police number, tell them who you are and that you have left your partner, taking the children with you, because of his abuse. This will make it harder for your partner to file a missing person's report and will still maintain your privacy. PROTECTING YOUR ADDRESS If you leave your partner, there are a number of things you can do to keep your address private: Use a post office box or a friend's address for mail. Use an alternative address for service of court documents. Do banking online. Use a post office box or alternate address when applying for credit. Separate your credit files with the credit bureau. ♦ If you are receiving social assistance or are involved with child protection authorities, tell your caseworker about the need to protect your address. ♦ If you think your ex-partner is also on assistance, tell the worker so together you can develop a safety plan for visits to the office. ◆ Tell your lawyer not to disclose your address on court documents. If you have a job, tell your employer about the importance of not revealing your address to anyone, including co-workers. ♦ Tell family and friends who visit your home to make sure they are not followed. ◆ Talk to your children and stress the importance of not giving the new address to their father or their father's family. ◆ If the children's visits are supervised, advise the person doing the supervision to be alert to the father questioning the children about their address. ♦ If you and your ex are exchanging the children yourselves, find a safe, public drop-off and pick-up location, ideally one where there are people around. Make it part of the children's safety plan not to reveal their address.

TIP CHA

CHANGING THE LOCKS

NOTES

WHAT DOES THE LAW SAY?

If you are married to your partner, the home the two of you shared is called the matrimonial home. The law says you each have an equal right to occupy that home, regardless of whose name is on the deed or the lease unless you have a court order or a legal agreement saying otherwise. This means you cannot legally change the locks on the house just because your partner has moved out.

If you have been living in a common-law relationship, occupation of the home you have been sharing legally belongs to whichever one of you has your name on the deed or mortgage. If both of your names are on either of these documents, then you both have a legal right to remain in the home. Even if your name is not on the deed or lease, you may be able to remain in the home.

HOW CAN YOU GET AN ORDER TO KEEP YOUR EX-PARTNER OUT OF THE FAMILY HOME?

IN CRIMINAL COURT

If your partner has been criminally charged as a result of his abuse of you, his bail conditions can contain a provision that he not return to the matrimonial (family) home. You can speak to the Victim/Witness Assistance Program (V/WAP) worker before the bail hearing to let her know you would like this condition. She can speak to the Crown Attorney, who will present a list of proposed conditions to the Justice of the Peace at the bail hearing.

Even if there is a condition keeping your partner out of the home, he will likely be given an opportunity to return, with police accompaniment, to pick up some personal belongings.

You should also remember that once the criminal case is over, the bail conditions come to an end. If the charges are dropped or your partner is found not guilty, he may have the right to come back to the family home.

IN FAMILY COURT

You can apply for an order for exclusive possession of the matrimonial home. To get this order, you have to prove to the court that there is a good reason for this, so you will have to talk about the abuse you have been subjected to and why you are fearful that your ex-partner might try to come back into the home.



NOTES	

If you have children, you have to explain to the court why it is in their best interests that they and you remain in the home.

Getting an exclusive possession order has no impact on your ex-partner's property rights to the home if it is owned. In other words, if you are married or if you live common-law and both your names are on the deed, your ex-partner still has a right to an equal share of the value of the home when you divide up all your property. The exclusive possession order is a short-term way to keep you safe by prohibiting your ex-partner from entering the home.

WHAT ABOUT CHANGING THE LOCKS?

Once you have an order that says your ex-partner cannot enter the family home, you may have the locks changed.

If you rent your home, changing the locks should be the landlord's responsibility. Show them your order and ask that the locks be changed immediately. If your landlord is not prepared to do this, you can change the locks yourself, but make sure you leave the landlord with a copy of the court order to protect yourself.

WHAT IF I STILL DON'T FEEL SAFE?

These strategies can help you be and feel safer in your home once you have obtained an order that keeps your ex-partner out. However, there is no way to absolutely guarantee he won't be able to get into the home.

To ensure you are as safe as possible in your home and in the community, work with your local women's shelter to develop a plan for yourself and your children.

If you still do not feel safe in your home, consider going to a women's shelter or a new address unknown to your expartner.

CAN MY EX-PARTNER STILL GET INTO THE HOUSE?

Sometimes, an ex-partner will call a locksmith and claim he locked himself out of the house and needs to get in. Locksmiths are supposed to see identification with that address on it before they let someone without a key into a house, but not all take this step. Even if the locksmith does ask for I.D., your ex-partner may still have identification with the family home address on it. If you are at home when the locksmith appears to let your ex-partner in, you can show them the order, which should be sufficient to keep your expartner out.

It is more likely that your ex-partner will try to get back into the house when you are not there. Here are some suggestions for what you can do to stop this from happening:

- When you hire a locksmith to change the locks, leave a copy of the court order with them, and, depending on the number of locksmiths in your community, consider giving each of them a copy.
- Post a copy of the court order or a note explaining that there is a court order in a window (posted on the inside) near each exterior door. You could include a telephone number of someone the locksmith can call to verify the information.
- Consider installing a high security lock when you change your locks. These are very hard to pick, which makes it less likely the locksmith would be able to let your ex-partner back into the house. These locks are expensive, so if buying one is out of reach financially for you, call your local women's shelter to find out where you might be able to get some assistance with this.



Many abusive men use electronic communication in their attempts to maintain power and control over their ex-partner. If this is happening to you, it may feel overwhelming. Here are some tips to help you manage this kind of harassment.

YOUR COMMUNICATION WITH HIM

You can try to set the tone for the style of communication you want to have with your ex-partner by the way you communicate. For example:

- Only communicate with your ex-partner when necessary and agree upon your preferred method of communication. (For example, only use email, text or a parenting coordination site, but not all three.)
- Don't be tempted to engage in casual written correspondence with him via text, email, etc., because this will encourage him to think you welcome ongoing conversations. If you have a cute picture of one of the children that you want him to have, send it via a third party or send it in a communication book (see "Use of a communication book") or as part of a business email.
- Be professional and polite. Write every correspondence as though it will be read by a judge. Not only is this a real possibility, but it will encourage you to communicate with your ex-partner in a respectful manner, regardless of how he is communicating with you.
- ◆ Be concise and direct.
- Set out the reason for your correspondence and the response you are looking for clearly. Indicate whether time is a factor. (For example: "I am writing because Sally's class is going on a field trip in two weeks. She will be leaving from your house. Can you please make sure you send her with extra clothes and snacks? Please let me know by the weekend that you have received this email. Thanks!")
- Avoid letting your frustration or anger show in your communication with your ex-partner, no matter how justifiable these feelings are. Written communication in which you express anger can be taken out of context.
- If using email, bcc yourself every time you write an email to your ex-partner, then save these emails in a special folder so you can find them and, if necessary, print them later as part of your evidence.

NOTES

MANAGING HIS COMMUNICATION WITH YOU

Many abusive ex-partners can be very sophisticated and manipulative in their use of electronic communication. It is challenging to manage this, but there are some ways you can minimize your ex-partner's ability to get under your skin:

- ◆ Consider opening an email account just for his email, so you can continue to check for other emails without being afraid you will come upon an abusive message from him.
- ◆ Turn off your phone notifications so you do not get notified every time your ex-partner sends you an email or text. This will reduce the extent to which you feel overwhelmed and upset.
- Make a plan for how often you will check your email, texts or parenting coordination site. Arrange this to be at a time when you are not distracted; for example, in the evening after the children are in bed or early in the morning before you leave for work.
- ◆ Let your ex-partner know how often you will check and respond to his messages.
- Let your ex-partner know that you expect him to keep his messages focused on the children and court-related matters. Tell him that you will not respond to other matters.
- Let him know that you are keeping a record of all communication.
- ♦ Hard as it is, stick to your rule of not getting drawn into unnecessary communication with him.
- With extremely rare exceptions, you do not have to respond to your expartner's emails right away. Use the 24-hour rule: Wait 24 hours before answering any email so your emotions have time to settle and your response will be more professional.
- Resist his attempts to pull you into arguments. Every response from you encourages him to write to you again.
- Have a friend on call as a sounding board and to assist you in deciding which emails require a response and which don't. Vent your frustrations to this friend rather than in emails to your ex-partner.
- Consider having a friend as your communications intermediary, screening all emails from your ex-partner and letting you know which ones you need to read and respond to. Before doing this, be sure your friend is completely trustworthy, will respect your privacy and will not tell others about the emails they read. You also want to be confident that your friend understands your situation very well so they make appropriate decisions.
- ◆ Never use the reply button when responding to your ex-partner's emails. Save the original email, then create a new email titled "reply to your email of [date]."This makes it much easier, should you need to produce your emails in the future, for the reader (e.g., the judge) to see each email in succession.



 By saving all of your emails individually, you can protect yourself in the event your ex-partner makes changes to your original email content to try to make you look bad when he replies to you. 	NOTES
USE OF A COMMUNICATION BOOK If, despite all your efforts, your ex-partner refuses to control his electronic communication with you, you may want to ask the court to make an order that all communication take place through a communication book.	
This can be passed between you and your ex-partner at exchanges of the children. It can be put in a locked pouch so the children cannot see what is written in it. You should take a picture of the book or photocopy it regularly in case your ex-partner withholds it at some point.	
Using a communication book can reduce stress for you because you will not be receiving emails from him on a constant basis.	
EMERGENCY COMMUNICATION Whether you are setting limits on how often you read your ex-partner's emails or you are using a communication book, you should make a plan for communicating in the event of an emergency situation. You could come up with a third party to act as a communication go-between. Or, you might be willing to agree to receive a text message or phone call in such a situation.	

NOTES	SAFER USE OF TECHNOLOGY						
	ex-partner may be using technology to stalk, harass or threaten you.						
	Is he spying on you by:						
	◆ Looking at what you have been doing on your phone, laptop, tablet or						
	 Installing spyware on your phone, laptop, tablet or computer or placing hidden 						
	cameras in your house, your mobile device, your car or your children's toys?						
	Tracking you through the GPS on your phone or car or the children's devices?						
	Accessing any phone and/or Internet accounts you shared with him?						
	 Sending you repeated texts or emails that are threatening, mean, upsetting 						
	or just annoying?						
	· · · · · · · · · · · · · · · · · · ·						
	3 ,						
	Pretending he is someone else and posting about you?						
	If you find your ex-partner is using a device or account to stalk you, there						
	that you may be able to use in a criminal or family law case. This evidence						
	can also be shared with the police to support a criminal harassment charge.						
	 Keep in mind that when you take away a device which your ex-partner is 						
	monitoring, his stalking behaviour may intensify in other ways. Be sure to						
	change your safety plan to reflect this change in circumstances.						
	◆ Libraries and community agencies often provide free computer access. You						
	may be able to book specific time to use a computer in one of these loca-						
	tions to get regar internation of to do out of delivers that you do not make						
	your ex-partner to know about.						
	STEPS YOU CAN TAKE						
	1. CHANGE THE "HISTORY" AND REMOVE "COOKIES" ON YOUR DEVICE:						
	Devices use "browsers" to look at websites.						
	Browsers keep a record of all the websites you visit. These are kept						
	in the browser's "cache."						
	Common browsers are Chrome, Safari, Edge, Internet Explorer, Firefox.						
	If you can, delete only those activities you do not want your partner/						
	ex-partner to see.						

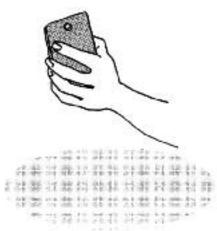
 Learn how to change your history: wikihow.com/Clear-Your-Browser's-Cache 	NOTES
 2. IF YOU WORRY A MESSAGE YOU HAVE SENT MIGHT BE SEEN, YOU CAN: Delete texts. To find out how, search online for "how do I delete a text from my phone." Delete emails from your "sent" folder. Remember, a copy of emails might be kept with your internet provider or webmail hosting service. 	
3. CHANGE THE PASSWORDS FOR ALL YOUR ACCOUNTS, INCLUDING BUSINESS, BANKING AND SOCIAL MEDIA: ◆ Choose passwords he will not likely guess. ◆ Don't allow your browser to save your passwords.	
 4. IF YOU SHARED A PHONE/INTERNET PROVIDER/CABLE ACCOUNT BEFORE YOU SEPARATED: Remove your ex-partner's name from the account so that he cannot get access to your records. Change your passwords. Even better, get a new phone and internet provider if possible. 	
 UPDATE PRIVACY SETTINGS ON YOUR SOCIAL MEDIA ACCOUNTS AND ON YOUR BROWSER. For more information about how to do this, visit techsafety.org. 	
 6. LOCK UP AND LOG OUT: Lock your phone. Log out of your accounts on your phone and computer. Some web accounts, like Gmail, may not automatically shut down. Change the settings so they do. Remove apps from your phone that won't allow you to log out. 	

7. HARDWARE AND SOFTWARE:

- Set up a firewall, install anti-virus and anti-spyware protection and keep software updated with help from tech-savvy friends or your local computer store if necessary.
- ◆ If possible, get a new computer and/or phone.

8. GPS ON PHONES:

- ◆ If you turn off the GPS function on your phone, your ex-partner can't use it to track you, but this also means that emergency responders won't be able to use your phone to locate you.
- ◆ A GPS chip can be added to a phone, but it will drain the battery. If your phone battery dies quickly, a GPS or other spyware may have been installed on your phone.



NOTES	 Contact your phone company or cell phone retailer to see if your phone has GPS. Consider asking them to remove it, or take your device to the police station and ask whether your ex-partner could be using it to stalk you. Make note of the officer's badge number and response.
	FMAIL.
	 Your ex-partner could find out your plans by reading email and texts. He could try to get you to say things he can use against you in court. While your ex-partner may not be able to visit your social media page or account, other people may share this information with him or with people he knows.
	CHILDREN, TECHNOLOGY AND SAFETY
	Your ex-partner might use your children's technology to try to track and
	 Setting up GPS or "Find phone" on their devices, which will let him know where they (and you) are.
	A Changing the continue on their devices and account on the continue of
	He might give them:
	Devices with CDC as he can assembly they (and var) are
	11 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
	hidden cameras Toys, knapsacks and other items with hidden cameras or GPS
	Depending on the ages and level of electronic sophistication of your children, they may share information with him about you without understanding what can happen. Talk to them about what you would like them to keep private. If you have serious concerns about this, you may want to monitor your children's accounts.
	If you can afford it, you may want to get a second device and use it for communication with your friends, work colleagues, lawyer and for other everyday use. Depending on your children's ages and how easily they are influenced by their father, you may need to keep this new device a secret from them as well as from him, his friends and family.
	For more about technology safety, see techsafety.org/ and lukesplace.ca/tech-abuse.

CHART IDENTIFYING TECHNOLOGY ABUSE

Technology abuse is serious, and threats made online or in texts are real. Use this chart to think about how your ex-partner is using technology in his efforts to control and intimidate you. Then consider which strategies you need to use to keep you and your children safe and how much outside help (technical expertise, police) you may need. Keeping a record of this information is also helpful as evidence of abuse for your family law case. Learn more in the "Evidence" section.

UNWANTED COMMUNICATION	DETAILS (DATES, NUMBER OF TIMES, CONTENT, ETC.)
☐ Repeated texts	
☐ Abusive texts	
☐ Repeated phone calls	
☐ Abusive phone calls	
·	
☐ Repeated emails	
nepeated emails	
☐ Abusive emails	
☐ Repeated social media	
messaging	
(include # times per day)	
☐ Abusive social media	
messages	

USING OTHERS	DETAILS (DATES, NUMBER OF TIMES, CONTENT, ETC.)
☐ He communicates with the children via social media, text, etc., in order to spy on me.	
☐ He tells the children bad things about me in social media, texts, etc.	
☐ He has used shared social media contacts to find out information about me.	
☐ When he says bad things about me online, other people make supportive comments.	
☐ His friends and family harass me via social media, phone, text.	
☐ He has encouraged other people to harass me online.	
☐ He has access to GPS on my children's devices.	
☐ Phone/internet billing account covers children's devices (this may give him monitoring access).	
☐ He shares/has access to my email account.	

SURVEILLANCE	DETAILS (DATES, NUMBER OF TIMES, CONTENT, ETC.)
☐ He has access to GPS on my phone.	
☐ He has access to GPS on my car.	
☐ We share a phone/internet billing account (e.g., Rogers, Bell).	
☐ He has access(ed) to my phone, laptop, tablet.	
☐ I have found/suspect there is spyware (hidden software) on my devices.	
☐ I have found/suspect there are hidden cameras in my home, kids' toys.	
☐ He knows more about me than he should.	
ATTACKS	
☐ He has, or says he has, sexual photos of me.	
☐ He posted sexual photos or videos of me online or sent them to others.	
☐ He pretended to be me in social media, email, etc.	
☐ He hacked into my account (email, Facebook, bank, etc.).	
☐ He says bad/embarrassing things about me online.	

OTHER CONSIDERATIONS	DETAILS (DATES, NUMBER OF TIMES, CONTENT, ETC.)
☐ Online services report odd account activity.	
☐ Batteries run low quickly on my device(s).	
☐ He has sent me or the children strange files to download.	
☐ I am concerned about his access to the children's accounts.	
☐ The children tell me he wants information about me.	
☐ Social media contacts tell me he wants information about me.	
☐ People have forwarded things he has said about me.	
☐ I have decreased my online activities.	
I have changed my: ☐ Phone number ☐ Email account	
I have closed: ☐ Social media accounts ☐ Email accounts	
I don't like to: ☐ Go online ☐ Answer my phone ☐ Check texts ☐ Check email	

LEGAL BULLYING

Legal abuse often accelerates at the time of separation since this is one of the few remaining ways your ex-partner can attempt to control and harass you.

COMMON LEGAL BULLYING STRATEGIES

Your ex-partner may:

- Make it difficult for you to find a lawyer by "consulting" with all the family law lawyers in your community before you have a chance to call one. This creates a situation of conflict for lawyers so they cannot represent you.
- Engage in stalling tactics such as not finding a lawyer, making it difficult for you to get your case started or to move it along.
- Miss his mandatory information program session.
- Fail to complete his court documents on time.
- ◆ Try to file incomplete court documents.
- ♦ Ask for repeated adjournments so he can complete his court documents.
- Refuse to provide complete financial disclosure (e.g., by not completing the financial statement fully or honestly).
- ◆ Try to divert your attention away from what he is doing legally.
- Seek repeated delays for no real reason.
- Repeatedly change lawyers.
- Fail to show up for scheduled mediation sessions.
- ◆ Change his mind repeatedly after you have agreed on something.
- Make malicious and unfounded allegations about you to the CAS, OW, ODSP.
- Make official complaints about his lawyer, your lawyer, the judge and anyone else who is involved with your case.
- Lie in his court documents.
- ◆ Harass you at court, in the days leading up to court appearances, when you are coming and going from court.
- Bring family members and/or friends to court with him to create an intimidating atmosphere in the waiting area.
- Bring repeated motions on issues that have already been decided or on very small issues that can be resolved without a motion.
- Refuse to follow court orders.
- Appeal decisions even when there is no possibility of success.
- Represent himself even though he would qualify for a legal aid certificate or could afford to pay for a lawyer himself.
- Run up your legal bill or eat up the hours on your legal aid certificate by using up your lawyer's time with unnecessary correspondence, phone calls, etc.

WHEN CRIMINAL LAW IS INVOLVED

If your ex-partner has been charged in criminal court, he might bully you in family court by:

- Trying to delay the family court proceeding until the criminal case is over.
- Offering to "make a deal" with you that he won't fight you over arrangements for the children if you won't testify against him in criminal court.

If you have been charged, your ex-partner might try to use this against you in family court, even if the facts do not support the charge you are facing. Your ex-partner might also try to interfere with your ability to find affordable housing, to get your children into child care, to enter an employment program, etc.

NOTES



MANAGING A LEGAL BULLY

Unfortunately, much of the responsibility for managing your ex-partner's legal bullying will fall to you. While both family law and court process offer some solutions, judges are often reluctant to get involved, especially early in the case before they have heard all the evidence. Here are some tips to help you manage a legal bully:

GET SUPPORT

Connect with a women's legal advocate. This could be a Family Court Support Worker, who has had specialized training and receives ongoing legal support, a women's counsellor or a Transitional Housing Support Worker at the shelter in your community.

HAVE A SAFETY PLAN

Read the safety section of this workbook and use the information and tools to develop your own safety plan.

BE INFORMED

Learn as much as you can about the legal issues you are dealing with and family court process. Even if you have a lawyer, you will be able to make better decisions and will be less likely to be intimidated or tricked by your ex-partner.

KEEP RECORDS

Keep detailed records and notes about your case as well as your ex-partner's behaviour and actions. These should include:

- Court dates and their purpose.
- All your documents. This means everything you and your ex-partner file
 with the court, correspondence with your lawyer, reports that are prepared
 for court, court orders and, if you and/or your ex-partner are unrepresented, any correspondence between the two of you.
- The notes you take while you are at court.
- Details about any contact between you and your ex-partner, including printouts of emails, records of text messages, and copies of letters and notes about any verbal exchanges you have.
- Information about contact between your ex-partner and the children.
- Details about any instances when you have not followed the terms of a court order or agreement, including all reasons you did (or didn't).
- ◆ A list of any of your ex-partner's breaches of orders or agreements.

Keep these records in a secure location, where your children won't find them. If you keep your notes on a computer, be sure your files are password protected and change your password regularly. Back up your files as well.

KNOW HOW TO PROTECT YOURSELF IN MEDIATION

If you are using mediation, spend some time before the first session considering the tactics you think your partner might use to try to intimidate you. Then work with your women's legal advocate to develop responses you can call on if you need them. For example:

- Do you need to have someone accompany you to and from court so your ex can't harass you as you come and go from the mediation session?
- Do you need to ask the mediator to do shuttle mediation so you don't have to be in the same room with your ex-partner? This means you are in different rooms, and the mediator moves back and forth between you.
- You might want to document all your ex's contact with you outside the mediation sessions so you can demonstrate to the mediator any harassing or intimidating behaviour.
- ◆ You may need to limit your contact with your ex-partner immediately before mediation sessions so he can't try to intimidate you.
- Be ready to end the mediation session or the entire process if you are feeling bullied by your ex-partner.

GET LEGAL ADVICE ABOUT COURT RULES

Whether you are representing yourself or have a lawyer, it is important to know your rights and get legal advice about how the courts can protect you.

- Your ex-partner might bring unnecessary motions just to harass you and force you to come back to court. Once he has done this more than a couple of times, you can ask the judge to make an order that he pay your costs every time he brings an unnecessary motion or that he not be permitted to bring any more motions without prior approval from the court:
 - The Courts of Justice Act, section 140, allows judges to make an order prohibiting a party from bringing further court proceedings without specific permission from the court if he has been identified as a "vexatious litigant."
- Even when you have an interim order in place, your ex-partner may continue with his bullying tactics by manipulating the order. For example, if you have an interim order about arrangements for the children, he might skip his time without letting you know, arrive early or late to pick up the kids, return them early or late or "forget" to bring their clothes, schoolwork or toys back with them:
 - The best way to deal with this kind of bullying is to follow the interim order closely yourself and then document in detail every time he does not follow it. Limit communication to what is absolutely essential and follow any communication terms set out in the interim order.
- Ensure that orders for disclosure contain specific "due dates."
- The Rules of Civil Procedure has two sections dealing with troublesome parties. Rule 60.11 permits a judge to make a contempt order against a party who defies court procedures or orders.
- ♦ You and your ex-partner are likely to bring motions from time to time during

FINDING HELP

You can find a listing of all the Family Court Support Workers in the province on the Ministry of the Attorney General website: attorneygeneral. jus.gov.on.ca.
Call the shelter in your area to find out what legal advocacy services it offers.

NOTES		

WORTH SAYING AGAIN

If your ex-partner is representing himself and you don't have a lawyer, you will have to manage things very carefully. He may try to convince you that you have to see him to exchange court documents and that you have to talk to him to discuss your case.

THIS IS NOT TRUE.

your case. A motion is the court process that lets you get an interim (temporary) order while you wait for your case to move ahead. Your ex-partner can use this process to try to harass and intimidate you. If you can anticipate what your ex-partner might do, you can raise your concerns in your court documents and ask the judge to make an order to address them:

Rule 57 allows a judge to order a bully to pay all the costs of the other person if he brings harassing matters in front of the court.

INFORM YOUR LAWYER

- Instruct your lawyer about how to communicate/respond to your ex-partner to avoid inflating your bill through his repetitive or harassing contact.
- Your ex-partner may decide to represent himself so he can intimidate and harass you. If this is your situation, make sure your lawyer is aware of your concerns. Let your lawyer manage your ex-partner; avoid getting drawn into direct contact with him if at all possible.

KNOW YOUR RIGHTS IF HE IS SELF-REPRESENTED

- ◆ If your ex-partner is representing himself and you don't have a lawyer, you will have to manage things very carefully. He may try to convince you that you have to see him to exchange court documents and that you have to talk to him to discuss your case. THIS IS NOT TRUE.
- You can, and should, use a third party to deliver court documents to your ex-partner. This could be a friend or family member, if they feel confident about dealing with your ex-partner and will behave professionally. This person needs to understand the importance of your privacy, so you can rely on them not to give away information about your whereabouts or legal plan. This person should have a safety plan and should stay in touch with someone else while they are serving your ex-partner.
- If you can afford it, you can hire a professional process server to serve your documents on your ex-partner.
- Your ex-partner does not have to know where you live to serve you with his court documents. These can list another address as long as it is somewhere he can deliver the documents: your workplace, if that is safe for you, or a friend or family member's home or work address.
- If your ex-partner is representing himself, you should check in with the staff at the court filing office regularly to be sure that you have been served with complete documentation.
- If you have to have conversations outside court with your ex-partner, insist that they happen by email or by telephone so you don't have to deal with him in person. Try never to meet with him in person by yourself.

TAKE CARE OF YOURSELF

- Check out the self-care strategies and suggestions in this workbook. Managing a legal bully is hard work, and it is important to take care of yourself.
- ♦ Always put the safety of you and your children ahead of any other issues.

SELF-CARE

Leaving a relationship in which you have been abused and going through the family court system are both very stressful. Self-care during this time of your life is important and can have a positive impact on your healing process and energy as you move forward. The next several pages will walk you through the process of developing your own self-care plan. This is a long-term plan for reducing your stress and honouring your mind, body and spirit.

In the following chart, check the self-care strategies that you are already following, want to try or have decided may not be for you. You can use this list as a guide to develop your own self-care plan on the pages that follow.

CHECKLIST	SELF-CARE	Already doing i	Will give it a try	rme	
EMOTIONAL	. / SPIRITUAL	Alread	Will gi	Not for me	
Find ways to pra	aise myself every day.				
Ask for help who	en I need it.				
Build time for se	elf-reflection into my day, îve minutes.				
Let myself cry.					
Find a reason to	smile or laugh every day.				
Make sure to ha	ve some quiet time every day.				
Listen to the kin	d thoughts I tell myself and believe what I hear.				
Be creative – dra	aw, paint, write or cook.				11.3
Spend time in n	ature.				() ()
Explore my spiri	tuality.				
Read inspiration	nal books.				(D)

SELF-CARE

	Already doing i	Will give it a try	Not for me	NOTES	SELF-CARE
SOCIAL	Alre	Will	Not	NOTES	
Make new friends with people who value me for who I am and who make me feel good about who I am.					
Build a small group of friends with whom I feel safe sharing my story.					
Know how to say no and set boundaries.					
Find new interests that let me meet new people.					
Do something every week that I feel passionate about and that brings me joy.					
Volunteer or join a cause.					
FINANCIAL					
Set up my own bank account at a different financial institution from where my ex-partner banks.					
Get a credit card in my name only.					
Establish a budget for my family's regular expenses.					
Put money every week/month into a "treat" fund, even if it is only a few dollars at a time.					
WORKPLACE / WORK AT HOME					
Find purpose and meaning in my work.					
Maintain work-life balance.					
Have positive relationships with co-workers.					
Use boundaries to protect myself.					
PSYCHOLOGICAL					
Understand that grieving is a healthy part of the journey I am on.					
Give myself permission to feel angry.					
Get professional help when I need it.					
Build balance into my life.					

NOTES	PSYCHOLOGICAL CONTINUED	Already doing it	Will give it a try	Not for me
	Actively work to reduce stress in my life.			
	Learn about woman abuse and how to heal.			
	Attend counselling or a women's group to help with my healing.			
	Focus on what I am grateful for.			
	Write in a journal.			
	WHEN THE CHILDREN ARE WITH THEIR FATHER			
	Book extra shifts at work.			
	Take the time to visit my family.			
	Invite friends over.			
	Cook a complicated meal.			
	Cook meals ahead and put them in the freezer.			
	Go to the movies, with friends or alone.			
	Visit out-of-town friends.			
	Clean out some closets.			
	Organize all my old photos.			
	Spend a whole day reading a book.			
	Do something I have always wanted to do.			
	WHEN I HAVE A COURT DATE			
	Find a quiet space to breathe.			
	Find something to focus on to help me tune out negativity (a picture, a nice pair of shoes, a stone, etc.).			
	Access support (counselling, friends, family).			
	Plan some self-care activities when court is over.			

MY PERSONAL SELF-CARE PLAN

Three things I want to tell myself when I am feeling overwhelmed: (e.g., "I am strong," "I can handle this," "I am safe," "I am making a better life for myself and my kids.")	1. 2. 3.
These are the friends, family members and professionals I can talk to who help me feel better:	
These are the people I will avoid or limit my contact with:	
These are the things that make me happy and healthy: (e.g., uplifting music, a favourite comedy, a favourite place to go, getting organized, etc.).	

MY PERSONAL SELF-CARE PLAN

EMOTIONAL/SPIRITUAL	PHYSICAL	SOCIAL
FINANCIAL	WORKPLACE	PSYCHOLOGICAL

EVIDENCE

WHY EVIDENCE IS SO IMPORTANT

The outcome of your court case will depend significantly on the evidence you provide to the court. This is true in every family court case, but it is especially true in cases involving abuse, because the impact of abuse is still misunderstood by many in the family law system.

Whether you are preparing your own paperwork or working with a lawyer who will prepare the court documents, you have an important role in providing as much detailed information as possible.

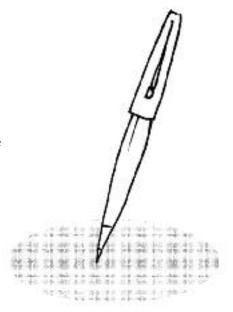
In the vast majority of cases involving violence against women, the perpetrator will deny or minimize the abuse. As a result, the court is left with what is known as the "he said/she said" problem. The court has the daunting task of trying to determine which version of the facts is more believable: yours or your ex-partner's.

You need to be able to present persuasive evidence to the court so that details about the violence you have been subjected to are exposed. This can be challenging.

There are not often witnesses to woman abuse. In most families, it takes place behind closed doors where there is no one but you and possibly the children to see and hear what is happening.

You may have downplayed or even denied the abuse because you were embarrassed, thought it was a private matter or were threatened by your partner about what he would do to you or others if you told anyone. You may now fear that your children will be negatively affected if the violence is discussed in court.

Unfortunately, some of the people you will encounter in family court – court staff, mediators, lawyers and judges – still believe that women make up or exaggerate abuse to try to give themselves an advantage in family court. Your evidence can help overcome this hurdle and help those who need to know about it understand just how serious your situation is.



WHERE DO I START? **NOTES** You may find it helpful to track the abuse throughout your relationship by thinking about what went on at key points, such as: When you were dating When you first started to live together and/or got married When you were pregnant for the first time When your children were very young When you and/or your partner had to deal with life crises (employment, financial issues, illness, death) After you separated **HOW DO I PRESENT ALL THIS INFORMATION?** Provide specific, detailed information about the abuse that your partner subjected you to during your relationship. Take some time to organize this information, preferably in writing (point form is fine), before any meeting or appointment where you may have to talk about it; for instance, before you go to a Family Law Information Centre (FLIC), before you meet with duty counsel or a mediator or before your first appointment with your lawyer. You want this person to understand: ◆ The pattern of abuse (how often it happened, what triggered it). ♦ How long it has been going on. Whether it is getting worse. Whether you have received any physical injuries. ◆ What the children have seen, heard or are otherwise aware of. ◆ The impact of the abuse on you and on the children. What kind of abuse has happened since you left your partner. Any current safety concerns based on past or ongoing abuse. Here are some tips about how to organize your information: Use point form. Be direct and specific. Use numbered paragraphs. Stay focused on the legal issues of your case. Be factual and don't exaggerate. ◆ Don't underplay the seriousness of what has happened. Start with the most recent event, then move back to the beginning of your ◆ Don't worry about specific dates or times when the abuse occurred if you cannot remember.

- ◆ Focus on the specific acts of abuse that happened and the effect they had on you and/or your children.
- You want the other person to know immediately what is going on right now. Once you have told them that, you can tell your story in the order it happened, including abuse that took place before you were married or living together.

AFFIDAVITS

Most evidence in family court is presented through written documents called affidavits.

An affidavit is a written legal document that the person writing and signing promises is a truthful account. It is just as important to tell the truth in an affidavit as it is when you are giving evidence in a courtroom in person. People's willingness to believe you (which is sometimes called your "credibility") will be negatively affected if you put anything in your affidavit that is not true.

It is in an affidavit that you and your ex-partner tell your stories to the court. Affidavits are a key piece of the evidence that the judge will rely on.

You and your ex-partner will each prepare at least one affidavit, but you are both likely to prepare more. One of these is what is called the parenting affidavit. It is Form 35.1. This is a standard form, and everyone who is applying to have parenting time with the children must complete one. We explain below about where you can find this form and get help filling it out if you do not have a lawyer to assist you.

If you are seeking a restraining order or bringing a motion, you will also prepare your own general affidavit (Form 14A), which is your chance to tell the court the story of abuse to which you have been subjected.

THREE QUESTIONS

In an affidavit, regardless of what you are asking the court for, you will answer three basic questions:

1. WHO IS MY FAMILY?

In this section, you will tell the court several things:

- The names, ages and dates of birth of all the children
- Information about any children who are not part of this court proceeding (for example, a child from a previous relationship) and what the arrangements are for them
- ◆ The full names of both parents
- The date you and your partner were married or began to live together

		-

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FULL DISCLOSURE

It is very important to present accurate, detailed and credible information. Going to court is an adversarial process. The judge has to decide between two sides. You need to make sure that the judge has enough information about what has happened to you that they understand and believe your version of the story.

The date of separation
◆ Who everyone is living with right now
 Any information about arrangements for the children and support that are
in place right now
2. WHAT DO I WANT?
You need to tell the court what you want:
 What kind of arrangements you want for the children in terms of the time they spend with you and your former partner and who has primary responsibility for making decisions about them Child support
• •
Spousal supportDivision of property
 Division of property Exclusive possession of the matrimonial home
Restraining order
→ Nestraining order Divorce
3. WHY SHOULD I GET IT?
This is the long part of the affidavit that provides detailed information
about why you should get what you are asking for. For example:
 If you are applying for primary responsibility for the children, you need to describe who had the main responsibility for their care before you separated and what your plan is for caring for them now.
 If you want your partner's time or role with the children to be restricted or supervised, you need to describe why.
 If you are seeking child support, you need to tell the court whatever you know about your ex-partner's job and income.
 If you want spousal support, you need to tell the court about your work and income, both current and historic, as well as what you know about
your ex-partner's income. To get an order for exclusive possession of the matrimonial home, you have
to show why this is in the best interests of the children.
 If you need a restraining order, you need to provide detailed information about why you are fearful for your safety and/or the safety of your children.
HOW TO PREPARE AN AFFIDAVIT
Affidavits can be prepared from other people, such as your doctor, employer, religious leader, your child's teacher or daycare worker. In these affidavits, people who are aware of the abuse can describe what they know.
These additional affidavits are submitted to the court with your affidavit to provide independent, objective evidence that you have been abused.

Generally, courts are not persuaded by affidavits from your close friends or family members because those people are not seen to be objective. It is assumed they will take your side rather than providing unbiased information. However, if a friend or family member has witnessed an important event or has been a victim of abuse by your partner, their evidence may be valuable. Your lawyer, if you have one, can help make this decision.	NOTES
IF YOU HAVE A LAWYER If you have a lawyer, your job is to collect the information/evidence we have described above and give it to your lawyer, who will then prepare draft affidavits. You need to read the drafts very carefully to make sure they are accurate. Your lawyer can make changes if you think they are necessary. You will then be asked to promise that everything in the affidavits is true. You will need to sign each affidavit to put this promise in writing. Your lawyer will also sign it.	
Your lawyer will also be responsible for organizing affidavits from other people.	
 IF YOU DO NOT HAVE A LAWYER If you do not have a lawyer, you may need to prepare your affidavits yourself. In this case, you need to: Use a computer or print very neatly. If the judge cannot read your writing or printing, it will be hard for them to understand your story. Use clear, simple language when writing your story. Give enough details that the judge can understand what has happened, but not so many that they will become impatient, bored or confused while reading your affidavit. Find someone who is authorized to commission your signature on your affidavit. Court clerks can do this, as can duty counsel lawyers at family court. The clerks at the family court counter do not charge for commissioning affidavits. File your affidavit with the court, and make arrangements to have your affidavit served on your ex-partner. If you have concerns about your safety and the affidavit must be served personally, you can ask the court staff to make arrangements to have it served on your ex-partner. 	
If you want other people, such as your doctor or employer, to prepare affidavits for your case, you need to tell them where to find the forms, how to complete them and what to do with them once they are completed.	

NOTES	There are some online resources that will be helpful if you are doing this without a lawyer:
	On the Ministry of the Attorney General website see A Guide to Procedures in Family Court which describes all the steps in a family law case and tells you what to do at each step https://www.attorneygeneral.jus.gov.on.ca/english/family/guides/fc
	On the Government of Ontario website, learn about Getting a Restraining Order https://www.ontario.ca/page/getting-restraining-order
	On the Ontario Court Forms website you can find every family court form you will need for your case. You can download and print the files from the website, then fill in the forms on your own or with the help of your legal advocate http://ontariocourtforms.on.ca/en
	Workers and court-related services that can help you with affidavits. It will also be helpful to review the sections of this workbook that
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DEALING WITH YOUR FORMER PARTNER'S EVIDENCE

Your ex-partner may use his affidavits as a way to intimidate and harass you or tell lies about you. It is important that you be ready for this before you read what he has written. Also remember that you have the chance to write another affidavit commenting on what he has said in his.

In his affidavit, your ex-partner may:

- Minimize or deny the abuse.
- Claim that you are to blame for his behaviour.
- ◆ Claim that you have been abusive to him.
- Say that you have been a bad or neglectful mother.
- ◆ Tell lies about your drinking or use of drugs.
- Claim that you have mental health issues.
- Exaggerate any negative information about you.

You will feel hurt and angry when you read things your ex-partner has said about you, so it is important to remember that a judge won't necessarily believe them, especially if you have prepared your evidence in a complete and organized way so that it is more believable. Your abuser may write untrue things in order to upset, intimidate or embarrass you or to try to deflect attention away from his abusive behaviour. You will have an opportunity to deny anything he has said that is not true and to present the true facts to the court.

For example, if your ex-partner alleges that the CAS is involved in your case, you can explain that the CAS was called by the police when your ex-partner was charged with assaulting you. After the investigation, the agency decided there were no child protection concerns, so they closed the file. You may be able to get a letter from the CAS confirming this.

Try to have a support person or friend with you when you read your ex-partner's affidavit so you don't have to deal with it alone.

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NOTES	PRESENTING INFORMATION ABOUT PARENTING
	If you have a lawyer, they will prepare your court documents, including this information, but they will find it easier and quicker to do this if you provide them with the information they need, even in point form. If you can, try to provide the information in chronological order.
	If you don't have a lawyer, you will prepare your court documents yourself. We encourage you to work with a women's legal advocate to assist and support you with this task.
	Whether you are working with a lawyer or preparing your court documents yourself, the following list of questions can help guide you in collecting the information you need.
	 Did both you and your partner want to have children? Did your ex-partner take time away from work when each of your children was born? How much? Did you breastfeed your children? (It is not a negative factor if you did not.) Are you still breastfeeding a child? (This is relevant to determining appropriate parenting arrangements.) How long have you been/were you at home with your children? Which one of you took time away from work to be at home with the kids when they were little? What is your regular schedule in terms of work/time at home? What is your partner's regular schedule in terms of work/time at home? Which one of you misses work if a child is sick or has a medical or other appointment during the workday? Who does the school/child-care centre/babysitter call first if there is an
	 Were/are you the primary parent? How did you and your ex-partner make decisions related to the children? Were/are you the one who managed the children's day-to-day activities? Include such activities as:

Overseeing homework	NOTES
 Getting children to extracurricular activities 	
Chauffeuring children to social activities	
Were/are you the one with responsibility for the children's infrastructure?	
Include such responsibilities as:	
■ Finding a doctor, etc., for the children	
Arranging and getting children to doctor, dentist, etc., appointments	
 Registering children for extracurricular activities, March Break activities, 	
summer camps, etc.	
Making child-care arrangements	
Organizing children for school trips	
Organizing children's social activities such as play dates, birthday	
parties, etc.	
Who attends parent/teacher appointments?	
• Who have the children been living with since you and your ex-partner separated?	
◆ How much time are they spending with the other parent?	
• Who does most of the organizing so this can happen?	
YOUR PLANS FOR THE FUTURE	
The more consistency you can show between the arrangements for the	
children before you separated and your plans for the future, the better. For	
example, even if you have to move, if the kids can continue attending the	
same school, the court will see this in a positive light.	
Your parenting plan should address your proposal for how you and your	
ex-partner will make decisions about the children, how you will share in-	
formation related to the children, and how the children's time will be	
shared between the two of you. While it needs to be detailed, it should	
also include some flexibility for unexpected circumstances.	
Above all else, your parenting plan should address and reflect any safety	
concerns you have for yourself or for your children.	
IN TERMS OF THEIR LIVING ARRANGEMENTS:	
Are there any safety issues to be considered?	
◆ Are you prepared to commit to remaining within a certain geographic	
distance of where you live now/where your ex-partner will be living/where extended family live?	
 How will you make decisions about whether you can move outside this 	
area with the children?	
♦ How will your children move back and forth between your home and your	
ex-partner's home?	
♦ What schedule are you proposing?	

NOTES	◆ How do you propose each of you will communicate with your children
	when they are with the other parent?
	How do you think you and your ex-partner should make decisions if either of you wants to change the schedule?
	Do the children's belongings move from home to home or will each of you
	be expected to maintain the basics in terms of clothing, toys, etc.?
	they are spending time in both parents' homes?
	 How will you ensure the children maintain their relationships with both
	extended families, especially grandparents?
	 Do you need to have any limitations placed on the children's contact with
	your ex-partner's family?
	IN TERMS OF VACATIONS AND SPECIAL DAYS:
	How will you arrange regular vacation times?
	Will you each be allowed to take the children away for vacation? If so, will
	there be any restrictions on this?
	 Do you have any concerns about your ex-partner travelling out of the
	country with your children?
	 How will you arrange special days like birthdays (your children's, yours and
	your partner's), Mother's Day, Father's Day, extended family celebrations, etc.?
	IN TERMS OF EDUCATION:
	How will you and your ex-partner make decisions about your children's ed-
	ucation?
	• Who will attend parent/teacher interviews and other school appointments?
	◆ Will you both attend school functions like concerts and graduations?
	◆ Who can give permission for a child to participate in a school trip?
	Who will be responsible for signing consent forms, paying for extras at school, etc.?
	 Who will be the primary contact person for the school in case of an emer-
	gency?
	Who will be responsible for taking time off work if a child is sick?
	IN TERMS OF HEALTH CARE:
	How will you and your ex-partner make decisions about your children's
	health care?
	◆ What will you do in an emergency?
	Does either of you have workplace health benefits? How will you ensure
	these continue to apply to your children?
	IN TERMS OF RELIGION/CULTURE:
	 How will you and your ex-partner make decisions about religion or culture
	for your children?
	What will you do if you have differing beliefs about these issues?

NOTES EXTRACURRICULAR ACTIVITIES: How will you and your ex-partner make decisions about extracurricular activities for your children? ♦ Who will pay for them? Who will take kids to and from extracurricular activities? Will you both attend events, or will you take turns? CHILDREN WITH SPECIAL NEEDS: What are these needs? How were they managed before the separation? ♦ How do you propose managing them now and in the future? **EVIDENCE OF PARENTING** As you put this information together, anticipate that your ex-partner may try to paint a very different picture of your relationship. Even if you have been the stay-at-home parent taking on most of the child-rearing responsibilities, he may try to convince the court that he has been the primary parent. He may also present an unrealistic plan for how he intends to parent in the future. For this reason, make a list of where you can go to find evidence to support the information you have provided to the court. For example: ◆ Teachers or daycare workers who can confirm that you have been the parent most involved with dropping off/picking up the children, attending school events and school trips, participating in parent-teacher interviews, etc. • Coaches and others who can confirm your role in the children's extra-curricular activities • Parents of your children's friends who know you are the parent who has taken kids to the movies and other social activities ◆ Your family doctor, dentist and others who can confirm your role in managing the children's health care ◆ Co-workers or supervisors who know when you took time off work to deal with a sick child or a family emergency Proof of maternity leave time You may think it is obvious that you have been the main parent to your children. Unfortunately, it is not uncommon for abusive men to make misleading claims about their role as a parent, so you need to be ready to prove what you know to be the truth.

It is also important for you to be honest in terms of your ex-partner's role. If he has been an active parent, say so. If he was not so active but was really good at one particular activity with the children, say so. Don't use the legal case to be vindictive, however angry you are with your ex-partner. It is not fair to your children, and it can make you look bad to the court.

NOTES	TIP D SHEET E
	Technologic against your
	IF YOU EXI DO call the ate safety DO work v They wing to help DO consider will know collect of the pooline. DON'T ret What you DON'T del say the sai This might
	IS MONITO If your partr accounts or
	or car: DO contact DON'T do more abus
	IF A PERSO
	◆ DO block ■ You can from th evidence
	◆ DO speak

OO'S AND DON'TS OF COLLECTING VIDENCE OF TECHNOLOGY ABUSE

al abuse leaves an electronic record that can be used in court ex-partner.

PERIENCE TECHNOLOGY ABUSE

- e police if you are afraid for your immediate safety or the immediof others.
- with a women's organization.
 - ill give you support, help with safety planning and may be able with evidence collection.
- der involving the police with evidence collection.
 - tions differ in how they deal with digital evidence. Local police ow what is needed for your court and they can show you how to evidence.
- echsafety.org for tips on collecting evidence and keeping safer
- - ou say or do online can be used against you.
- lete your ex-partner's messages, even if they are really hurtful or me thing over and over.
 - ght be hard, but the messages can be used as evidence.

ID OUT THAT YOUR PARTNER/EX-PARTNER ORING YOU

ner/ex-partner is monitoring your phone, computer or has set up a webcam in your home or GPS on your phone

- ct police or a women's organization immediately for help.
- anything that will alert him that you know. This might make him sive.

ON IS ABUSING YOU ON SOCIAL MEDIA

OK, INSTAGRAM, TWITTER)

- the person and use the settings to increase your privacy.
 - also contact the website for help. The person could be banned e website. HOWEVER, the site might delete the abuse and the ce will be lost.
- with police or a service provider for ways to collect this evidence.

NOTES

IF YOU WANT TO USE TECHNOLOGY ABUSE AS EVIDENCE

- ◆ DO keep a log about the abuse (as well as keeping the evidence).
 - Write down the date, time, any witnesses and related details.
 - Having all the information in one place will:
 - ♦ Help you see patterns and changes in your ex-partner's behaviour.
 - Make it easier for the court/police when they first learn about your case.
- ♦ DO include information in the log about other abuse by the person.
 - E.g., he threatens you when he picks up the kids, he follows your car, his mom calls you names when she sees you.
- ♦ DON'T document how you felt about the abusive message or event.

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PERSONAL Journal Calendar Photographs Abuse checklist Chronological, detailed written history of abuse Financial information (yours and your ex-partner's) Utility bills, mortgage, line-of-credit information, Revenue Canada	STATUS/NOTES
TECHNOLOGY If your ex-partner uses technology a lot to monitor and harass you, use the Identifying Technology Abuse Chart to document this evidence: Facebook postings Other social media Emails Text messages Telephone messages	

POLICE ☐ Record of 911 call(s) ☐ Police incident report(s)	STATUS/NOTES
CRIMINAL COURT	
☐ Criminal charge sheet(s)	
☐ Crown disclosure package	
☐ Bail conditions	
Reasons for judgment or	
sentence or comments	
made by judge verifying abuse	
☐ Terms of probation	
☐ Peace bond	
☐ Evidence of previous	
charges or convictions	
☐ Transcripts of any 911 calls you or your children made	

MEDICAL ☐ Family doctor notes and files ☐ Hospital emergency room reports ☐ Sexual assault/domestic violence care centre records	STATUS/NOTES
COMMUNITY Letters or evidence attached to an affidavit	
□ Neighbours□ Religious leader□ Therapist or counsellor	
CHILDREN ☐ Children's teacher(s), school ☐ Children's daycare worker or babysitter ☐ Children's coach(es), instructors, etc. ☐ CAS records or contracts or confirmation that file was not opened or has been closed ☐ Transcripts of interviews with children ☐ Children's doctors, dentist	

WORKPLACE ☐ Internal-incident reports ☐ Co-workers	STATUS/NOTES
☐ Supervisor	
☐ No trespassing letter	
☐ Security recordings	
— security recordings	
OT! IFD	
OTHER	
☐ Evidence or letters from	
previous or subsequent	
partners of your abusive	
ex-partner	

WORKING WITH A LAWYER

Just as most of us would not try to fix our car ourselves or diagnose and treat medical issues, you should not try to manage your family law case without the assistance of a lawyer who has experience in family law. In any family law case, but especially in cases involving family violence, the knowledge, expertise and skills of a good lawyer can make the case move more quickly and smoothly and can make a good outcome more likely.

Ideally, you will be able to hire (retain) a lawyer to handle your entire case, either by paying for the lawyer yourself or with a legal aid certificate.

However, if that is not an option, you may be able to find a lawyer who offers unbundled services, which means they will represent you on specific issues in your case. For example, you may be able to get a legal aid certificate for your child-related issues but not for property division. In this situation, your lawyer will handle the child-related part of your case, but you will have to represent yourself to get a division of property.

A new service some lawyers are now offering is something called legal coaching. In this arrangement, the lawyer does not represent you (e.g., does not complete your court documents or appear in court on your behalf) but answers your questions, helps you prepare for court appearances and reviews documents you have prepared, providing you with suggestions for any necessary changes.

Many people have to represent themselves during the family law process, because they cannot afford to pay for a lawyer and do not qualify for legal aid. If this is your situation, it will still be important to seek advice on certain issues and at specific points in time.

Whether or not you have a lawyer, we strongly encourage you to work with a women's legal advocate throughout your case. This advocate can assist you by:

- Explaining the steps in the case
- ♦ Helping you identify the legal issues you want/need to address
- Supporting you to develop a safety plan



- ◆ Helping you gather evidence for your case about the abuse in your relationship as well as the history of parenting in your family
- ♦ Accompanying you to meetings with your lawyer as well as to court
- Debriefing with you after these meetings and court appearances

If you are not already working with a women's legal advocate, you may be able to find one:

- ◆ Family Court Support Workers are professionals, usually working in violence against women agencies, who have received specialized training to support victims of domestic violence throughout their family law case. A listing of the agencies across the province that deliver the Family Court Support Worker service is available on the Attorney General website: attorney general.jus.gov.on.ca
- Many women's shelters have counsellors or Transitional Housing Support Workers who assist women, whether or not they are residents of the shelter, in family court.
- Some community agencies have counselling staff who assist clients involved with a family court case.

WHEN YOU REALLY NEED A LAWYER

Before you sign any kind of agreement related to your family law issues, you should obtain independent legal advice (ILA). This means you need to meet with your own lawyer to review whatever the agreement may be.

Common agreements where ILA is needed include:

- Cohabitation agreements
- Marriage contracts
- Separation agreements
- Minutes of settlement
- Mediation agreements
- Any agreement entered into with child protection authorities

PURPOSE OF ILA

The purpose of ILA is to ensure that, when you sign an agreement prepared by your ex-partner or his lawyer, you:

- ◆ Understand its contents fully, including all possible consequences to you.
- ◆ Are aware of any legal or financial responsibilities you are committing to.
- ♦ Know about any legal or financial rights you are giving up.

It also provides an opportunity for your lawyer to make sure you have received full financial disclosure and are not being pressured or coerced into signing the agreement.

NOTES	ILA protects you by ensuring you know what you are getting into. It also protects your ex-partner and his lawyer – when you have received ILA, it is difficult for you to claim later that you did not understand what you were signing or that you were coerced into signing it.
	CHOOSING A LAWYER FOR ILA When you are looking for someone to provide you with ILA about a family law matter, you should make sure that: The person is a family law lawyer. The lawyer has not been recommended by your partner, a member of your partner's family or your partner's lawyer. The lawyer is not a member of the same law firm as your partner's lawyer. The lawyer does not represent and has not represented your partner or any member of his family on any legal matter.
	Once you have asked about these possible relationships, request that the lawyer's office run a conflict-of-interest check before the lawyer agrees to provide ILA.
	PROCESS To be meaningful, ILA takes some time – on average, about three hours, but more if there are complicated issues. Typically, the lawyer will meet with you, collect some background information, then review the document for which ILA is sought. The lawyer will most often do this while you are there, so they can ask clarifying questions. These questions often relate to financial disclosure: For a domestic contract to be valid in Ontario, you and your partner must provide full financial disclosure to each other.
	In this meeting, you can ask questions about any aspects of the agreement you don't understand or agree with.
	This meeting gives the lawyer the opportunity to confirm that you understand what you are signing and that you are doing so voluntarily.
	Your lawyer might prefer to review the document first before meeting with you, so they can be ready with questions when you come to the appointment. This is especially true if the document is extremely long or complex.
	Once the lawyer has reviewed the document, asked you clarifying questions, obtained any additional information they need and is satisfied that you understand what you are signing and have not been pressured or coerced to do so, the lawyer will give you their opinion about whether the agreement is in your legal interests and their advice about whether or not

you should sign it. Even if the lawyer gives you their opinion and advice in person, it should also be provided to you in writing so you have a permanent record of it.

Assuming the ILA is positive, the lawyer can then witness you sign the document and provide a Certificate of Independent Legal Advice.

If the lawyer's opinion and advice is that you should not sign the agreement, then the lawyer may refuse to witness your signature on it or may witness the signature and have you sign a waiver indicating that the lawyer advised against doing so and that you chose to proceed nonetheless.

The cost of ILA depends on how long it takes, because most lawyers charge by the hour.

PAYING FOR A LAWYER

FEES

Most lawyers charge an hourly rate, which covers their fee as well as their general overhead costs (law clerk, receptionist/secretary, rent, etc.). The fee is typically not associated with the success of a case or based on achieving particular results.

It is very difficult to estimate the total cost of a family law case at the beginning because there are many factors that affect the amount of time the lawyer will have to spend on it: how complicated the issues are, how willing you and your ex-partner are to compromise and whether any issues can be resolved out of court are all factors that affect the ultimate cost. However, the lawyer should be willing to be frank with you about their fees and what payment arrangements they are prepared to make.

DISBURSEMENTS

These are the expenses the lawyer incurs on your behalf: filing fees to the court, costs of photocopying, the cost of having documents formally served on another person, and so on.

THE BILL

Whether you are paying for your lawyer yourself or are on a legal aid certificate, your lawyer must provide you with a bill that shows how much they are charging in fees, with a breakdown of the time spent and on what date, as well as what the lawyer did during that period of time. The bill must also set out each disbursement.

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NOTES	THE RETAINER
	This is a fixed amount of money that you agree to pay, in advance, to hire
	your lawyer, although some lawyers are prepared to start a case without a
	retainer if you agree to provide payment on an ongoing basis. It is likely
	that the final cost of the case will be more than the original retainer. A
	retainer contract between a lawyer and client specifies the nature of the
	services to be provided and the cost of those services.
	The amount of a retainer varies from lawyer to lawyer. This money is de-
	posited into your client account and the lawyer draws from this account
	retainer maintain a minimum balance. If, at the conclusion of your rela-
	tionship with the lawyer, there is a balance in the retainer account, it will
	be returned to you.
	You should understand how the retainer will be used and what types of
	fees and disbursements you can be charged for before you sign a retainer
	agreement.
	PAYMENT QUESTIONS TO ASK A LAWYER
	When am I paying for your time, and when am I paying for your clerk,
	paralegal or other staff to do something?
	◆ What do you charge for a trial?
	What disbursements can I expect to find on my bill?
	What portions of my bill are tax deductible?
	◆ How often will I be billed?
	→ How will I be charged:
	■ For phone calls
	■ For sending/receiving emails
	■ For letters you write
	For the preparation of court and other types of documents
	■ For photocopying and faxing
	■ To have my court documents filed and served
	■ For meetings with you or your assistant
	■ For meetings that both you and your assistant attend
	Legal services are not always tangible; therefore, regular itemized bills are
	necessary. This transparency helps build trust between you and your
	lawyer. Understanding what and how you are being billed can improve
	the way you interact with your lawyer.
	If Legal Aid Ontario (LAO) has provided you with a certificate to cover
	your lawyer's fees, your lawyer should provide you with a copy of every
	bill they submit to LAO. You should review the bill carefully, even though
	you are not paying it yourself, and discuss any concerns you have first

with your lawyer and, if that is not satisfactory, with LAO. You want to be sure that your lawyer is using the limited time provided by your legal aid certificate as effectively as possible.

LEGAL AID

Depending on your financial situation, including your income and whether you own property, you may qualify for assistance from Legal Aid Ontario (LAO). LAO can provide you with what is called a certificate to cover all or part of your lawyer's bill. There are a number of different arrangements LAO can make:

- You may qualify for a certificate that covers all your legal costs for all your legal issues.
- ◆ You may qualify for a certificate that covers only some of the legal issues you are dealing with.
- If you own a home, LAO may put a lien on the house, which means that when you sell it, LAO will be paid money from its sale to cover the cost of your lawyer.
- LAO may have you enter into a contribution agreement, which means that LAO covers your legal costs but you have to pay back some or all of this money in the future.

You can get more information from the LAO website: legalaid.on.ca. You can also talk to someone at LAO by calling 1-800-668-8258. LAO has special services to help people who have been subjected to domestic violence. If the worker taking your application does not ask if you have been subjected to abuse, you need to provide that information.

Because your legal aid certificate may not cover all the legal issues you are dealing with, you should ask both LAO and your lawyer to explain exactly what is and is not covered. Even if something is not covered when you get your legal aid certificate, your lawyer can request additional coverage as your case progresses. The lawyer writes an opinion letter to LAO explaining why they need additional time or need to assist you with an issue not already covered, and LAO makes a decision about whether or not to grant the lawyer's request. If your case has to go to trial, your lawyer will need to request coverage for this from LAO.

For more information about LAO, see our Legal Aid Ontario fact sheet.

VIRTUAL LEGAL CLINIC

Luke's Place operates a Virtual Legal Clinic (VLC), which provides **free summary legal advice to women** in Ontario who are leaving relationships in which they have been abused. The VLC connects women to trained family law lawyers via video conferencing or the telephone. The lawyers provide summary legal advice, meaning they will advise a woman on her legal prolem, but they will not go with her to a hearing. There are no financial criteria.

You can use the VLC if you:

- Have experienced violence or abuse in your relationship
- Have a family law legal issue
- Do not have a lawyer for the legal issue you wish to discuss

To learn more, visit our website: https://lukesplace.ca/for-women/lukes-place-virtual-legal-clinic, call **1-866-516-3116** ext. **235**, or email Intake@LukesPlace.ca.

ABOUT LEGAL AID

If you have received a legal aid certificate to pay for your lawyer, you have the same rights as someone who pays for a lawyer, and your lawyer has the same professional obligations and responsibilities.

CHART

WHO'S RESPONSIBLE FOR WHAT?

The following chart sets out key responsibilities/tasks and identifies who is responsible for them: the lawyer, the woman or her women's legal advocate.

FINDING A LAWYER

WHO'S RESPONSIBLE:

You 🗹

Legal Advocate **☑**

Lawyer □

- Your women's legal advocate can help you by providing a list of names of possible lawyers.
- You are the one who has to decide which of those lawyers is best suited for what you need.

SETTING UP THE FIRST APPOINTMENT

WHO'S RESPONSIBLE:

You 🗹

Legal Advocate □

Lawyer

- You will contact your lawyer's office to arrange the first appointment, which will be scheduled for the next date your lawyer has available.
- You will probably arrange this appointment by talking to the receptionist or law clerk in the lawyer's office.

EXPLAINING THE LAWYER'S ROLE

WHO'S RESPONSIBLE:

You 🗆

Legal Advocate □

Lawyer **2**

- At your first appointment, your lawyer should explain to you what their role includes and does not include.
- Make a list of everything you want to know about the lawyer's responsibilities.
 Take this list to your first appointment, and ask the lawyer about anything they do not mention.

EXPLAINING THE COSTS

WHO'S RESPONSIBLE:

You 🗆

Legal Advocate □

Lawyer 🗹

- ♦ It is up to your lawyer to tell you about the costs of handling your case.
 - If your lawyer is being paid by Legal Aid Ontario, they should tell you how many hours of work LAO is paying for and what they think can be done in that amount of time.
 - If you are paying the lawyer's fees yourself, your lawyer should tell you their hourly rate as well as what some of the additional expenses (called disbursements) are likely to be.
- If your lawyer does not bring this up in your first appointment, you should ask about it.

COMMUNICATION

WHO'S RESPONSIBLE:

You 🗹

Legal Advocate ☑

Lawyer 🗹

- ◆ All three of you are responsible for effective communication.
- You should bring a list of questions to meetings with your lawyer. Your women's legal advocate can assist you with this.
- You should be as clear as possible in telling your lawyer what you want in your case and what you want the lawyer to do.
- Either you or your women's legal advocate should be prepared to take notes during your meetings with your lawyer.
- Your lawyer is responsible for explaining things to you in clear, plain language so you can understand, but it is up to you to let your lawyer know when you don't understand something.
- It is your lawyer's job to respond promptly to your questions, telephone
 calls or emails, but it is your job to limit the number of communications
 with your lawyer between appointments to urgent issues.

PREPARATION FOR MEETINGS

WHO'S RESPONSIBLE:

You 🗹

Legal Advocate ☑

Lawyer **☑**

- Working with your women's legal advocate, you should prepare for every meeting you have with your lawyer.
 - This includes making sure you have booked enough time to get to and from your appointment so you can be there on time, arranging for child care, putting together a list of the topics you want to cover in the appointment as well as any questions you want the lawyer to answer.
- Your lawyer is responsible for having reviewed your file prior to each appointment so they are up to speed with your case and are ready to provide you with information, take your instructions and answer your questions.

EXPLAINING LEGAL OPTIONS/ PROVIDING LEGAL ADVICE

WHO'S RESPONSIBLE:

You 🗆

Legal Advocate □

Lawyer 🗹

Only your lawyer should explain your legal options/give you legal advice. You give your lawyer information about your situation and tell them what outcomes you would like to get from your case, but it is the lawyer who tells you what is legally possible and what they think is the best legal course of action.

COMPLETING DOCUMENTS

WHO'S RESPONSIBLE:

You 🗆

Legal Advocate □

Lawyer 🗹

♦ It is your lawyer's job to complete all the paperwork required in your case.

However, it is your job to review those documents and let the lawyer know if you've found a mistake or if there's something with which you don't agree.

SERVING DOCUMENTS WHO'S RESPONSIBLE: ◆ Your lawyer is the one who serves court documents on your ex-partner. You 🗆 Legal Advocate □ If your partner has a lawyer, the documents will be served on them; Lawyer **2** if not, they will be served on your ex-partner directly. COMMUNICATING WITH YOUR EX-PARTNER WHO'S RESPONSIBLE: You 🗹 ◆ Your lawyer is responsible for all legal communication with your ex-part-Legal Advocate□ ner: to his lawyer, if he has one; to him directly, if he does not. Lawyer **2** ♦ You, however, may also be in communication with your ex-partner about ongoing details such as issues relating to the children. You should follow your lawyer's advice about when and how to be in touch with your ex-partner. KEEPING TRACK OF YOUR CASE WHO'S RESPONSIBLE: You 🗹 Of course, your lawyer will have a file of everything related to your case, but Legal Advocate □ it is very important for you to keep all this information too. Lawyer **2** You should set up an organized filing system at the beginning of your case and make sure you get copies of everything your lawyer has. ■ Your women's legal advocate may be able to help you with this. FOLLOWING UP BETWEEN APPOINTMENTS WHO'S RESPONSIBLE: You 🗹 ◆ Your lawyer will often give you tasks to complete before you come back for Legal Advocate 🗹 another appointment. If you want to keep your legal costs down and keep your case moving along, it is important for you to get these tasks done. Lawyer \square Your women's legal advocate can help you make a plan that you can follow and may be able to help you with some of this work. PROVIDING EMOTIONAL SUPPORT WHO'S RESPONSIBLE: You 🗆 ◆ Your lawyer's job is to give you legal advice and follow your instructions Legal Advocate ☑ about how to handle your case. While many lawyers are very sympathetic Lawyer to their clients' emotional needs, it is not the lawyer's job to provide you with emotional support.

counselling support if you need it.

SAFETY PLANNING

WHO'S RESPONSIBLE:

You 🗹

Legal Advocate

✓

Lawyer □

You and your women's legal advocate can work together to create a safety plan. You can let your lawyer know about it, but it is not your lawyer's job to create it.

◆ Your women's legal advocate can do this and can help you find additional

TIP SHEET

WORKING WITH A LAWYER

Communication and preparation are probably the two most important elements of making your relationship with your lawyer work well.

COME PREPARED: Come to meetings with your lawyer with an agenda or a list of questions. Make notes about the abuse in your relationship to give to your lawyer to help them prepare court documents.

BRING AN ADVOCATE: Bring an advocate who knows you and your story. Before the appointment, clearly establish with your advocate what role you want her to play. Is she there to take notes? To remind you of questions you want to ask? To advocate on your behalf with the lawyer? To provide emotional support? As well as preparing with the advocate, you should prepare the lawyer – let them know ahead of time that you are bringing an advocate. Some lawyers may be concerned about having another person present at the appointment and will want to clarify any issues related to confidentiality.

DON'T BRING THE CHILDREN: Find child care so you are not distracted by your children during your appointment and so they do not have to listen to you discussing adult issues with your lawyer.

SET GOALS: Explain to your lawyer what your key goals are. Is having primary responsibility for your children more important to you than getting half the family property? Do you need a restraining order? Do you want to stay in the family home? In order to represent you effectively, your lawyer needs to know what is most important to you.

GIVE INSTRUCTIONS: Give your lawyer clear, concise instructions, putting them in writing as well as giving them verbally, if at all possible.

TAKE NOTES: Take notes during the appointment and summarize them verbally with the lawyer at the end so both of you have the same understanding of what has been said and what each of you is going to do next.

ASK QUESTIONS: Ask your lawyer what is expected of you. What documentation does the lawyer require to prepare the case? How often does the lawyer want to meet? Are there tasks you can take on to assist with your own case?

Never hesitate to ask questions if something is unclear or if your lawyer uses too much legal jargon. It is much better to ask what feels like a silly question than to move ahead having misunderstood some really important issue.

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	your lawyer and everything your lawyer gives to you. Keep all your paper work in a binder or a series of binders with an indexing system so you car quickly find any paperwork that you might need. You can use the family
	happening in your family. Has your partner been charged criminally? If so, what is the status of his criminal case? This will be important evidence to include in your family court documents. Have there been any safety issues when exchanging the children? Has your partner threatened not to bring the kids back to you? Are child protection authorities involved with your
	volved with the child protection authorities in the past? Do you have a criminal record? Have you been charged with any kind of abuse of your partner? It is far better for your lawyer to know about these kinds of situa
	REMEMBER, YOU ARE IN CHARGE: Perhaps most importantly, remember that you are in charge. It is good to be assertive and stay informed and aware of what is going on in the case. If problems arise, the sooner you raise them with the lawyer, the better.
	You can use the following checklist to assess your relationship with your lawyer. Please refer to the section "When things aren't working" for tips on how to address issues with your lawyer should they arise.

ASSESSING MY FAMILY LAW LAWYER CHECKLIST **NOTES** YES NO My lawyer understands family law and issues related to domestic violence. My lawyer helps me prioritize my goals. My lawyer explains the legal options and strategies available to achieve my goals. My lawyer explains my chances of success. My lawyer does not make promises about outcomes they cannot control, like what the judge will rule or what my partner will agree to. My lawyer answers my questions and makes sure I understand fully. My lawyer lets me ask questions. My lawyer communicates with me in a timely and effective manner. My lawyer has explained how long the process might take. My lawyer has explained how much the process might cost. My lawyer has explained what services they will and will not provide. My lawyer follows my legal instructions and does not make important decisions without consulting me. My lawyer gives me copies of ongoing communications and documents filed with the court. My lawyer handles matters related to my case within a time frame they originally promised. Adapted from material originally developed by the Barbra Schlifer Commemorative Clinic

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主義 医具体 医棘 代 计相 红 雅 红 TERM THE PROPERTY. * 4 Y 12 45 11 22 50 52 35 W

IF THINGS AREN'T WORKING

From time to time, you may hit some bumps in your working relationship with your lawyer.

The most common complaint about family law lawyers are that they don't answer phone calls/emails quickly enough.

You can help avoid this particular frustration by clarifying with your lawyer in your first or second appointment how they handle phone calls/emails. Do they get back to clients every 24 hours or only if your call/email is urgent? Does the lawyer want you to make a list of questions and email/call once a week with all of them rather than every time you think of something? Try to work out a system that you both can live with. And remember that every time your lawyer listens to a phone message or reads an email from you, they are charging you for their time.

You may feel that your lawyer does not understand the seriousness of your situation and the safety concerns that you have.

Give your lawyer detailed and accurate information about the history of abuse in your relationship, including abuse and threats that have happened since you and your partner separated. This way, they have concrete facts that help them understand your concerns.

If you are frustrated with your lawyer, tell them, or ask your advocate to help you tell them. If you are both committed to making the relationship work, you may be able to talk out the problem.

CHANGING LAWYERS

If your lawyer consistently treats you disrespectfully, does not take the abuse in your relationship seriously or does not follow your instructions, you may need to change lawyers.

If you are paying for your lawyer yourself, then you can change lawyers whenever and however often you want. But you should consider very carefully before making this decision.

- Is your frustration with your lawyer or with the family law or court process? In other words, you might change lawyers only to encounter the same difficulties with the next one.
- ♦ It can be expensive to change lawyers. You will have to pay your first lawyer to copy your file for your new lawyer, and you will have to pay your new lawyer to read your entire file.
- ♦ Changing lawyers can also slow your case down because you may need to

- adjourn it to give your new lawyer time to get up to speed.
- And while judges and other lawyers understand when someone changes lawyers once, if you change lawyers repeatedly, the court may start to think the problem rests with you and not your lawyer.

If you have a legal aid certificate to pay for your lawyer, it is very difficult to change. You will have to convince Legal Aid Ontario (LAO) that your current lawyer is providing you with inadequate representation or that there has been a complete breakdown in the lawyer-client relationship. Otherwise, LAO will likely tell you to stay with the lawyer you already have.

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FAMILY COURT PROCESS

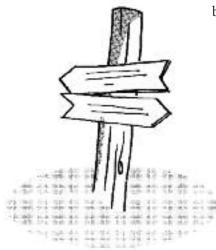
The process in a family law case can seem very complicated, especially if you do not have a lawyer to represent you. The length of time a case will take depends on how the process unfolds and your specific situation. For example, if you and your ex-partner both have lawyers, the case may move along more efficiently. If your ex-partner engages in legal bullying, the case will slow down. It will move more quickly if the two of you are able to agree on at least some of the issues you need to resolve.

Timelines will also depend on where you live, because some courts are much more overcrowded with cases than others and some are open for limited hours.

A family court case unfolds in a series of steps, which may lead to a trial. Very few cases in family court – less than five percent – get to a trial. One of the reasons for this is that at each step of the process, you will have a number of options, one of which is to settle your family law issues with your ex-partner without going any further in the formal process. Working out the issues this way is sometimes called alternative dispute resolution.

It can take a very long time to sort out the issues that come up when two people separate. This is especially true when there has been abuse. If your ex-partner was abusive to you, he is likely to use the court process to maintain his power and control over you. This is called legal bullying.

Expect that it will take some time – months or even more than a year – to sort out complicated and emotional issues like arrangements for the children and financial matters. You will feel less frustrated by your case if you go into it anticipating a long process. If it goes more quickly, it will be a pleasant surprise.



HOW DOES A FAMILY LAW CASE START?	NOTES
Unless you have decided to try to negotiate or mediate with your ex-partner outside the court process, your case will start when one of you brings an Application. This signals to the other person and the court that you are asking the court to assist you resolve family law issues.	
Once you or your ex-partner have completed the Application documents (there are several of them), they must be taken to the family court to be issued, which means a court clerk puts a file number and court date on the documents. The documents must then be served on the other person (your ex-partner, if you made the Application; you, if your ex-partner made the Application). The person who is served has the opportunity to provide an Answer, which also requires a number of documents.	
RESOURCES	
Community Legal Education Ontario (CLEO) has developed a series of interactive flowcharts of the family court process, which is very easy to use. You can find them at familycourt.cleo.on.ca	
A good place to start is to look at the introduction to how the flowcharts work.	
There is a helpful chart that sets out questions and answers for you to consider before you start your case.	
If you are the person starting the case, you will be called the Applicant, and you can find out what you need to do from the Applicant flowchart.	
If your ex-partner has started the case, he will be the Applicant and you will be called the Respondent. See the Respondent flowchart setting out what you need to do.	
Each of these flowcharts connects to common questions and detailed information about the steps in the process, the documents you will need to complete, what you have to do with those documents and what the outcomes of each step can be.	
CLEO has also developed a glossary of common terms in a family court case.	

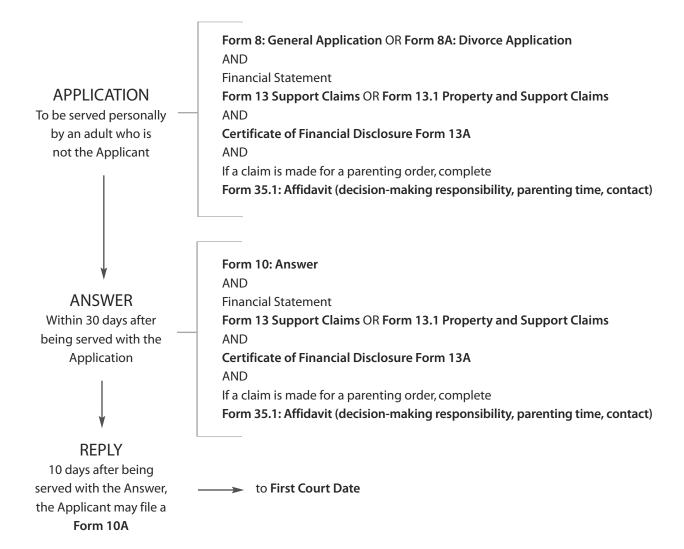
FLOWCHART

STEPS AND DOCUMENTS

This table sets out the steps in a family law case. Each step requires different documents, which are also noted. Documents must be filed on time unless you have the other party's consent or the court's permission to file late. Seek legal advice if you are unable to file your documents on time.

These forms are not in the table but are important:

- Form 14 C Confirmation of Motion must be delivered to the opposing party and filed at the filing counter three days before a motion date.
- Form 17 F Confirmation of Conference must be filed three days before a conference date.
- ♦ **6B Affidavit of Service** must be filed each time documents are served. Service of court documents must comply with the *Family Law Rules* (ontario.ca/laws/regulation/990114).
- ♦ See Rule 3 for Counting Days and Rule 6 for Service of Documents.



FIRST First Case Conference Date Scheduled. **COURT DATE** OR Administrative appear-If no Answer filed, Applicant may prepare Form 23C Affidavit for ance before a Court Clerk **Uncontested Trial** for Fast Track Cases Both parties must file a Form 17A. CASE CONFERENCE (multiple Case Applicant must file six days before the date scheduled. Conferences are possible) Respondent must file no later than four days before that date. **SETTLEMENT** Both parties must file a Form 17C. **CONFERENCE** (multiple Settlement Applicant must file six days before the date scheduled. Conferences are possible) Respondent must file no later than four days before that date. Both parties must file a Trial Scheduling Endorsement Form. **TRIAL SCHEDULING** Applicant must file no later than seven days before the date scheduled. **CONFERENCE** Respondent must file no later than four days before the date scheduled. Applicant must file a Trial Record seven days before the date scheduled. **TRIAL** Respondent may add to Trial Record up to 2 pm two days before the date MANAGEMENT scheduled. **CONFERENCE** Both parties must file Offer to Settle, outline of Opening Statement and **Draft Order** no later than 2 pm two days before the date scheduled. **EXIT PRE-TRIAL CONFERENCE** TRIAL This is the final opportunity to resolve A trial may not be adjourned without a judge's order, issues before beginning trial. which can only be granted by attending personally,

Exit Pre-Trial at TMC.

Either party may request a date for

and only in compelling and unforeseen circumstances,

such as illness.

NOTES	COURT DOCUMENTS	
	process. Completing your court documents accurately, completely and honestly is very important to ensuring that your case moves through	
	have told them you want. It is important to give your lawyer detailed information about your family, the history of abuse, and parenting	
	The court needs this information to make its decisions. Abusers often lie or misrepresent things in their documents, so your documents need to paint a truthful picture of your family, with enough details to make what you are saying believable to the judge.	
	You will have an opportunity to review everything your lawyer prepares before they file it with the court. Read carefully to make sure that your lawyer has followed your instructions and that no important information is missing. Once documents are filed with the court, it is difficult to change them, and if you do, it can cast doubt on the truthfulness of what you are saying.	
	RESOURCES AND SUPPORT If you do not have a lawyer to prepare your court documents; you can get free summary legal advice from the Luke's Place Virtual Legal Clinic. Our lawyers are experienced and trained on the issues women deal with when they leave an abusive partner.	
	You can find very useful information about required documents and how to complete them in the Ministry of the Attorney General's Guide to Procedures in Family Court. The Family Law Information Centre (FLIC) at the family court in your community carries copies of this guide.	
	Also refer to CLEO's Steps in a Family Law Case described earlier. Our section on Evidence offers tips on how to present your information.	
	We encourage you to use these resources, as well as a women's legal advocate. Depending on the extent of the legal resources in your region, you may also be able to get assistance from them.	

SERVING COURT DOCUMENTS All the court documents that you and your ex-partner prepare for your	NOTES
case have to be shared with one another. The court does not accept or consider information in one person's documents if those documents have not already been provided to the other person. When you give your docu-	
ments to your ex-partner and he gives his to you, it is called serving court documents, or service of court documents.	
If you have a lawyer, they will serve the documents. If you don't have a lawyer, you will have to serve your documents on your ex-partner.	
There are very particular rules about how this is to be done, and if you don't follow them, your documents may not be accepted by the court.	
If you have to serve your documents yourself, we encourage you to follow the directions provided in the Ministry of the Attorney General's Serving	
Documents: Guide to Procedures in Family Court, which you can find at	
the Family Law Information Centre (FLIC) at your family court.	
If your ex-partner has a lawyer, you will serve court documents by taking them to the lawyer's office, but if he does not, he will have to be served	
directly. You should be very aware of your safety and/or the safety of any friends or family members who offer to assist you by serving your ex-	
partner with your court documents. Many abusers become aggressive	
when they are served with any kind of legal papers.	
Ideally, you will be able to find someone who can serve your ex-partner in a public place (for example, his workplace, or at a time when he is with	
family members who will help to control his reaction) without you being	
present.	
However, if it is not safe for a friend or family member to serve him, you can hire a professional process server to do this.	
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NOTES	CONFERENCES	
	of a conference is to assist the parties in settling their case. A judge has	
	CACE CONFEDENCE	
	◆ To organize a settlement conference or hold one, if appropriate	
	or other important matters if either party wants to bring a motion.	
	SETTLEMENT CONFERENCE	
	PURPOSES:	
	 To explore the chances of settling the case 	
	 To settle or narrow the issues in dispute 	
	 To ensure disclosure of the relevant evidence 	
	To note admissions that may simplify the case	
	 To obtain a view of how the court might decide the case, if possible 	
	 To consider any other matter that may help in a quick and just conclusion of the case 	
	 To identify the witnesses and other evidence to be presented at trial, estimate the time needed for trial and schedule the case for trial, if the case has not been settled 	
	◆ To organize a trial management conference or hold one, if appropriate.	
	TRIAL MANAGEMENT CONFERENCE	
	PURPOSES:	
	 To explore the chances of settling the case 	
	 To arrange to receive evidence by a written report, an agreed statement 	
	of facts, an affidavit or another method, if appropriate	
	 To decide how the trial will proceed 	
	 To ensure that the parties know what witnesses will testify and what 	
	other evidence will be presented at trial	
	 To estimate the time needed for trial 	
	◆ To set the trial date, if this has not already been done.	

More information about each conference is set out in the Family Law Rules, the regulations that govern family court.	NOTES
HOW TO PREPARE FOR A CONFERENCE The Family Law Rules set out the types of documents that must be filed before each conference. The judge's first impression of the case will come from the conference briefs. As a result, it is important for them to be well-prepared.	
Rule 17(13) requires each party to file a brief before a case, settlement, or trial management conference. Financial statements or updates to previously filed financial statements may also be necessary (Rule 13(12)).	
Failure to file a 17F can result in the case being moved to the bottom of the docket (the list of matters to be heard by a judge on a particular day) or removed from the docket.	
Conference briefs are not added to your court file (Continuing Record), so if you raise any new issues or ask for anything new in your conference brief, you need to also add it to your original Application or Answer, which you can do by writing an affidivit.	
HOW JUDGES CONDUCT CONFERENCES Before the conference, the judge will have read the briefs filed by you and your partner. How a judge holds the conference is entirely within their discretion. You may express a preference as to how you would like the conference to proceed, but it is up to the judge to decide. Judges frequently use one of two methods to conduct a conference:	
1. WHERE BOTH YOU AND YOUR EX-PARTNER HAVE LAWYERS, the judge may call them into their office (known as chambers). After hearing from each lawyer, the judge will make recommendations for the lawyers to communicate to each of you. If you are not able to reach an agreement, the lawyers may return to see the judge in chambers, or the judge may call both of you into the courtroom or into the judge's chambers. Judges sometimes meet separately with each of you to explain why they made the recommendations they did.	
2. ESPECIALLY IF EITHER YOU AND/OR YOUR EX-PARTNER DO NOT HAVE A LAWYER, the judge may call everyone into the courtroom. Each of you (or your lawyer, if you have one) will have a chance to explain what you want and to respond to one another. The judge will make orders on certain disputed issues (i.e., the amount of support) and will make recommendations on any other issue that they cannot decide that day but which may be helpful to you in settling your case. A judge may ask the two of you to	

NOTES	take the opportunity to speak outside the courtroom to see if you can set tle your case.
	If you wish to bring someone into the courtroom with you, the usual procedure is to request the judge's permission to do so.
	WHAT TO EXPECT AT CONFERENCES A judge has the ability to help you settle the case at each step. The judge can recommend but not impose a settlement. If you and your ex-partner cannot resolve your case, it moves forward to the next step.
	The judge has the power to make certain orders at the conferences, even if neither of you agrees. Rule 17(8) sets out which orders judges are permitted to make at conferences:
	At a case conference, settlement conference or trial management conference, the judge may, if it is appropriate to do so: Make an order for document disclosure (rule 19), questioning (rule 20) or filing of summaries of argument on a motion, set the times for events in the case or give directions for the next step or steps in the case. Order that the evidence of a witness at trial be given by affidavit. If notice has been served, make a temporary or final order. Make an unopposed order or an order on consent. On consent, refer any issue for alternative dispute resolution.
	At a case conference, a judge will usually make the following orders: An order for document disclosure Interim child and spousal support orders (unless there is a substantial dispute over whether there is an entitlement to receive support, or there is a significant issue about the actual income of a spouse) Preservation orders (orders that restrain the parties from disposing of their assets) Any orders that the parties make on consent

MOTIONS	NOTES	
Even though judges cannot make an order on every issue that arises at a conference, they can help you settle issues to avoid having to attend a motion.		
A motion is necessary when you want to obtain a court order that a judge is not able to make at a conference. For example, you may need an interim order for arrangements for your children or child support. When you bring a motion, you have to prepare an affidavit and go before a judge to formally argue your case. The judge makes a decision, and the unsuccessful party often has to pay some or all of the winning party's legal expenses (known as "costs").		
There is a significant cost involved in attending a motion, and you bear the risk that you may be required to pay some of your ex-partner's legal expenses if you are not successful.		
EMERGENCY MOTIONS In some situations, you may need an order from the court immediately, for example: Your ex-partner has the children and tells you he is taking them out of the country, or you have an immediate and serious concern for your safety or the safety of your children.		
If this is the case, you may be able to get what is called an <i>ex parte</i> order from the court. You do this by bringing an emergency motion without notice, sometimes called an <i>ex parte</i> motion. Unlike every other process in family court, when you bring an emergency motion without notice, your ex-partner will not be served with your documents before the motion is considered by a judge.		
A judge will review the material and decide whether to grant the order you have requested. You do not go into the courtroom and do not speak directly to the judge. For this reason, the quality of your written material is crucial and must contain all of the relevant information.		
Successful emergency motions are rare. If you have a lawyer, your lawyer will advise you about whether or not there is enough evidence to support an emergency motion. If you don't have a lawyer, you should discuss your concerns with your women's legal advocate first and then with the family court duty counsel, who will be able to tell you whether or not you are likely to be successful.		
Remember, in the normal course of events in court, a judge does not make an order that affects someone unless that person has had sufficient		

NOTES	notice and a chance to tell their story to the court. Emergency motions are one of the few exceptions to this rule. The emergency must be compelling before a judge will overlook the general principle of notice and audience (the right to be heard).
	For information about the procedure when bringing an emergency motion without notice, we encourage you to work with your women's legal advocate and to refer to the urgent notice flowchart created by CLEO (familycourt.cleo.on.ca).
	COURT ETIQUETTE
	When you go to family court, you will be focused on thinking about your case. You will likely be nervous about what lies ahead for your day. You may be worried about seeing your ex-partner or his friends or members of his family. You may also be anxious about logistical details like finding the washroom, getting to the right courtroom, knowing where you can go to have a smoke, and so on.
	In the midst of all of this, good manners may be the last thing on your mind. However, your case will move along more smoothly and you may feel more comfortable while you are at court if you follow a few informal courthouse rules of etiquette.
	rather than whispering to them while the judge is in the courtroom. Because you may have to go through security to get into the courthouse, bring only what you need for the day. Remove any sharp objects such as a

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- While you are in the courtroom, you should stand when the judge enters or leaves the room. If you talk to the judge, you should begin your statement with "Your Honour."
- Difficult as it may be, do your best to avoid showing extreme emotions, especially anger. You may have every right to be very angry, but try to avoid showing that this is how you feel. Keep your body language and facial expressions pleasant but neutral.
- Avoid getting drawn into any kind of argument, heated discussion or physical altercation with your ex-partner. No matter how much he tries to bait you, resist the temptation to engage with him. If you are the one to walk away, it will show any witnesses that you are not the aggressive or violent one. Make sure any support people (especially friends or family members) who come to court with you understand that they should also avoid any confrontations with your ex-partner or his friends or family.
- ◆ Do not bring your children to court with you. There is no child care at family court and children cannot come into the courtroom, so there will be nowhere for them to be while you are dealing with your case. Even if you have a friend or family member who offers to come with you to take care of the children, spending hours at family court is not good for children.
- ◆ The exception to this may be if you have a very young infant whom you are breastfeeding, but even in this case, you should have someone reliable with you who can take care of the baby while you are in the courtroom.



NOTES	ALTERNATIVE DISPUTE RESOLUTION (ADR)
	You can decide that you want to use ADR at any point in your family law case, including before you start any proceedings in family court. In this situation, if the ADR is successful, you and your ex-partner will not need to go to court, but if it is not, you can begin a court case to resolve your differences.
	Mediation, arbitration and collaborative family law are all types of ADR. You cannot be forced into ADR for a family law case; it is not mandatory, and both you and your ex-partner must agree to it.
	ADR is not appropriate for every kind of dispute. In particular, ADR may not be appropriate if your ex-partner was abusive or violent or tries to bully or scare you. If your ex-partner has more power than you do (whether because of abuse, level of education, self-confidence, familiarity with Canadian laws, or comfort with speaking English), ADR may not work for you.
	ADR is only likely to be successful if both you and your ex-partner respect one another, can listen, be open and honest in your communications and are willing to compromise in order to reach an agreement that is acceptable to both of you. It is not likely to be successful if your ex-partner uses the process to continue to manipulate, intimidate and control you to get what he wants.
	By its very nature, ADR assumes the participants have an equal ability to negotiate about important issues. If you are threatened or intimidated by your ex-partner, you may be coerced into making agreements that do not ensure safety and freedom from control for yourself and your children.
	If you are still experiencing threats and continue to fear for your own safety and the safety of your children, ADR may not be appropriate for you.
	There are three main types of ADR that people use to resolve family law disputes.
	MEDIATION A mediator can help you and your ex-partner come to an agreement by talking with each other, even if you were initially in conflict.
	Mediators are generally social workers, psychologists or lawyers. A mediator is required to be fair and not favour one person over the other. They do not tell you how to resolve your dispute, but they will make suggestions about possible resolutions. It is up to you and your

the mediator is a lawyer, they cannot give you legal advice.	NOTES
For this reason, it is important for you to work with a lawyer as well as the mediator through this process. You should seek independent legal advice at an early stage of the process to clarify your legal rights.	
Because mediation, like other kinds of ADR, is voluntary, either you or your ex-partner can end the process if you are not happy with how it is going, in which case you can try another method of ADR or go to court to resolve your dispute.	
At the beginning of the process, the mediator will conduct separate screening interviews with you and your ex-partner to ensure that both of you are participating voluntarily and to assess the history and extent of abuse in your relationship. If the mediator feels mediation is not a good fit for you, they will tell you so.	
Once the initial interviews are complete, the mediator will, typically, meet with both of you to discuss issues and work toward a settlement. In cases involving woman abuse, the mediator may use shuttle mediation, which means the two of you are in separate rooms.	
If the mediation is successful and the two of you come to an agreement, then the mediator will draft a memorandum of understanding which you both sign after you agree that it accurately reflects what you have agreed to. You should have a lawyer review this document before you sign it.	
More information about mediation is available in the Court-Related Services and Agencies section.	
ARBITRATION In arbitration, people hire a third person to resolve their conflict. The arbitrator cannot grant a divorce or issue a restraining order, but they can decide on arrangements for the children, support and/or division of property issues. The arbitrator's decision is similar to a court order. The arbitrator must use Canadian or Ontario family law to make their decisions and can only decide on issues you and your ex-partner have asked them to address.	
As with mediation, it is very important for you to have your own lawyer to assist you through the arbitration process. Although there are significant differences between arbitration and mediation, the same concerns and cautions about using mediation in situations involving woman abuse apply to arbitration.	

NOTES	Arbitration can be expensive, as you must pay for your lawyer as well as the arbitrator. For this reason, it is not an option for many people.
	COLLABORATIVE FAMILY LAW Collaborative family law is a relatively new form of ADR, in which you, your ex-partner and both of your lawyers work together to resolve the issues. This can be a faster and cheaper process than going to court if you and your ex-partner respect one another and can work together to solve your problems. Where there has been a history of abuse, collaborative law is less likely to be appropriate or successful.
	The collaborative law process is different from the traditional lawyer- negotiation process in several ways, including: Additional training is required before a lawyer can be a collaborative
	 lawyer. All issues are addressed in four-way meetings with you, your ex-partner and both of your lawyers present rather than through exchanges of correspondence.
	 This is a client-centred rather than a lawyer-driven process. You are in control of the process (i.e., the order in which issues are addressed, the discussion of the issues, the exploration of potential outcomes), with the lawyers remaining in the background to provide guidance, oversee the process and intervene when necessary.
	 A lawyer must resign from the process if their client is not abiding by collaborative law principles, which include producing all documents in a timely manner and negotiating in good faith. You and your ex-partner will be encouraged to create a resolution that suits the needs of your family, which may be different from the outcome if traditional legal principles were applied. How the law applies to your case is only one factor to be considered.
	 If you and your ex-partner are not able to resolve your issues and a court case becomes necessary, the collaborative lawyers cannot take the case to court. You must start fresh with new lawyers.

FAMILY LAW FACT SHEETS

ARRANGEMENTS FOR THE CHILDREN

When parents separate, legal arrangements need to be made about when and how the children will spend time with each parent and about who has responsibility for making decisions about them.

Ontario's *Children's Law Reform Act* and the federal *Divorce Act* uses the term **PARENTING ORDER** for the order that sets out the arrangements for the children. The time the children spend with each parent is called **PARENTING TIME**. Parenting orders also set out the arrangements for **DECISION-MAKING RESPONSIBILITIES**.

Under both pieces of legislation, if there are concerns that either parent may not be able to care properly for the children, the time they spend with that parent may be **SUPERVISED** or, if it is not safe for the mother to be with the father when the children are exchanged, there can be an order for **SUPERVISED EXCHANGES**.

Under both the *Divorce Act* and the *Children's Law Reform Act*, all decisions related to the care of children are made using the **BEST INTERESTS OF THE CHILD TEST**. Both laws also include a broad definition of family violence to assist courts in determining what is in the best interests of the children.

Abusive men often use arrangements for the children as a way to try to maintain control over or intimidate their ex-partner. It is very important for a woman with children leaving a relationship in which she has been abused to move quickly to establish arrangements for them to prevent the abuser from claiming she has abducted them or from simply taking the children and refusing to let her see them.

This is especially true for women whose ex-partners may be in a position to remove the children from Canada. While the Hague Convention offers some protection against international abductions of children, it does not apply in many parts of the world and, even where it does apply, getting a child back from another country is a time-consuming, expensive and complicated process.

FAMILY LAW FACT SHEETS

CHILD SUPPORT

When parents do not both live together with their children, the law requires both of them to contribute to the financial support of their children. Most commonly, the parent with whom the child lives most of the time will receive child support from the other parent. Step-parents may be required to pay support for a child if they have acted in the role of a parent while living with the child.

Child support is usually paid until the child reaches the age of 18, unless the child gets married or withdraws from parental control before this. It may continue past this age if the child remains a full-time student or is unable to be independent because of illness or disability.

The amount of child support to be paid is calculated by using one of the tables developed by the federal and provincial governments and known as the Child Support Guidelines.

The basic amount to be paid is set by examining the payor's annual before-tax income and the number of children. The amount may be increased if there are additional special expenses, in which case the parents will be expected to share those costs in proportion to their incomes.

There are other situations in which the table amounts will not automatically apply: if the child is over 18 or spends at least 40 percent of their time with each parent or if the couple split the children between them, the court is allowed to vary the amount of support to be paid.

Orders for child support are enforced through a provincial government agency called the **FAMILY RESPONSIBILITY OFFICE** (**FRO**). Most often, FRO collects the support from the payor either directly or by way of payroll deduction, then forwards the money to the recipient parent. Due to FRO's high case load, there is often a delay of several months between when an order is registered and when the recipient parent begins to receive the support money.

FRO has a number of options to collect money when the payor is late, misses payments or attempts to evade the order, including: garnishing his bank account, registering a charge against the payor's personal property (i.e., a car or home), suspending his driver's licence and/or cancelling his passport.

SPOUSAL SUPPORT

The *Family Law Act* defines both married and common-law partners as "spouses" for the purpose of spousal support. A person is a common-law spouse if she has lived with her partner for at least three years or if they are in a steady relationship and have had or adopted a child together.

The goal of spousal support is to encourage the financial independence of both spouses as appropriate in the circumstances of the relationship. For example, where one spouse stayed at home to raise the children or had to change jobs frequently because of demands of the other spouse's employment, spousal support would be likely.

A number of factors are considered in determining whether spousal support should be paid, how much it should be and for how long it should be paid, including:

- Present and potential earning capacity of both spouses
- Length of marriage or cohabitation
- Ages
- Roles each spouse played in the marriage
- Roles of each spouse post-separation
- ◆ Impact of these roles on each spouse's ability to generate income

Spousal support can be permanent or for a specified period of time. The amount of support often decreases over time, although in some circumstances it will stay at the same level permanently. An application for spousal support must be started within two years of the date of separation.

Unlike child support, spousal support is taxable income for the person receiving it and is a tax deduction for the person paying it.

Child support is considered to be a higher priority than spousal support, so if someone cannot afford to pay both, they may only have to pay spousal support after their duty to pay child support ends.

There are Spousal Support Guidelines that are similar to the Child Support Guidelines. Unlike the Child Support Guidelines, they provide direction but are not law.

Spousal support orders are enforced through the Family Responsibility Office.

PROPERTY DIVISION

PROPERTY DIVISION FOR PEOPLE WHO ARE MARRIED

Marriage is considered to be a partnership, with each spouse making equal, if different, contributions and sharing equally in the family's property if the partnership ends. This includes property acquired during the years of the marriage that has been paid for by only one spouse or is registered in the name of only one spouse.

There is some property that is excluded from the equalization requirement, including inheritances and gifts.

Family property that must be divided upon marriage breakdown includes:

- House, cottage or other real estate (full value, regardless of when it was purchased)
- Cars and other vehicles
- Personal items (clothing, books, jewellery)
- Household items (furniture, appliances)
- Money (bank accounts, RRSPs, investments)
- Pensions
- Debt

Family assets and debts are totalled, and debts subtracted from assets to calculate "net family property," which is then divided equally. This can be a complicated calculation, depending on the extent of the property and especially if there are differences of opinion between the two spouses about the value of items they own.

A claim for equalization of family property must be started within six years of the date of separation and two years of the date of divorce.

PROPERTY DIVISION FOR PEOPLE WHO LIVE IN A COMMON-LAW RELATIONSHIP

Common-law relationships do **NOT** provide an automatic right to an equal sharing of the property.

People leave with the property they brought with them, plus whatever they can prove they bought during the relationship. To receive a share of property accumulated over the course of the relationship, the common-law spouse would have to prove to the court that she has made contributions, direct or indirect, to its value.

Direct contributions could include paying a share of the mortgage or for renovations or repairs to the home. Indirect contributions could include paying for utilities, household expenses or family vacations, raising the children or assisting in the family business.

FAMILY LAW FACT SHEETS

MARRIAGE AND DIVORCE

People must be at least 18 years of age to marry in Ontario. People as young as 16 years of age can marry if they have the written consent of both sets of parents.

Polygamy – having more than one spouse at the same time – is not legal. It is also not legal for people who are very closely related to marry. A marriage is not legally binding if either person is unable to understand the nature of marriage or its obligations or was forced into it.

Generally, marriages from outside Canada are recognized as legally valid here if they were performed according to the laws of that country.

Despite the fact that polygamy is illegal in Canada, there is some protection for spouses in polygamous marriages under Ontario family law if the polygamous marriage was legal in the country in which it was performed. Women in such situations are able to seek spousal support and/or orders regarding the division of property.

Both men and women can apply for a divorce on the basis of a breakdown of the marriage. This can be established in any of three ways:

- ◆ The spouses have been living separate and apart for at least one year.
- One spouse has committed adultery.
- One spouse has treated the other with physical or mental cruelty such that they can no longer live together.

Most cases rely on the first of these conditions. It is possible to meet this condition while still living under the same roof as long as the people are no longer living as a couple.

A foreign divorce will be recognized in Canada as long as either spouse lived in the place that granted the divorce for at least one year preceding the application. Even if this minimum residency period is not met, the divorce may still be recognized if the Applicant can establish a "real and substantial connection" with the place that granted the divorce.

There are many religions that do not recognize civil divorce and do not allow separated and/or divorced spouses to participate in religious practices, including remarriage within the religion. While Canadian family law is not able to override these religious barriers, people can remarry civilly once they have obtained a civil divorce, regardless of the rules of the religion.

COMMON-LAW RELATIONSHIPS

Many women in common-law relationships believe they have exactly the same legal rights as women who are married. While there are many commonalities, there are some important differences, especially with respect to the way in which property is divided if the relationship ends.

There is no standard length of time of living together that makes a relationship "officially" common-law. For example:

- ◆ To make a claim under the Canada Pension Plan: one year
- ◆ To file as spouses under the *Income Tax Act*: one year
- ◆ To claim spousal support under the Family Law Act: three years OR "some permanence" if parents of a child

Living common-law as opposed to being married has no negative impact on issues relating to children if the relationship ends. Issues relating to arrangements for the children will be determined using the best interests of the child test. Whether or not they are married to one another, both parents have financial responsibilities toward the children.

Spousal support is available to common-law partners who meet the definition of spouse that appears in the *Family Law Act*. Section 29 defines spouse as two people who are married and "either of two people who are not married to each other and have cohabited:

- (a) continuously for a period of not less than three years, or
- (b) in a relationship of some permanence, if they are the natural or adoptive parents of a child."

However, common-law partners **DO NOT** have a legal right to an equal share in the family property, as married spouses do. Generally, when a common-law relationship ends, each person leaves with whatever property they brought into the relationship as well as any they bought during it.

If a woman leaving a common-law relationship wants to make a claim on property that she does not legally own (for instance, if the deed to the family home is in her partner's name only), she must bring an application in family court using a "constructive trust" argument. This means she has to prove that she contributed directly or indirectly to the value of that property. For example, if she can prove that she paid the taxes, contributed to the mortgage or paid for renovations or repairs, she could establish a direct contribution; if she can establish that she had raised the couple's children, that might be an indirect contribution.

Common-law partners **MAY** be able to remain in the family home, even if their name is not on the deed or lease.

RESTRAINING ORDERS

Many abusive men engage in ongoing strategies of harassment and intimidation against their partner even after they separate. Restraining orders are an important tool of the family court to help keep women and their children in these situations safer. A family court judge can issue a restraining order if the Applicant provides sufficient evidence that she is fearful her partner or ex-partner will hurt her or her children.

It is very important for a woman to present strong evidence to support her application for a restraining order. This could include:

- Information about criminal charges related to violence or stalking, if any have been laid.
- Detailed information about any threats the ex-partner has made, including copies of emails, letters, telephone messages, social media postings, etc.
- Details of any post-separation stalking behaviour.
- Observations by other people of his behaviour.

Restraining orders are issued on a standard form order, which lists the restrictions on the ex-partner's behaviour. Common provisions include:

- Specific prohibited behaviours, such as telephoning or emailing her or coming to her home or workplace.
- ♦ Minimum distance he must remain away from her.
- Prohibition of contact with other people such as her children.
- Prohibition on his presence in a specific township or county.

A woman will have more success in having her restraining order enforced by the police if she:

- ♦ Has multiple copies of the order made and ensures she has one with her at all times.
- ◆ Documents any and all problematic behaviours by the abuser.
- ♦ Never consents to or initiates contact with him under any circumstances.
- Lets others know what she wants them to do if the abuser attempts contact with her.

If the abuser breaches the restraining order, he can be arrested and charged with a criminal offence.

FAMILY LAW FACT SHEETS

DOMESTIC CONTRACTS

Domestic contracts are legal agreements entered into by couples wishing to set their own terms in their relationships with one another and include cohabitation agreements, marriage contracts and separation agreements.

To be legally binding, the contract must be in writing and signed by each person in the presence of a witness.

A **COHABITATION AGREEMENT** is an agreement between two people who either live together or are about to do so. A **MARRIAGE CONTRACT** is very similar to a cohabitation agreement, except that it is for people who are married or planning to marry.

These agreements most often deal with financial and property issues. They cannot deal with arrangements for children – these issues can only be determined if the couple separates. A cohabitation agreement can become a marriage contract if the couple marries after living together.

A **SEPARATION AGREEMENT** is created when a relationship ends and deals with the many issues that commonly arise at that time, including arrangements for the children, child and spousal support and division of property.

Before signing a domestic contract, it is crucial that each person seek independent legal advice to ensure they understand the terms of the agreement and, in particular, how their rights under the agreement may be different than their rights under the law. People also have the right to full and honest information about the other person's financial situation, including income, property and debts.

A domestic contract will not be binding if it can be proven that it was signed under duress or is grossly unfair, but these are both very difficult to establish.

Women leaving relationships in which they have been abused are especially vulnerable to being coerced into signing separation agreements that do not protect their legal rights. Independent legal advice is particularly important in these situations.

LEGAL BULLYING

Legal bullying can take many forms. The abuser may:

- Bring repeated motions on issues that have already been decided.
- Fail to produce documents or information required in the court proceeding.
- Seek repeated delays for no real reason.
- Repeatedly change lawyers.
- Represent himself even when he has no financial need to do so.
- Make complaints about those involved in the process (lawyers, mediators, assessors, judges, etc.).
- ♦ Make malicious and unfounded reports about the woman.
- ◆ Appeal decisions even when there is no possibility of success.
- Fail to obey court orders.

His overarching goal is to maintain his control over his partner, to intimidate her, to prevent her from moving on with her life and/or to wear her down to the point that she agrees to return to him. The impacts on her can include:

- She may have fears for her physical safety or that of her children.
- ♦ If she has a lawyer, she may incur legal costs she cannot afford.
- If she is unrepresented, she may have to take time away from work for additional court appearances, which could jeopardize her employment.
- If she is unrepresented, she may have to deal with him directly, which can be both emotionally and physically unsafe.
- She may concede on issues simply to end the contact with him.
- She may have to undergo repeated investigations by anyone to whom he has made malicious reports.
- If she has children, she will have to deal with the impact direct or indirect that the bullying has on them.
- She may return to her ex-partner rather than put up with his legal bullying.

The very nature of family law makes it difficult to deal with legal bullying. Because family law is so open-ended, it is easy for an abuser to find ways to manipulate the system and the process. However, there are some legal strategies for dealing with legal bullies. For example:

- Judges can make orders, with consequences for non-compliance, to require timely disclosure of information needed to allow a case to proceed.
- The Courts of Justice Act, section 140, allows judges to make an order prohibiting a party from bringing further court proceedings without specific permission from the court if he has been identified as a "vexatious litigant."
- ◆ The Rules of Civil Procedure have two sections dealing with troublesome parties. Rule 60.11 permits a judge to make a contempt order against a party who defies court procedures or orders. Rule 57 allows a judge to order a bully to pay all the costs of the victim if he brings harassing matters in front of the court.

CHILD PROTECTION

The *Child and Youth Family Services Act* (*CYFSA*) is the Ontario law dealing with child protection. Its purpose is to promote the best interests, protection and wellbeing of children.

The CYFSA authorizes child protection authorities to:

- ◆ Investigate allegations or evidence that a child may be in need of protection.
- Protect, care for and supervise such children.
- Provide services to families.

A child is in need of protection if:

- ◆ The child has suffered physical, sexual or emotional harm, through actions or neglect.
- ◆ There is the risk of any such harm.

A child being exposed to their mother being abused is one risk factor, among others, in determining whether a child may be in need of protection.

Child protection authorities are required to intervene with a family in as minimally intrusive a manner as possible, bearing in mind the best interests of the children. Removing a child from their parent(s) is a last resort that would only occur if no other strategy was available.

Anyone who has "reasonable grounds to suspect a child may be in need of protection" is required to report this to the appropriate child protection agency.

Where a woman is taking or has taken steps to protect the children from future exposure to woman abuse, reporting to child protection authorities may not be required. This could include a woman who:

- ♦ Has come to a shelter with her children to live.
- Is taking steps to find housing.
- Has reported the abuse to the police.
- Has hired a family law lawyer.

Anyone involved in a child protection court proceeding should have a lawyer. Legal aid is available in child protection cases to those who qualify financially. Duty counsel is available to assist women who do not have a lawyer.

FAMILY LAW FACT SHEETS

COMMON FAMILY LAW TERMS

APPLICATION: A proceeding in family court begins when one person brings an application, in which she lists what she is seeking – for instance, primary responsibility for the children, child support, and so on.

ARBITRATION: Some people decide to use an arbitrator rather than going to court to resolve their issues after separation. Arbitrators, who may or may not have legal training, provide a binding decision just as judges do. They must follow Canadian law in reaching their decisions, which can be appealed.

BALANCE OF PROBABILITIES: Different standards of proof are required by different courts in order to establish guilt/liability. In family court, the standard of proof is on a balance of probabilities, which means the judge has to believe that one person's story is more likely than not to be true as compared to the other person's story. This is a much lower standard of proof than that required in criminal court, which is beyond a reasonable doubt.

BEST INTERESTS OF THE CHILD TEST: This is the test used to determine appropriate parenting arrangements for children after the parents separate. Judges must consider such criteria as which parent can offer the child the greatest stability, which parent will maintain contact with the child's extended family, which parent has the greater ability to meet the child's needs, the presence of family violence and so on. The wishes of the child will be considered if the child is old enough to communicate them.

CHILD AND YOUTH FAMILY SERVICES ACT (CYFSA): This is the legislation in Ontario that governs child protection and the operation of the Children's Aid Society across the province.

CHILD SUPPORT: This is the money that is paid by the parent with whom the children spend less time to the other parent to help with the financial support of the children. It is determined by examining the income of the person who will be paying the support.

CHILDREN'S LAW REFORM ACT: This is the legislation in Ontario that governs child custody and access. Section 24 sets out the best interests of the child test.

CONTACT ORDER: A contact order sets out the time a child is to spend with someone other than their parents; most commonly grandparents.

DECISION-MAKING RESPONSIBILITY: The parent with decision-making responsibility makes the significant decisions about the child's life and well-being, including decisions related to health, education, culture, language, religion and spirituality and significant extra-curricular activities. Decision making responsibility can be given to one parent or shared between the two parents.

DIVISION OF PROPERTY: When married people separate, they must divide up all of their belongings. The law requires that any property they accumulated while they were married be shared equally between them, regardless of who paid for it. If the two people cannot agree on this, they can go to court to get an equalization of net family property. Property includes physical things like houses, cottages, trailers, cars, boats and furniture but also includes pensions, RRSPs and other financial investments. It also includes debts, for which both people are responsible.

Common-law relationships do NOT provide an automatic right to an equal sharing of the property. People leave with the property they brought with them, plus whatever they can prove they bought during the relationship. To receive a share of property accumulated over the course of the relationship, the common-law spouse would have to prove to the court that she has made contributions, direct or indirect, to its value.

DIVORCE ACT: This is the federal law that applies to people seeking a divorce. It also sets out how parenting arrangements, support and property division are to be handled. It is a law that applies to people everywhere in Canada. Section 16 sets out the best interests of the child test.

DUTY COUNSEL: Family court duty counsel lawyers provide immediate legal assistance to low-income people who do not have a lawyer. They can give advice about legal rights, obligations and the court process as well as help negotiate and settle issues and review or prepare court documents to be filed. For those who qualify, they may be able to provide same-day representation in the courtroom. They cannot assist with property claims or trial preparation or represent someone at trial.

FAMILY LAW ACT: This is an Ontario law that governs division of family property, support and restraining orders.

FAMILY LAW INFORMATION CENTRE (FLIC): These offices in family courts are a centre for information about family law. An advice lawyer and other staff provide basic family law information as well as information about how to start a family court proceeding. These services are free.

MATRIMONIAL HOME: This is the home where the family lived, whether it was owned or rented by them. It can be a house, an apartment, a trailer, a boat – anywhere they lived as a couple. It is possible to apply to the family court for an order for exclusive possession of the matrimonial home. Whichever person is successful in this can then change the locks on the home, and the other person is not allowed on the property. This does not affect the ownership of the home – just who can live there.

MEDIATION: This is a process in which the separating couple can meet with a third party to try to come to a compromise on issues of disagreement. The mediator cannot force the people to agree to something but can make suggestions and help them work toward a common position.

MOTION: Motions are court proceedings brought on interim matters, while the case is moving toward a final trial. They are commonly used in family court to establish interim custody, access and child support arrangements and to obtain restraining orders.

OFFICE OF THE CHILDREN'S LAWYER (OCL): The OCL can become involved with a parenting arrangements case if ordered to do so by the family court. Part of the Ministry of the Attorney General, the OCL determines if their involvement is necessary based on the information provided in the intake forms from each party. The age and needs of the child will affect whether the OCL appoints a clinician or a lawyer (or both) to a file. The OCL does not determine the outcomes in parenting cases, but makes recommendations based on their work with the parties, child and others who have regular contact with the family. When making court orders, the judge will consider the position presented by the OCL lawyer or the report filed by the clinician along with other evidence that has been submitted by the parties.

PARENTING ORDER: A parenting order sets out parenting time and decision making responsibility between the parents.

PARENTING PLAN: This is the plan made by each parent describing how they intend to parent post-separation. It could include information about proposed access arrangements and proposed communications systems with the other parent as well as more direct parenting ideas.

PARENTING TIME: This describes the time the child spends in the care of each parent, including time that they are not physically with that person (ie., when attending school).

PRIMARY RESIDENCE: The home (parent) where the child spends most of their time.

RESTRAINING ORDER: This is an order from the family court that keeps one person away from another.

SETTLEMENT CONFERENCE: Most family law cases involve a settlement conference, when the people, their lawyers and the judge meet outside the courtroom to try to resolve the case or at least some of the issues.

SPOUSAL SUPPORT: This is support paid by the spouse with the higher income to the other spouse in order to address any financial differences that are the result of the marriage (for example, the woman who stays home for 20 years to raise the children is likely to receive spousal support from her husband if he continued working through those years).

SUPERVISED PARENTING TIME: This is the arrangement made for parenting time when it is not appropriate for a parent to be alone with the child. This can be informal (for example, with a family member) or formal (at a supervised access centre).

SUPERVISED EXCHANGES: This is the arrangement made when it is not safe for the parents to be together to exchange the children. It can be informal (for example, exchanging the children in a public place, through relatives or at a school or daycare) or formal (at a supervised access centre).

COURT-RELATED SERVICES AND AGENCIES

You will likely become involved with at least one court-related service during your family law case. Even if you are trying to work things out with your ex-partner without starting a court case, you may find it helpful to turn to some of the services associated with family court for information or support.

Take the time to learn a bit about the service before you decide whether or not it is for you.



TIP #1: KNOW WHO YOU ARE DEALING WITH

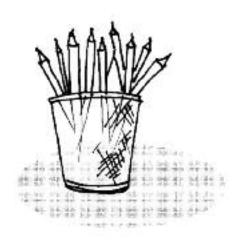
Ask some questions before you commit to using any service to which you are referred:

- What does this service do?
- ◆ Do you think you need it (e.g., what can it do for you and your family)?
- Does the service have the power to interfere in your life more than you want it to?
- ◆ Can you be required to provide information you might not want to?
- Does the service have an obligation to report what you tell it to anyone else (e.g., the police, the court, CAS)?
- Is there a formal complaints process you can use if you are not happy with the service you receive?

TIP #2: BE PREPARED

The better prepared you are, the better your interactions with courtrelated services will go. Once you have found out everything you can about the service you are working with, you should:

• Make sure your court file (your copies of everything in your official court file) is up to date, complete and well organized. You want to be able to find any documents you need quickly, without having to shuffle through bags or boxes of miscellaneous materials.



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- If you have not already written out a chronological history of the abuse you have been subjected to, now is a good time to do that because you will need to be able to refer to it when dealing with most court-related services. Suggestions about how to write this history are in the Evidence section.
- ◆ The same is true for the history of parenting. Take the time, if you have not already done so, to write down who was responsible for various parenting responsibilities both before and after you and your partner separated. You might find this easier to do if you divide up parenting tasks into categories:
 - EDUCATION: Who arranges for the children's daycare or schooling? Who supervises homework, goes to parent-teacher interviews, gets the children off to school, makes their lunches, goes on field trips, attends special events, meets any special learning needs your children have, etc.
 - RECREATIONAL: Who signs the kids up for lessons, team sports, etc? Who gets them there? Who is in charge of buying equipment? Washing smelly hockey gear? Bringing the team snacks?
 - HEALTH: Who takes the children to the doctor and dentist?
 Who keeps track of and manages health issues? Who do the children turn to when they are sick or injured?
 - RELIGION: If your family is religious, who takes the lead involving the children?
 - FAMILY TIME: Who makes sure the kids see members of your extended families? Who organizes family outings and vacations? Who keeps track of what the kids are watching on YouTube or TV?
 - SOCIAL: Who knows who your children's friends are? Who keeps track of where they are and how to find them?
- Talk to your lawyer, if you have one, about any services you are working with. Your lawyer needs this information to manage your case appropriately. In some cases – for instance, mediation – you should get legal advice before signing any documents.

NOTES

TIP #3: WORK WITH AN ADVOCATE

Working with court-related services can be intimidating and overwhelming, especially if your partner is engaging in legal bullying and trying to maintain his power and control over you. A Family Court Support Worker or legal advocate from a women's shelter can be very helpful in these situations. She can:

- ◆ Provide you with emotional support.
- ♦ Help you prepare for and debrief with you after meetings.
- ◆ Provide you with information about the family court process.
- Assist you with safety planning.
- In some cases, review your paperwork.
- ◆ In some cases, accompany you to meetings.
- Advocate on your behalf, if necessary.

TIP #4: STAY STRONG

Working with some court-related services can be intimidating because of the power they hold, but remember that you are in charge of your situation. If you feel overwhelmed or as though you are not being treated fairly, say so and insist that you have the time to talk to your advocate and your lawyer, if you have one. Do your best not to get pressured into "agreeing" to something that you do not think is best for your children or you.

FAMILY RESPONSIBILITY OFFICE (FRO)

WHAT IS THE FAMILY RESPONSIBILITY OFFICE?

The Family Responsibility Office (FRO) is part of Ontario's Ministry of Community and Social Services. It is responsible for collecting and distributing child and spousal support orders. Where the person paying the support is not doing so, FRO can take steps to enforce payment.

HOW DOES FRO BECOME INVOLVED?

Your support order – child, spousal or both – will be filed with FRO automatically. FRO will then contact both you and your ex-partner with a registration package, which you must complete and return.

If you and your ex-partner have signed a separation or arbitration agreement to deal with support issues, you must file the agreement with the family court and then send a copy to FRO, along with the Affidavit for Filing. Then FRO will send you a registration package so it can enforce the terms of the agreement.

If you do not want FRO to collect and distribute your support payments, you can withdraw your case and manage the situation on your own.

HOW DOES FRO COLLECT SUPPORT PAYMENTS?

If your ex-partner is employed, FRO will arrange with his employer to have his child and/or spousal support deducted from his paycheque and sent to FRO, which will then deposit it in your bank account. This can take a bit of time at the beginning, but once it is set up, your support should arrive in your bank account on a regular basis.

If your ex-partner is not employed, FRO will make an arrangement with him so he pays FRO directly (usually through his bank account or by cheque or money order). FRO then deposits the support payment in your bank account.

WHAT HAPPENS IF MY EX-PARTNER DOES NOT PAY HIS SUPPORT?

The Family Responsibility Office (FRO) has a number of enforcement tools it can use if your ex-partner does not pay the support he is required to pay. FRO can:

- Garnish his bank account.
- Garnish money he might receive from the government (e.g., tax refunds, El benefits, CPP or OAS benefits).
- Report him to the credit bureau.
- Suspend his driver's licence.
- Suspend his passport.
- Suspend any federal licences he might have.
- Place a lien on his property.
- Seize lottery winnings.

FRO can also take him to court for a Default Hearing, which could result in him receiving up to 180 days of jail time.

If your ex-partner has not made a support payment for at least six months and FRO has been unable to find him, it may post personal information about him on the website www.ontario.ca/page/missing-child-and-spousal-support-payors to ask for the public's help in finding him.

The website will contain information about your ex-partner such as his name, photograph, physical description, last known address, usual occupation, and so on. FRO will get your consent before doing this.

CHANGING A SUPPORT ORDER

If you or your ex-partner wants to change your support order, one of you must go to family court and bring a Motion to Vary. Until the court has made a new order, FRO will continue to enforce the existing order.

LEGAL AID ONTARIO (LAO)

WHAT IS LEGAL AID ONTARIO?

Legal Aid Ontario (LAO) provides a wide range of legal assistance for low-income people. LAO has special family law services for people subjected to domestic violence, regardless of immigration status. Eligibility criteria for some of LAO's services are different for people who have experienced domestic violence. For up-to-date information on income eligibility, visit legalaid.on.ca.

CERTIFICATE PROGRAM

You may be able to get a legal aid certificate, which will allow you to hire a lawyer to represent you in your family law case. Your legal issue must be one that is covered by LAO, and you must qualify financially. If you are eligible, you will be given a certificate that you can use with any lawyer who will accept it. It will be for a specific number of hours. Over the course of your case, your lawyer can contact LAO to request additional hours if needed.

Even if your income is too high for you to qualify, or you own property, you may be able to get a legal aid certificate. LAO can place a lien on your property, which means when you sell that property LAO will take some of the money to cover the cost of your certificate. Or LAO may offer you a contribution agreement, which means that LAO pays for your lawyer and you pay LAO back at an agreed-upon monthly rate.

FAMILY VIOLENCE AUTHORIZATION FORMS

You may be able to receive an LAO authorization form for up to two hours of free legal advice in the areas of family and immigration/refugee law. You can use this form with lawyers on an approved list. You may use up to two hours per legal issue in one calendar year.

The lawyer cannot start a proceeding for you, but they can provide you with legal advice and give you information about applying for a legal aid certificate.

Most shelters and some other community agencies are authorized to provide these forms.

FAMILY LAW SERVICE CENTRE

These centres, funded by LAO and available in some communities, provide services to financially eligible clients who are going to family court.

The centres provide assistance with document completion as well as referrals to staff advice lawyers. Some centres provide full representation by a staff lawyer. Where appropriate, clients can be referred to a private lawyer who does legal aid work.

FAMILY LAW INFORMATION CENTRE

Clients who are new to the court system or do not have a lawyer can receive free assistance and information at FLIC. The advice lawyer can answer legal questions, provide summary legal advice and review legal documents.

DUTY COUNSEL

Family court duty counsel lawyers provide immediate legal assistance to low-income people who are at court without a lawyer. They can give advice about legal rights, obligations and the court process and can help negotiate and settle issues as well as review or prepare court documents to be filed.

They may be able to assist in the courtroom with child protection and garnishment and support hearings as well as to request an adjournment or argue a motion. Where the issues are not complicated, they may be able to assist with some kinds of hearings.

SUMMARY LEGAL ADVICE

Financially eligible clients can receive summary legal advice about their family law matter at LAO's toll-free telephone number: 1-800-668-8256. This service is available Monday to Friday, 9 am to 5 pm.

To make the best use of the 20 minutes the lawyer can spend with you, you should prepare a summary of your situation, make a list of questions and gather any relevant court documents.

If you identify as a survivor of abuse, your call will be fast-tracked.

MEDIATION

WHAT IS MEDIATION?

Mediation is a way that you and your ex-partner can try to work out your dispute without going to court. You work with a mediator to talk to one another and come to an agreement about issues such as parenting arrangements, child or spousal support, division of property and the matrimonial home.

Mediation is voluntary; you cannot be forced to mediate if you don't want to.

Court-based mediation in Ontario is closed. This means that what happens during your mediation sessions is private and cannot be shared with the court or anyone else. The only exception to this is if concerns about the well-being of a child arise, in which case the mediator has a duty to report those concerns to child protection authorities.

HOW MEDIATION WORKS

The mediator must be fair and not favour either person in the dispute. They can suggest ways to solve the conflict, but you do not have to take their advice.

They cannot offer legal advice so you should talk to a lawyer before you take part in mediation. A lawyer can tell you your rights and responsibilities.

If you are not happy with the mediation, you can end it. If you and your ex-partner cannot come to an agreement, the mediation will end and you will have to try a different way to resolve your issues.

If you come to an agreement at mediation, do not sign the agreement until you get a lawyer to read it.

FEES FOR MEDIATION

Mediation that takes place at the courthouse is free. There is a sliding scale user fee for off-site mediation. The fee is determined based on your income and number of dependents.

COURT-RELATED SERVICES AND AGENCIES FACT SHEETS: MEDIATION CONTINUED

MEDIATION AND ABUSE

Mediation may not be appropriate if your ex-partner has been or is abusive to you. This is because he may try to manipulate or intimidate you into agreeing to the result he wants rather than being open to sincere negotiations with you to come up with an outcome that can work for both of you.

If you cannot be open and honest with your ex-partner or if you feel that he does not listen to or respect you, mediation may not be a good idea.

If you are interested in trying mediation, please refer to the section on how to protect yourself in mediation. You may also want to discuss mediation with your Family Court Support Worker before attempting it, but remember that you can end it at any time if it is not working for you.

For more information about mediation visit the Attorney General's website: attorneygeneral.jus.gov.on.ca

OFFICE OF THE CHILDREN'S LAWYER (OCL)

WHAT IS THE OFFICE OF THE CHILDREN'S LAWYER?

The Office of the Children's Lawyer (OCL) is part of Ontario's Ministry of the Attorney General. It can become involved in a dispute about arrangements for the children by providing a lawyer who will represent the child, a clinician who will write a report for the court, or both.

The OCL can also become involved in child protection matters, but this Fact Sheet is focused on its role in parenting arrangement matters.

HOW DOES THE OCL BECOME INVOLVED WITH A FAMILY?

If you and your partner cannot agree on an arrangement for the children, you or the judge may decide that the involvement of the OCL might be helpful.

If the judge makes an order requesting that the OCL become involved, you have to complete an OCL intake form, which you can get from the court clerk or, if you have one, your lawyer. You must complete this form within 14 days of the order being made.

In a parenting dispute, the OCL does not have to become involved just because the judge has made an order requesting this. (In a child protection case, it is different. If a judge makes an order, then the OCL must become involved.)

In a parenting dispute, the OCL reviews all the information provided by you, your expartner and the court and considers a number of factors in making its decision about whether or not to become involved. One important factor is the presence of conflict within the family, so it is important for you to provide detailed information about any abuse you and/or your children have been subjected to.

It can take several weeks for the OCL to make a decision, at which point you will get a letter telling you what it has decided.

IF THE OCL APPOINTS A LAWYER

If the OCL decides to appoint a lawyer to represent your child, they will:

- Meet with you and your ex-partner.
- Meet with your child as often as the lawyer thinks is necessary.
- Determine your child's wishes where possible.
- ◆ Contact people who might have relevant information. This could include your child's teacher, doctor, coach, religious leader, etc.
- ◆ Take a position that includes your child's wishes and convey this to the court.

IF THE OCL APPOINTS A CLINICIAN

If the OCL decides to appoint a clinician, they will:

- Meet with you and your ex-partner.
- Meet with your child as often as they think necessary.
- Observe your child with you and your ex-partner, separately.
- Contact people who might have relevant information such as your child's teacher, daycare worker, doctor, coach, religious leader, etc.
- Meet with you and your ex-partner to provide feedback and, if appropriate, suggest ways to resolve the issues.
- Write a report for the court with details of the investigation and recommendations about the issues.
- Share the report with you and your ex-partner.
- File the report with the court.

WHO MAKES THE DECISION ABOUT ARRANGEMENTS FOR THE CHILDREN?

The OCL does not decide on the appropriate arrangements for your children. It is the judge who makes this decision, and they will take into account the position presented by the lawyer or the report filed by the clinician along with other evidence that has been submitted by you and your ex-partner.

You can find out more about the Office of the Children's Lawyer on the Attorney General's website: attorneygeneral.jus.gov.on.ca

PARENTING COORDINATION

WHAT IS PARENTING COORDINATION?

Parenting coordination is a form of alternative dispute resolution that can help parents implement their parenting plan, usually after a court order is in place. Parenting coordinators (PCs) are often mental health professionals, but lawyers and mediators can also function as PCs.

Most have some knowledge of divorce/separation, child development and relevant legislation and have some experience dealing with high conflict families.

WHAT IS A PARENTING COORDINATOR'S ROLE?

A PC may be able to help you and your ex-partner implement and follow your parenting plan. If you have a dispute with your ex-partner, the PC can assist you to come to a compromise. A PC could also assist you to improve your problem solving, communication and conflict resolution skills.

If you and your ex-partner are not able to resolve your differences even with the assistance of the PC, the PC has some authority to make a final decision/impose a resolution that reflects the children's best interests. This can only happen with respect to issues that fall within the parenting plan; the PC cannot impose a decision about who has primary responsibility for the children, the relocation of the children or major parenting time schedules.

Your PC will be allowed to have access to any documentation or professionals that they think relevant. They will meet with you, your ex-partner and/or your children as needed.

WHEN MIGHT A PARENTING COORDINATOR BE APPROPRIATE?

A PC may be useful if you and your ex-partner are experiencing difficulties with ongoing communication and decision-making about your children. A PC may also be helpful if there are drug or alcohol concerns about your ex-partner.

You must have a parenting plan in place before you can work with a PC because their primary role is to help you implement that plan.

COURT-RELATED SERVICES AND AGENCIES FACT SHEETS: PARENTING COORDINATION CONTINUED

HOW DO I FIND A PARENTING COORDINATOR?

If you have a lawyer, they may be able to recommend a PC who is appropriate for your family. If you do not have a lawyer, family court duty counsel, the Family Law Information Centre (FLIC) staff or the court mediator may be able to give you a list of PCs in your community.

The PC will review relevant information provided by you and/or your lawyer (court orders, the parenting plan, etc.). If the PC decides to take your case, you and your expartner will sign a Parenting Coordination Agreement. You should review this agreement with your lawyer before you sign it.

A PC can become involved only if both you and your ex-partner consent. You cannot be forced to use a PC. If at some point, you are both unhappy with the PC, you can end your agreement with the PC. However, if only one of you is unhappy, you must continue working with the PC until the end of the term set out in the Agreement (usually between 12 and 24 months).

PAYING FOR A PARENTING COORDINATOR

PCs charge an hourly fee, which will be discussed with you and set out in the Agreement you sign. Both you and your ex-partner are responsible for paying this fee. Most PCs require a retainer, usually enough money to cover 20 hours of services. Some PCs have sliding-scale fees to take into account their clients' financial situations, so this is something you should ask your PC about before you commit to a fee.

SUPERVISED ACCESS PROGRAM

WHAT IS THE SUPERVISED ACCESS PROGRAM?

The supervised access program makes it possible for separated families to deal with some of the problems related to arrangements for children, particularly when there are safety concerns for either the primary parent or the children.

The Ministry of the Attorney General has supervised access centres across Ontario that provide fully supervised on-site visits in a group or private setting and supervised exchanges of children.

WHEN IS SUPERVISED ACCESS APPROPRIATE?

You might want to consider using the supervised access program in your community if:

- ♦ You do not think your children will be safe with their other parent.
- ♦ You are worried that your ex-partner might not return them.
- ♦ You have concerns about your own safety during the exchanges of your children.
- There has been a long period of time since your children have seen their other parent.
- ◆ The other parent has a drug or alcohol problem that could endanger the children.

WHEN ARE SUPERVISED EXCHANGES APPROPRIATE?

Supervised exchanges allow you and your ex-partner to exchange the children in a safe, neutral place with other people present. As well, the exchange supervisor can determine whether or not your ex-partner is under the influence of drugs or alcohol.

HOW DO I APPLY FOR SUPERVISED ACCESS OR EXCHANGES?

You can refer your own family to the supervised access program. Your lawyer, a mediator, a community agency or the court can also make a referral.

If you do not have a court order, you and your ex-partner must have a signed written agreement about using the program.

Before your family is accepted into the program, you and your ex-partner must each complete an intake interview and agree to follow the policies and procedures of the program.

COURT-RELATED SERVICES AND AGENCIES FACT SHEETS: SUPERVISED ACCESS PROGRAM CONTINUED

HOW DO SUPERVISED ACCESS OR EXCHANGES WORK?

Once you are accepted into the program, the centre staff will determine the dates and times of visits or exchanges. They will take your needs as well as the parenting order into account.

The trained supervisors can prepare reports for you to use in your court case.

FEES FOR THE PROGRAM

There are fees for using this service, which are usually shared between the parents, unless your court order sets out a different arrangement. There is a fee for visit and/or exchange supervision and an additional fee if you request a report.

The fee is set on a sliding scale and can be waived if someone is unable to pay.

For more information visit the Attorney General's website: attorneygeneral.jus.gov.on.ca

MY CONTACT LIST

LEGAL ADVOCATE	PHONE:
	EMAIL:
	ADDRESS:
SUPPORT PERSON	PHONE:
	EMAIL:
	ADDRESS:
LAWYER	PHONE:
	EMAIL:
	ADDRESS:
EX-PARTNER'S LAWYER	PHONE:
	EMAIL:
	ADDRESS:
FAMILY COURT	PHONE:
	EMAIL:
	ADDRESS:
DUTY COUNSEL	PHONE:
	EMAIL:
	ADDRESS:

MY CONTACT LIST

MEDIATOR	PHONE:
	EMAIL:
	ADDRESS:
PARENTING COORDINATOR	PHONE:
	EMAIL:
	ADDRESS:
VICTIM/WITNESS ASSISTANCE PROGRAM	PHONE:
ASSISTANCE FROGRAM	EMAIL:
	ADDRESS:
CROWN ATTORNEY	PHONE:
	EMAIL:
	ADDRESS:
POLICE	PHONE:
	EMAIL:
	ADDRESS:
OTHER	PHONE:
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		COURT FILE #
PERSONAL/INFO		
CONTINUING RE	CORD	
NAME OF COURT:		
COURT OFFICE ADDRESS:		
APPLICANT:		
RESPONDENT:		
		ime to ensure you have all of the information m the filing counter at your local family court.
DATE	NOTES	

COURT APPEARANCE SUMMARIES

DATE:	COURTROOM:	TO DO:
JUDGE/CLERK:	PURPOSE:	
YOUR LAWYER:		
EX'S LAWYER:		
OTHER PARTIES PRESENT:		
NEXT COURT DATE:		
REASON FOR NEXT DATE:		
SUMMARY OF OUTCOME:		
DATE:	COURTROOM:	
JUDGE/CLERK:	PURPOSE:	
YOUR LAWYER:		
EX'S LAWYER:		
OTHER PARTIES PRESENT:		
NEXT COURT DATE:		
REASON FOR NEXT DATE:		
SUMMARY OF OUTCOME:		

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JUDGE/CLERK:	PURPOSE:	
YOUR LAWYER:		
EX'S LAWYER:		
OTHER PARTIES PRESENT:		
NEXT COURT DATE:		
REASON FOR NEXT DATE:		
SUMMARY OF OUTCOME:		

APPOINTMENT LOG

ORGANIZATION:	TO DO:
LOCATION:	
DATE: TIME:	
CONTACT NAME/NUMBER:	
PURPOSE OF APPOINTMENT:	
APPOINTMENT SUMMARY:	
ORGANIZATION:	
LOCATION:	
DATE: TIME:	
CONTACT NAME/NUMBER:	
PURPOSE OF APPOINTMENT:	
APPOINTMENT SUMMARY:	

APPOINTMENT LOG

ORGANIZATION:		TO DO:
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CONTACT NAME/NUMBER:		
PURPOSE OF APPOINTMENT:		
APPOINTMENT SUMMARY:		
ORGANIZATION:		
LOCATION:		
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CONTACT NAME/NUMBER:		
PURPOSE OF APPOINTMENT:		
APPOINTMENT SUMMARY:		

APPOINTMENT LOG

ORGANIZATION:	TO DO:
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CONTACT NAME/NUMBER:	
PURPOSE OF APPOINTMENT:	
APPOINTMENT SUMMARY:	
ORGANIZATION:	
LOCATION:	
DATE: TIME:	
CONTACT NAME/NUMBER:	
PURPOSE OF APPOINTMENT:	
APPOINTMENT SUMMARY:	

PERSONAL NOTES	

MANAGING FAMILY LAW ISSUES IN RURAL AND REMOTE COMMUNITIES

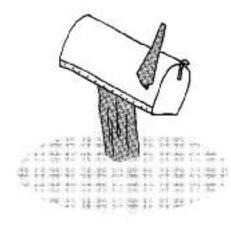
While the formal family law is the same everywhere in Ontario, there are significant practical differences for women who live in rural and remote communities.

SAFETY

It is hard to keep anything private in small communities, as people tend to know one another's business. This can make it difficult to reach out for help, if you don't want your partner knowing what you are doing or if you want to keep your family situation private.

Consider the following safety tips:

- If you live outside a city or town, find somewhere on your property where you can hide, even for a short period of time (barn or other outbuilding; a spot in a treed area that you can find easily but where your partner won't think to look for you; somewhere on a neighbour's property). Try to find somewhere you have cell phone reception so you can call for help if you need to.
- If you live in a small city or town, find a safe place you can get to quickly (a church in your community that is open 24 hours a day, a hospital, a neighbour you can trust to keep your privacy).
- Make an extra copy of the keys to any vehicles and hide them where you can grab them quickly.
- If you have nearby neighbours you trust, ask if you can have a spare key to their vehicles.
- If you have neighbours you trust who can see your house, set up a signal system so they know if you need help. For example, pulling a blind or closing or opening a curtain could signal that you need assistance.
- Make a plan with this neighbour about what this help would look like. Do you want the neighbour to drop by, claiming to have some other reason for doing so? Should they call and ask to speak to you?
- Make sure you know the official address to your rural property. Post this somewhere that is easy to see (for example on your refrigerator) in case someone other than you is making a 911 call.
- ◆ Find out how long the police response time would be if you had to call 911 for assistance.



 If you and your ex-partner have already separated, change the locks on your house and add additional security, including exterior lights, to the extent that your finances allow. Carefully consider what terms you would need in a restraining order for it to be helpful in keeping you safe. For example, what will be the impact of slow police response time? Is your community so small that it would be impossible for your ex-partner not to run into you? Do you work together in a family business such as a farm? 		
FIREARMS		
You may have concerns about firearms in your home or if you know your partner/ex-partner has access to firearms.		
 Tips for firearm safety: Learn as much as you safely can about any firearms your ex-partner has, including what kinds, how many, how much ammunition and where he keeps everything. Provide a list of this to a trusted family member, friend, neighbour and/or the police. Even if you know how to use a gun, do not rely on this to keep you safe because your ex-partner may be able to overpower you and use the weapon against you. 		
COMMUNICATION		
Most of us now take cell phones and the internet for granted, but you might live in an area that has limited internet connectivity or unreliable cell phone service. This can make it challenging for you to call for help quickly or to gather information or stay in touch with friends. If you live in an area with cell phone reception, have a cell phone with key numbers pre-programmed into it. Consider having a second cell phone that your ex-partner does not know about, so even if he takes one phone away from you, you have another you can use. Teach your children how to use your cell phone or, if they are old enough, how to use their own cell phone, to call for help in an emergency.		
 Keep a landline phone even if you have a cell phone. If possible, get a cordless system with several phones so you can carry one around with you. Make sure you know how far outside the house this phone will get 		

• Get to know your property and the areas where your cell phone reception

reception.

is the strongest.

NOTES	ANIMALS	
	No one wants to leave a beloved animal behind when leaving a relation-ship. You may have pets that mean a great deal to you, but you may also have farm animals you care about and/or rely on financially, and you may be reluctant to leave if you have concerns about their well-being in the hands of your partner.	
	 If you have farm animals, try to find someone you trust who could take care of them if you have to leave in an emergency (for example, a neighbour who also farms who could, if necessary, shelter the animals at their farm; the local veterinarian; a non-farming friend to whom you can teach the essentials of animal care). 	
	 If you have animals as pets, find a friend or neighbour who can take them in for a short period of time. The local vet or humane society may also be able to help in this situation. 	
	 Be prepared to leave animals behind if you need to get to safety quickly. You can put a plan in place for them once you are safe. 	
	SERVICES	
	Many small communities have limited services, so you may need to travel to another town or city for certain things. For instance, there may be only one or two lawyers – or even none – in the closest town to where you live.	
	Consider the following: Find out as much as you can about services in your community before you need them.	
	 If there is a women's shelter, does it operate 24 hours a day? How do you get a bed there? Are there services you could use before you leave home? Is there a police station close by or does the police response come from another community? 	
	◆ Is there a family court in your community or will you have to travel to another location to go to court?	

MONEY	NOTES	
 If you don't have your own bank account, consider opening one before you leave your partner. 		
 If at all possible, open your own account at a different bank from the one where you bank with your partner. 		
Whenever you can do so safely, put some money into this account, even if it is just a small amount.		
Consider getting a credit card in your own name. Make arrangements with a trusted friend or family member to use their address for this, so the credit card does not come to the home you share with your partner. Keep the credit card in a safe and private place.		
 Find out your credit rating. Ensure that the information is accurate and will not hinder any future plans you may have involving your finances. 		
FINDING A LAWYER		
You may have trouble finding a lawyer, especially if you have a legal aid certificate.		
Tips for finding a lawyer:		
Contact Legal Aid Ontario to find out if you are eligible for any of their		
services. You can get some of this information from the LAO website: legalaid.on.ca. You can also talk to someone at LAO by calling		
1-800-668-8258. ◆ Even if you have not yet left your partner, consider meeting with a lawyer		
to talk through your legal options.		
 Once you have met with a lawyer, that lawyer is not permitted to meet with your partner because that would be a conflict of interest. 		
 If there is a women's shelter in your area, the staff may be able to suggest 		
lawyers who have expertise with cases involving violence and abuse.		
♦ Find out from the lawyer:		
Whether they practise family law.		
Whether they accept legal aid certificates.		
What their hourly rate is.What their retainer is (this is the amount of money you pay the lawyer		
upfront).		
Whether they can take your case.		
What your legal options, rights and responsibilities are.		

NOTES	FAMILY COURT	
	 The family court that serves your community may not be the closest court to where you live, especially in rural and remote parts of the province, so find out its location as soon as you can. The family court or the services at your family court may only operate certain days of the week or month. Find out this information so you don't make a long trip to the courthouse only to find it is closed. If at all possible, work with a women's legal advocate to make a safety plan for your family law case and for your trips to family court. MOVING 	
	Talk to a lawyer before you move with your children any distance from where you have lived with your partner. Even if you need to move for safety reasons or to be closer to support from your family, you should find out the possible legal consequences before you make the move. The law does not permit either parent to unilaterally move the children out of the jurisdiction where they have been living. For a more in-depth discussion about some of the challenges in rural communities, please visit our resource, Going the Distance, on the Luke's Place website: lukesplace.ca.	

INDIGENOUS WOMEN AND FAMILY COURT

If you are an Indigenous woman leaving a relationship in which you have been abused you will likely deal with all the issues faced by any woman leaving an abuser: ensuring safety for yourself and your children, finding housing, making safe arrangements for your children, sorting out financial and property issues with your ex-partner, and so on. However, you may face some additional issues because of the ongoing impacts of colonialism, the residential schools program and racism.

Even though you may want your partner to stop his abusive behaviour, you may want to preserve your family rather than leave him. In that case, you may choose to work with elders and others in your community who know you and your family to try to find a way for all of you to heal and move on from the abuse.

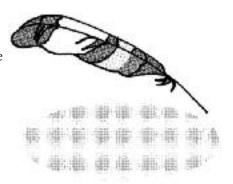
COURT PROCESS

If you decide to leave your partner, you may turn to family law/court to resolve child-related issues, support and the division of property.

You may value alternative approaches to dispute resolution. If you want to use mediation or other alternative dispute resolution strategies, it is important for you to prepare for this experience. This may include working with a women's legal advocate to make a safety plan that fits with your approach to dispute resolution.

If you become involved in a court proceeding that involves testifying in court, you will be required to swear or affirm to tell the truth. You can use an eagle feather in place of a religious book to make this commitment to be truthful. Many courts now have eagle feathers available, and if they don't, you should be able to obtain one from an Indian Friendship Centre. You would hold the eagle feather and make a statement like this one before you begin to testify:

"This eagle feather symbolizes our direct connection to the Creator for my people and I hold it in the spirit of the truth."



NOTES	There does not appear to be any precedent in Ontario for smudging in place of swearing or affirming to tell the truth, but if this is what you would like to do, you (or perhaps your advocate) could approach the court to ask. You would also have to find an Elder who would be willing to do this. PARENTING ARRANGEMENTS			
	"At one time Aboriginal women did not have to worry about child custody and access. Women shaped the social structure and held decision-making power. Every family member held important responsibilities in the well-being of the children. It was an honour and privilege to have such significant roles in a child's life so everyone took their responsibilities very seriously.			
	The belief was that no one owned the children. Each child was a blessing to be given every possible opportunity to be unique, and to receive the utmost best of teachings to bring forth a healthy and well-balanced individual."			
	Mabel Nipshank			
	As this description makes clear, there is a cultural divide between the value system of many Indigenous women and the laws related to arrangements for children. Even the legal language may be offensive to you.			
	Having support and advocacy from someone who is knowledgeable and experienced in supporting Indigenous women through the family court system can help in managing the divide in value systems.			
	CHILD PROTECTION			
	All children in Ontario are protected by the <i>Child and Youth Family Services Act</i> , 2017, which requires services to recognize First Nations, Inuit and Métis culture, heritage, traditions and the extended family concept. It also states that First Nations are entitled, whenever possible, to provide their own child protection services.			
	The <i>CYFSA</i> contains provisions that require notification to and involvement of bands whenever possible in child protection proceedings.			

 There are five First Nations societies in Ontario that enforce the CYFSA: Anishinaabe Abinoojii Family Services in Kenora Dilico Ojibway Child and Family Services in Thunder Bay Payukotayno James and Hudson Bay Family Services in Moosonee Tikinagan Child and Family Services in Sioux Lookout Weechi-it-te-win Family Services in Fort Frances 	NOTES
There are six First Nations child protection societies that apply their own standards of practice and do not apprehend children or enforce the <i>CYFSA</i> :	
 Akwesasne Child and Family Services, serving the Akwesasne community in eastern Ontario 	
 Kina Gbezhgomi Child and Family Service in Wikwemikong on Manitoulin Island 	
 Kumuwanimano Child and Family Services in Timmins Mnaasged Child and Family Services in Muncey, near London Nog-da-win-da-min Family and Community Services on the Batchewana First Nation, near Sault Ste Marie 	
 Six Nations of the Grand River Child & Family Services, in Ohsweken, near Brantford 	
If you are involved with one of these child protection authorities, it is important for you to know what standards of practice they use. It may also be helpful to have an advocate who can provide you with support, information about your rights and engage in advocacy if necessary.	
PROPERTY DIVISION	
The Family Homes on Reserves and Matrimonial Interests or Rights Act was passed by the federal government in 2013. It sets out a regime to govern the division of family property, the right of parties to remain in the matrimonial home and emergency protection orders for people living on reserve.	
Unlike the <i>Family Law Act</i> provisions dealing with the division of property, which apply to married spouses only, this legislation applies to both married and common-law spouses.	
The new law gives Indian Bands the authority to create their own rules for property. When a Band does so, it is those rules that apply. Otherwise, it is the federal legislation that will apply. If you have property on a reserve, you will want to learn about which laws will govern division of that property.	

NOTES	ENFORCEMENT OF ORDERS			
	Orders made under provincial family law (<i>Child and Youth Family Services Act</i> , <i>Children's Law Reform Act</i> , <i>Family Law Act</i>) have no automatic authority on reserves, which fall under federal jurisdiction.			
	As a result, if you get an order under provincial family law, you may have difficulty getting it enforced if you and/or your ex-partner live on a reserve.			
	they are with their father, it will be important to consider approaches to your safety and arrangements for your children that minimize the			
	THE FAMILY RESPONSIBILITY OFFICE (FRO)			
	The Family Responsibility Office (FRO) has statutory authority to use a variety of methods to collect child support, including garnishment of wages and bank accounts, seizure and sale of property, suspension of driving and other licences, and so on.			
	If both you and your ex-partner are Status Indians (meaning you are federally registered members of a band or First Nation), FRO is able to use any of its statutory powers to enforce a support order.			
	If your ex-partner is a Status Indian and you are not, the ability of FRO to enforce a support order is limited by the <i>Indian Act</i> , which does not permit FRO to take any enforcement action against property or income that is located on reserve. In other words, if your ex-partner works on his First Nation, that income cannot be garnished to satisfy a child support order if you are not a Status Indian. The same is true with respect to the seizure and sale of on-reserve property.			
	FRO can garnish any wages earned off-reserve, seize and sell off-reserve property and suspend your ex-partner's driver's licence, hunting or fishing licence and so on if he is in arrears with his child support payments.			
	If you need specialized information or assistance related to Status and the implications with enforcing court orders, you can contact the Ontario Native Women's Association (onwa.ca) at or the Ontario Federation of Indian Friendship Centres (ofifc.org).			

RESOURCES	NOTES
For further information on family law issues for Indigenous families, blease refer to the following resources:	
 Talk4Healing.com is a free and culturally safe helpline for Indigenous women living in Ontario. You can chat, text or call. Their toll-free number is: 1-855-554-HEAL (4325). Kanawayhitowin (kanawayhitowin.ca) is a provincial campaign to address family violence in Indigenous communities. The Ontario Native Women's Association (onwa.ca) provides support and resources for Indigenous women in Ontario. The Native Women's Association of Canada (nwac.ca) works to advance the well-being of Indigenous girls and women through activism, policy analysis and advocacy. Family Law Information Program for Aboriginal Families is a collection of resources about the law provided by Ministry of the Attorney General: attorneygeneral.jus.gov.on.ca/english/family/aboriginal_family_law_program. 	

CHILD PROTECTION AND FAMILY VIOLENCE

Sometimes, child protection authorities become involved with families where there is violence. Depending on where you live, the agency may be called the Children's Aid Society (CAS), Child and Family Services or perhaps something else. There are some specialized agencies that work with Indigenous families. Toronto has several child protection agencies, including Jewish Family & Child Services and the Catholic Children's Aid Society of Toronto. If a child protection authority is involved with your family, the more you understand about how it works, the better. As you will see below, this agency has a lot of power.

OVERVIEW OF CHILDREN'S AID SOCIETY RESPONSIBILITIES

In Ontario, the *Child and Youth Family Services Act* gives child protection agencies their power and authority. Agencies are responsible for receiving and investigating reports of possible child abuse and neglect, providing services to families that need assistance in the protection and care of their children, arranging for children to live with kin or with foster families when they are not safe at home and arranging for family reunification when that is appropriate.

LEGAL DUTY TO REPORT

The legislation requires anyone who has reasonable grounds to suspect that a child is or may be "in need of protection" to report those concerns to a child welfare agency.

A child in need of protection is defined as a child who is or who appears to be suffering from neglect and/or physical, sexual and/or emotional harm.

This can include children who have been exposed to violence directed at their mother by her partner. Exposure includes:

- Direct witnessing of abuse (physical, sexual, emotional).
- Overhearing the abuse.
- Seeing the aftermath of the abuse (physical injuries, emotional impact on the mother).
- Living in a threatening environment for a long period of time.
- Being subjected to abuse themselves that is part of the abuser's pattern of coercive and controlling behaviour directed at the mother.



WHAT WILL HAPPEN IF MY FAMILY IS REPORTED TO THE CAS?

Your family's situation may have been reported to a child welfare agency by anyone who has concerns for the safety and well-being of your children:

- A teacher or daycare worker
- A neighbour, co-worker, friend or family member
- ♦ Your family doctor
- ◆ A doctor or nurse at the hospital, a police officer
- ♠ A counsellor or therapist
- ♦ Your partner/ex-partner

Women's legal advocates have the same duty to report as all other professionals. Whenever possible, most women's agencies will:

- Discuss the legal duty to report with you at the beginning of your relationship with the agency and remind you of it throughout your time working with them.
- Explain their role and obligations under the law.
- Continue to support you and be your advocate even if they have to make a report.
- Encourage you to make the report yourself, with their support.
- Explain the role of the child protection agency so you know what to expect.
- Validate how you feel.
- Talk with you about any relevant cultural or religious supports that you car access to assist you in working with the child protection agency.
- Work on a safety plan with you to take into account the fact that your expartner may lash out once he is aware a report has been made to the child protection authorities.

You may be worried or scared when you hear that a child welfare agency wants to talk to you about your children.

You might also be relieved that the secret of the abuse has been shared and hope that the child welfare agency can assist you and your children to move on.

If you have to meet with a worker from a child welfare agency, we strongly encourage you to:

- Let your lawyer know, if you have one, and get some advice from them before the meeting, when possible.
- Work with a women's legal advocate to prepare for the meeting and, if possible, have the advocate accompany you to the meeting, letting your worker know that you plan to do this.
- ◆ Be polite and cooperative, but speak up when necessary.

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NOTES	protect your children from the impact of the abuse, and let the worker know your plans for the future. Encourage the worker to focus on your partner's responsibility for the abuse and the children's exposure to it. Make the worker aware of his different abuse tactics. For example, does he: Engage in financial abuse that deprives your children of a decent standard of living? Physically abuse you in front of the children? Attempt to alienate your children from you? Put you down in front of the children? Use the children to spy on you and report to him about your activities? Damage the home? Hurt or threaten to hurt family pets? Threaten to hurt the children? Discipline the children inappropriately? Undermine your approach to parenting? Draw the children into his abuse of you? If your partner is aggressive, abusive or physically violent with your children, tell the worker. Also, tell them what you do to protect the children from direct abuse. Let the worker know if the children have ever been hurt while trying to protect you. If you have a family law case to make arrangements for your children, talk to your worker about whether they can provide a support letter. These let ters are usually quite general, but they can identify for the court when the CAS became involved, what, if any, its ongoing involvement is and which parent initiated whatever incident led to the police/CAS becoming involved. This letter could also contain a sentence that confirms that while the CAS is involved, it has no concerns about your parenting, which can assist the court to draw the appropriate conclusions about which parent may pose concerns with
	CAS became involved, what, if any, its ongoing involvement is and which parent initiated whatever incident led to the police/CAS becoming involved. This letter could also contain a sentence that confirms that while
	Child welfare can provide important support to a family dealing with woman abuse. However, you should always be aware of the legal power the agency has and ensure that you have legal advice and representation in any formal dealings you may have with a child protection agency.

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REPORTING YOUR EX-PARTNER
TO CHILD PROTECTION SERVICES

If you need to contact a child protection agency because you have concerns for your children's safety when they are with their father, there are a few things you will want to consider:

1. PROCESS

You can make a report to your local agency 24 hours a day, seven days a week. When you make this call, you will speak with an intake worker, who will write down your report and assess whether a worker will be assigned to investigate. If an investigating worker is assigned to your case, they will likely follow up within 12 hours to seven days. The worker generally has 30 days to investigate and decide whether or not the concerns are verified. The worker will then either close the file or transfer it to ongoing child protection services. For more information on this process please visit oacas.org.

2. DOCUMENTATION

It is important to keep a record of all interactions with helping professionals, including child protection workers. If possible, prepare notes before you make the call. Outline your current concerns, including incidents, dates, witnesses and any evidence you are aware of. If a women's legal advocate is available when you are making the call, they can support you in this process. Document the date and time of your call as well as the name of the worker you spoke with.

3. MAKING THE CALL

Contact your local child protection agency. The worker will ask for details about the situation and record names as well as personal information for all who are involved. If your address and/or phone number is to be kept from your ex-partner for safety reasons, make sure that the worker knows this. Tell the child protection worker about any relevant history of violence or abuse toward you that the children have witnessed or are aware of. Think about how your ex-partner may react to the report being made, and share this with the worker as well. (For example: Is your ex-partner very charming? Will he deny everything? Will he blame the children or have them lie for him? Will there be increased safety risks for you and the children?)

Tell the worker about the impact the abuse and/or neglect has had on the children. Let them know what you have done to keep your children safe and what kind of support you need from them.

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NOTES	Remember to ask the child protection worker what the follow-up will be and an approximate timeline. Also ask if they have any instructions for you prior to the assigned worker contacting you.				
	4. SAFETY PLAN Re-evaluate your safety plan as well as those of your children, and make changes if needed. If you have safety concerns, ask that your assigned worker contact you before as well as after they speak with your ex-partner so you can adjust your safety plan as necessary.				
	Many child protection workers and agencies do not want to get involved in what they see as parenting disputes. Even if you report serious concerns to the worker, they may take the position that this is a family law matter and so outside their mandate. Child protection workers are trained to have an understanding of violence against women and the impact on children. However, if you feel that your worker is not holding the abusive person accountable or is viewing your actions as vindictive rather than protective, it is important to seek out support as soon as possible. Consider working with a women's legal advocate to increase the chances that your concerns are taken seriously. In many communities, there are protocols between Children's Aid Societies and violence against women				
	If you are not happy with the way the child welfare agency has dealt with your family, and you have not been able to resolve the issue with the worker or their supervisor, you have the right to make a formal complaint. Each agency has its own Internal Complaints Review Panel (ICRP) that responds to written complaints. To find out how to start a complaint, contact the agency that has been working with your family. You may want to seek support from your women's legal advocate during this process. More information on making a complaint to a child protection agency is available on the website for the Ministry of Children and Youth Services (children.gov.on.ca).				

TIP SHEET

CHILD PROTECTION COURT

If child protection authorities have become court-involved with your family, you may find this tip sheet helpful. A child protection case is different from either criminal or family court, in part because the authority of the child protection agency is set out in law, under the *Child and Youth Family Services Act (CYFSA)*. A child protection court case is initiated by the Children's Aid Society in those few cases where the agency believes there is ongoing risk to children that cannot be resolved any other way.

You may have a criminal and/or family court case going on at the same time as your child protection case.

You will receive court documents from your local child protection agency explaining the concerns for your children's safety and describing what outcomes it is looking for. These outcomes will involve orders from the court.

Child protection authorities are permitted by law to remove children from their families and to ask a judge to make a court order to protect children if there is evidence that the children are at risk of being harmed. If the child protection agency has removed your child from your care without your written consent, this case must come to court to be heard by a judge within five days.

On the other hand, if the agency is leaving the children in your care and wants a supervision order, the court date will be set based on availability in the near future.

The legal documents that you receive from the child protection agency will begin the court case. These papers are very important. Read them carefully and keep them in a safe place. Take all of them with you when you go to see your lawyer. You and your lawyer must attend the court at the time and place stated in the papers.

In these papers you will find:

- Form 8B, Application: This is the main document that starts a case in family court and includes the court date and time, the names of the people involved, orders requested and the reasons those orders should be made. In a child protection case, the child protection agency is the Applicant and you and/or your ex-partner are the Respondent(s).
- ♦ Form 14, Notice of Motion: This form is used to request a temporary order.
- Form 14A, Affidavit: This is a sworn statement that is used as evidence in court. The child protection worker will prepare an affidavit, as will you when you respond to the Application and/or Notice of Motion.

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NOTES	WHAT CAN A CHILD PROTECTION AGENCY ASK FOR IN COURT?
	A SUPERVISION ORDER places a child in the care and custody of a parent
	or another person, subject to supervision of the agency, for a specified pe-
	riod of at least three months and not more than 12 months.
	OR
	A SOCIETY WARDSHIP ORDER makes a child a ward of the Child Protection
	Services and places the child in its care for a specified period not exceed-
	ing 12 months. The child may be placed with an approved kinship family (
	safe guardian already known to the child) or a foster family.
	OR
	A CROWN WARDSHIP ORDER, with or without access, can only be made
	after a specified period of time that the child has been a society ward, and
	there is no plan for the child to return to the parents. This period of time is
	12 months if the child is under the age of 6 and 24 months for a child over
	the age of 6. Once a child becomes a Crown Ward, they can be placed for
	adoption and will not be returned to the birth parents.
	Child protection agencies may also ask for orders specific to your case,
	which they believe to be in the best interests of the children. This may
	have to do with parental or sibling access, schooling, counselling, etc.
	PREPARING FOR COURT
	 Make arrangements so you can attend court on the date and at the time
	specified by your worker or on the court documents.
	 Interview lawyers as soon as you are told that the child protection agency
	is taking you to court.
	◆ If you cannot afford a lawyer, you can apply for a legal aid certificate. Be
	sure to tell Legal Aid Ontario about the abuse you have been subjected to
	by your partner, as this may help to fast-track your application.
	◆ When seeking a lawyer, try to find someone who has experience in both
	family and child protection court and may be able to represent you for both matters.
	 Even if you have not retained a lawyer yet, it is important to start working
	on your paperwork. That way, once you have a lawyer, they will have some
	best to retain your own lawyer and file documents to respond to what the
	A Verification of 20 december
	Form 33B.1: Answer and Plan of Care and to give copies of it to all parties
	involved in the court case.

If you are not able to retain a lawyer and you do not qualify for legal aid, you will need to file your documents on your own. Seek out legal advice from your local Family Law Information Centre (FLIC) or other services to	NOTES
review your paperwork before filing. A duty counsel lawyer can provide summary legal advice on your court date and, if you qualify, attend court with you.	
 Try to arrange to have a women's legal advocate or Family Court Support Worker attend court with you for support. 	
GOING TO COURT When you attend your first court date, the judge will read the court papers and make a decision about who will have temporary responsibility for your children. This could be you, another party to the proceedings, someone in your circle of friends or family or the child protection agency that brought this matter to the court.	
If you have not had enough time to file your own court documents before your court date and you want to say something to the judge, be sure to tell your lawyer or the duty counsel lawyer. If you are representing yourself, prepare what you want to say in advance and remember to keep it short and to the point.	
Another court date will be set to allow you to have time to get a lawyer and file your court documents. In some cases, the judge will order the Office of the Children's Lawyer to provide a lawyer for your child.	
Each child protection case is different and outcomes will vary. Make sure your lawyer explains each step of your case.	
Cases can be resolved if everyone involved agrees about what to do. The agreement has to be approved by the judge. If everyone cannot agree, a judge will make temporary orders and the matter may go to trial for a final decision.	
RESOURCES	
 Child and Youth Family Services Act: e-laws.gov.on.ca The Ontario Association of Children's Aid Societies of Ontario: oacas.org 	

CRIMINAL LAW AND FAMILY VIOLENCE

In addition to your family law case, you may be involved with criminal court as a result of the violence you have been subjected to in your relationship. This may be because your ex-partner was charged, you were charged, or you were both charged.

WHEN THE POLICE BECOME INVOLVED

At some point in your relationship, the police may have been called to your home. You may have called them for help. It may have been one of your children, another family member or a neighbour or friend who made the call, because of safety concerns.

What you (or whoever else made the call) may not have known is that, once the police are called, it is the police and not you who make the decisions about what is going to happen. This is because police in Canada follow a mandatory charging policy that requires them to lay charges in "domestic violence" cases where they believe there is evidence a crime has been committed, regardless of the wishes of the victim.

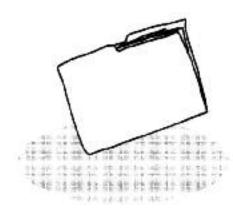
While this policy was rooted in good intentions and can be helpful to some women, it has also proven to be challenging to others.

You may have called the police simply to get some immediate assistance in an unsafe situation and have had no intention of seeing your partner charged criminally.

BENEFITS OF POLICE INVOLVEMENT

There are many benefits of having police involved when you are in an abusive relationship or trying to leave one. Here are a few things to consider:

- Calling 911 can get you immediate assistance to keep yourself and/or your children safe in an emergency.
- ◆ The police can hold your abuser accountable through criminal charges and conditions to keep you and/or your children safe.
- Police involvement and charges can be used as evidence of the abuse you have been subjected to in family court.
- Some women feel that when police lay the charges instead of them, it takes the pressure off them.



NOTES

- When women feel pressure from family or friends to drop the charges, they
 can explain that it is out of their control and that the police are the ones to
 lay the charges.
- By calling the police for help, you are showing your partner/ex-partner, children and others that you will not tolerate the abuse any longer.

CONCERNS ABOUT POLICE INVOLVEMENT

Once the police become involved, you may have some of the following concerns:

- You may not have wanted your partner/ex-partner to be charged because you are concerned he will become more abusive in response; you didn't want his employment to be jeopardized; you did not want him to spend time in jail; or you did not want to testify in a trial.
- You may not have wanted child protection authorities to become involved with your family, which may happen if either you or your partner is charged criminally.
- If your family or your partner/ex-partner is in the midst of an immigration or refugee process, you may not have wanted a criminal charge to threaten your partner's or your family's status in Canada. If you or your partner are in Canada illegally or either of you already has a criminal record, you may be worried about what may happen once police are involved.
- ◆ You may be worried about the impact on your children.
- ◆ You may be worried about backlash from friends, family or your community.
- You and/or your partner/ex-partner may have had bad experiences in the past with police, such as racism or other forms of unjust treatment.

IF YOUR PARTNER/EX-PARTNER HAS BEEN CHARGED

If the police decide to lay a charge against your partner/ex-partner, he will be arrested and taken to the police station. This can be upsetting for your children, if they are in the home, so your first attention needs to be to them. If possible, remove them from the room so they do not see their father being arrested and placed in the police car. If this is not possible, reassure them that their father will be fine and will talk to them as soon as possible.

It is likely your partner/ex-partner will be held by the police for a bail hearing, which will happen within a day or two. He has the opportunity to get a lawyer (or, if he cannot afford one, he can use the services of the criminal court duty counsel) to represent him at the bail hearing. At the bail hearing, a Justice of the Peace will decide whether he should be kept in jail until his trial or released from jail as long as he follows certain conditions.

NOTES	He will only be held in jail if there is a strong likelihood that he will leave the area and not show up for his court dates or if the Justice of the Peace thinks he is a risk to public safety.
	If your partner/ex-partner is released, he will not be allowed to have any contact with you and, possibly, the children.
	the standard transfer of the Child Port of the standard for the standard f
	provide you with a copy of your partner/ex-partner's bail conditions and keep you informed as the case moves through the process. If the case gets to a trial, she will organize a meeting for you with the Crown Attorney
	plead guilty right away. There will be many meetings between the Crown Attorney and your partner/ex-partner's lawyer (who is called the defence lawyer). You will not be part of these meetings, so it can be hard to stay informed about what is going on. You can ask the V/WAP worker to contact you every time something happens or when there are any changes to
	HOW YOUR PARTNER/EX-PARTNER MAY RESPOND Your partner/ex-partner or members of his family may put pressure on you to ask the Crown Attorney to drop the charges, lie in court or compromise the case in some way. He may tell you that if you do this, he will change, the abuse will stop, or, if you have already separated, he may promise to let you have whatever you want in your family court case.
	ner makes to you in this context. He may be willing to promise anything to try to get rid of the criminal charges, but he may not be so willing to follow through on those promises once the charges have been withdrawn. It is also important to consider the impact on your credibility and leverage in family court if you change your statement or interfere with the

If you feel threatened or pressured by your partner/ex-partner at any point, let your V/WAP worker and, if you have one, your family law lawyer, know what is going on. They can help you think about how to respond and stay safe.	NOTES
CONTACT BETWEEN YOUR CHILDREN AND THEIR FATHER You may need to negotiate contact between your partner/ex-partner and your children during this time. If you have a family law lawyer, let them know what you are comfortable with and leave the job of sorting out arrangements to the lawyers.	
If you don't have a lawyer, make sure any contact you have with your partner/ex-partner is safe and in accordance with his bail conditions. Make arrangements that you think are emotionally and physically safe for your children and you. Perhaps a trusted friend or family member would be willing to be present during visits or to assist with exchanging the children for visits with their father so you do not have to have direct contact with him.	
Once the immediate considerations relating to the children are handled, your family law case will likely slow down or even come to a temporary halt until the criminal case has been dealt with.	
It is important to remember that, because the purposes of family and criminal court and the standards of proof in the two courts are different, even if your partner/ex-partner is found not guilty in criminal court, you can raise your concerns about his abuse in your family court case.	
IF YOU HAVE BEEN CHARGED	
It is the police officer's job to examine the evidence, interview witnesses and determine if charges should be laid. In some cases, the police may lay charges against you or against both you and your partner.	
If you do not believe that the police officers who dealt with your case had an adequate understanding of the situation, then it is important to find support as soon as possible. There are some circumstances where injuries are caused in self-defence, and there may be a clear imbalance of strength, size and/or power that needs to be considered. If you are concerned about this, you may want to contact a local women's legal advocate who can help to advocate for you with the police. Also, be sure to speak with a criminal defence lawyer who has experience working with women who have been subjected to abuse and are facing charges regarding their abuser.	

NOTES	Once you have been charged, it is likely you will be held by the police for a bail hearing, which will happen within a day or two. You will be given an opportunity to get a lawyer (if you cannot afford one, you may qualify for the services of the criminal court duty counsel) to represent you at the bail hearing. At the bail hearing, a Justice of the Peace will decide whether you should be kept in jail until your trial or released from jail, provided you agree to certain conditions.
	a surety, which is a person who comes to court to promise they will make
	criminal lawyer to represent you, so once you have been released on bail, you should either apply for a legal aid certificate or hire a lawyer yourself. If the actions that led to the charge were taken to defend yourself from your partner/ex-partner's abuse, or if your partner/ex-partner lied when
	Your partner/ex-partner or members of his family may put pressure on you by saying that if you promise never to come back to the house or not to ask for financial support, he will ask the Crown Attorney to drop the charges. You should be very wary of agreeing to anything in this circumstance. Let your lawyer know if you feel threatened or pressured by your partner/ex-partner at any point.
	that does not involve him. If you have a family law lawyer, they can assist you in making arrangements that are good for the children and protect
	your criminal law lawyer may be able to change them; however, your time

NOTES

If you don't have a lawyer, make sure any contact you have with your partner is safe and in accordance with your bail conditions. Make arrangements that you think are emotionally and physically safe for your children and you. Perhaps a trusted friend or family member would be willing to be present during visits or to assist with exchanging the children for visits with you so you do not have to have direct contact with your partner.

Having charges laid against you can be very overwhelming. Remember to seek out support from family, friends and women's services. Most women's shelters and women's legal advocates are experienced in supporting and advocating for women who have been charged in relation to their abuser.

ITOTES	
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COMPARING THE TWO COURTS

It can be confusing to understand the differences between the criminal and family court systems and who does what in each court process. To add to the confusion, the two courts do not communicate or share information with one another.

To help with this, we have created a chart for you. It outlines the differences between criminal and family court and compares the roles and services in each one.

JUDGE

FAMILY COURT

A judge is a lawyer with at least 10 years' experience and is the person with the most authority in the court. Judges are referred to as "Your Honour," and people in the courtroom are expected to stand when the judge enters and leaves the courtroom. Judges in family court may be either federally or provincially appointed.

Unified Family Court (UFC)

If your community has a UFC, also known as the Superior Court of Justice (SCJ), your judges are federally appointed and will wear a burgundy sash over their black robes.

When there is a UFC, it deals with all family law issues – parenting arrangements, child and spousal support, property division, restraining orders and divorce – as well as child protection matters.

No Unified Family Court

If you do not have a Unified Family Court, you will have both a Superior Court of Justice (SCJ) and an Ontario Court of Justice (OCJ). Judges in the Ontario Court of Justice are provincially appointed and will wear a scarlet sash over their black robes while Superior Court of Justice (SCJ) judges wear a burgundy sash and are federally appointed.

Matters related to divorce and division of property are heard by judges in the SCJ, and matters relating to child protection are heard by judges in the OCJ. All other family law matters can be heard by judges in either court.

CRIMINAL COURT

The Ontario Court of Justice (OCJ) handles about 95 percent of all criminal matters, which are heard by provincially appointed judges, who wear scarlet sashes. Bail hearings take place in the OCJ. Provincial offences are also dealt with in the OCJ, as are summary conviction offences.

Judges in the Superior Court of Justice are federally appointed and wear burgundy sashes. They handle indictable offences, appeals from summary conviction offences and bail reviews.

Whether judges are federally or provincially appointed, they must be lawyers with at least 10 years' experience. They are the people with the most authority in the court. They are referred to as "Your Honour," and people in the courtroom are expected to stand when the judge enters and leaves the courtroom.

DUTY COUNSEL

FAMILY COURT

CRIMINAL COURT
Criminal court duty counsel lawyers provide assistance to accused people who quality financially. Duty counsel can advise you about the charge(s) you are facing and give you basic information about criminal court procedure. They can assist you with your bail hearing and sentencing as well as with adjournments, guilty pleas and diversion.

In family court, duty counsel lawyers provide assistance to people who qualify financially in family court cases. They can help with parenting arrangements, support and child protection issues. The duty counsel lawyer can give you advice about your legal rights and responsibilities and the court process, help you and your ex-partner negotiate and settle issues and review or prepare court documents. Duty counsel can also help you ask for an adjournment and assist you with a motion or other hearings where the issues are not complicated.

If you need the assistance of duty counsel, get to court early on the day of your appearance, because people are seen on a first-come, first-served basis, and there is usually a high demand for duty counsel services.

Usually, there is only one duty counsel lawyer at the court. If you need the assistance of duty counsel, it is a good idea to get to court early, because duty counsel sees people on a first-come, first-served basis. If your expartner also needs to see duty counsel, the court may be able to find a second lawyer to see whomever is last in line, because there would be a conflict of interest if one lawyer spoke to both of you.

NOTE: In criminal court, duty counsel services are available for accused people only. If you are the victim, you need to seek assistance from the Victim/Witness Assistance Program (see below).

FAMILY LAW INFORMATION CENTRE

FAMILY COURT

CRIMINAL COURT

N/A

The Family Law Information Centre (FLIC) provides information about separation, divorce and related family law issues, including alternative dispute resolution (e.g., mediation), community resources and court processes. Depending on the size of your community, FLIC will be staffed at designated times by an Information and Referral Coordinator (IRC), who can make referrals for you to other services, and by an Advice Lawyer, who can provide you with summary legal advice and, where necessary and appropriate, refer you to Duty Counsel (see above). Staff in the FLIC office can also schedule your Mandatory Information Program session.

FAMILY MEDIATION SERVICE

FAMILY COURT CRIMINAL COURT

Most family courts have family mediation services available, some of it on-site at the courthouse and some of it off-site in the mediators' office. User fees for off-site mediation are charged to clients on a sliding scale based on the client's income. You can get information about mediation services at your court from FLIC (see above).

N/A

COURT SECURITY

FAMILY COURT CRIMINAL COURT

Most courts have police officers or other security guards present to ensure the safety of all those in the courthouse. If your courthouse has security at the entrance (including a metal detector), you can ask the people working there about how to access the assistance of security personnel should you need it while you are at court.

Most courts have police officers or other security guards present to ensure the safety of all those in the courthouse. If your courthouse has security at the entrance (including a metal detector), you can ask the people working there about how to access the assistance of security personnel should you need it while you are at court.

FAMILY COURT SUPPORT WORKER

FAMILY COURT

Family Court Support Workers (FCSWs) are professionals, not lawyers, who provide support to survivors of family violence who are involved in the family court process. If you would like to meet with an FCSW, ask at the filing counter or FLIC for information about where and when you can find the worker at your court. You can also visit the following website for a list of FCSWs across Ontario at attorneygeneral.jus.gov.on.ca.

CRIMINAL COURT

N/A

COURT STAFF

FAMILY COURT

CRIMINAL COURT There are a number of court staff who have different re-

There are a number of court staff who have different responsibilities. Outside the courtroom, you will encounter clerks at the filing counter who can give you basic information about where you can find different services. They are responsible for issuing and filing court documents. In the courtroom, there is a court clerk, who is responsible for maintaining order in the courtroom, and the court reporter, who is responsible for recording the proceedings. sponsibilities. Outside the courtroom, you will encounter clerks at the filing counter who can give you basic information about where you can find different services. They are responsible for issuing and filing court documents. In the courtroom, there is a court clerk, who is responsible for maintaining order in the courtroom, and the court reporter, who is responsible for recording the proceedings.

CROWN ATTORNEY

FAMILY COURT

N/A

CRIMINAL COURT

The Crown Attorney is the person responsible for prosecuting a case in criminal court. This lawyer will work with the police and with the victim to prepare the case to go to court. If you are a victim/witness, most of your contact with the Crown Attorney will be facilitated by the V/WAP worker (see below).

DEFENCE LAWYER

FAMILY COURT

N/A

CRIMINAL COURT

The defence lawyer is the person who represents the accused in a criminal trial.

ABORIGINAL COURT WORKER

FAMILY COURT

N/A

CRIMINAL COURT

Aboriginal court workers explain legal rights and obligations to their clients, assist them in finding a lawyer and interpreter if one is needed, assist with pre-sentence reports and bail hearings and make referrals for other services.

SALVATION ARMY, ELIZABETH FRY SOCIETY, JOHN HOWARD SOCIETY

FAMILY COURT

N/A

CRIMINAL COURT

Depending on the size of your community, any or all of these organizations may have staff or volunteers available to assist accused people. They may be able to provide basic information about the process, assist with housing in a halfway house or other similar facility and make referrals to lawyers and other services and supports.

VICTIM/WITNESS ASSISTANCE PROGRAM

FAMILY COURT

N/A

CRIMINAL COURT

The Victim/Witness Assistance Program (V/WAP) provides support for vulnerable victims and witnesses of violent crimes, including domestic violence and sexual assault. Generally, the police or Crown make a referral to V/WAP at the time the file is handed from the police to the Crown, but you can contact V/WAP yourself for support. V/WAP can assist by providing information about the criminal court process, court dates, bail conditions and can set up meetings for you with the Crown. V/WAP can also assist you in getting an interpreter if you need one and help you prepare your Victim Impact Statement as well as make referrals for you to community services. All V/WAP services are free.

INTERPRETERS

FAMILY COURT

The Ministry of the Attorney General provides court interpretation services in more than 80 spoken languages, as well as American Sign Language and Langue des signes du Quebec. In family court, these services are available in child protection matters and in family matters if you qualify for the Court Services Division fee waiver. French interpretation is available for all family court and child protection proceedings. You need to make arrangements with the Interpreter Coordinator at the courthouse before your court date to have an interpreter present. Duty counsel may be able to assist you with this.

CRIMINAL COURT

The Ministry of the Attorney General provides court interpretation services in more than 80 spoken languages, as well as American Sign Language and Langue des signes du Quebec. In criminal court, interpreter services are available for all matters for the accused, sureties and lawyers. Duty counsel will make arrangements for interpretation if you do not have a lawyer. If you are a witness, V/WAP will make arrangements for an interpreter if you need one.

CAS LAWYER

FAMILY COURT CRIMINAL COURT

If you are going to court to deal with a child protection matter, the CAS will have a lawyer. You can ask your lawyer or duty counsel, if you do not have a lawyer, to point out who this person is.

FAMILY COURT If you are going to court to deal with a child protection N/A

CAS WORKER

If you are going to court to deal with a child protection matter, the worker who has been handling your file will likely be at court.

JUSTICE OF THE PEACE

FAMILY COURT CRIMINAL COURT

Justices of the Peace (JPs) are provincially appointed and wear a green sash over their black gown. They do not have to be lawyers. JPs are referred to as "Your Worship," and people in the courtroom are expected to stand when the JP enters and leaves the courtroom.

N/A

JPs handle provincial offences, bail hearings, applications for search warrants and peace bonds as well as many administrative court appearances such as arraignments and set dates.

N/A

NOTES

MANAGING BOTH FAMILY AND CRIMINAL COURT

IF YOUR EX-PARTNER HAS BEEN CHARGED:

• Make sure you know who your ex-partner's lawyers are. If he has different lawyers for each case, keep track of which lawyer is handling the family law case and which is representing him in criminal court.

If you have a family law lawyer:

- Make sure they know who your ex-partner's criminal lawyer is, what your expartner has been charged with and the name of the Crown Attorney who is prosecuting the case against your ex-partner.
- Obtain a copy of your ex-partner's bail conditions as soon as you can. You can contact the Victim/Witness Assistance Program (V/WAP) to help you with this. Provide this information to your family law lawyer so they can provide you with legal advice about how to manage the children's contact with their father so it does not conflict with bail conditions.

If you do not have a lawyer:

- Find out what your ex-partner has been charged with and the name of the Crown Attorney who is prosecuting the case against him.
- You will want to be sure to include information about his charges in your family court documents.
- Obtain a copy of your ex-partner's bail conditions as soon as you can. You can contact the Victim/Witness Assistance Program (V/WAP) to help you with this.
- Talk to your women's legal advocate and, if appropriate, duty counsel, to be sure you understand what the bail conditions do and do not permit in terms of contact between you and your ex-partner and between him and your children.
- Do not be tempted or pressured by your ex-partner to ignore the bail conditions. Even though he is the one who is subject to the bail order, if you are seen to be encouraging him to break the conditions, this can create legal and safety problems for you as well.
- If he breaches his bail conditions, let the police know. They will decide whether or not to arrest him.
- ◆ Keep track of the progress of the criminal case through the V/WAP office.
- Use a calendar to make brief notes about any attempts your ex-partner, his friends or members of his family make to have contact with you and/or your children
- Update your family court documents as needed as the criminal case progresses and is completed.
- Update your safety plan as needed.

STANDARDS OF PROOF

The purposes of criminal court and family court are different, as are the standards of proof, so even if your partner is found not guilty, you can still raise the issue of abuse in your family court case.

IF YOU HAVE BEEN CHARGED:

- Try to find a lawyer who can handle both your family and criminal cases. This will ensure that relevant information is shared with the appropriate court(s) and will mean you don't have to manage communication with and between two lawyers.
- ◆ If this is not possible, then make sure each of your lawyers knows who the other one is and encourage them to share information with one another.
- Make sure you know who your ex-partner's lawyer is and pass this information on to your lawyer(s).
- Get clear information about what you have been charged with. If you have different lawyers for your family and criminal cases, give this information to your family law lawyer.
- Find out the name of the Crown Attorney who is prosecuting your case.
- Review your bail conditions with your criminal and family lawyers or, if you don't have a lawyer, with both criminal and family court duty counsel. It is really important that you understand exactly what you are and are not allowed to do, especially in terms of contact with your ex-partner and children and your access to the family home.
- Do not be tempted or pressured by your ex-partner to ignore the bail conditions. He might tell you that because he says it is okay for you to see him or the kids, you can't get into trouble, but this is not true. He might be trying to set you up just so he can call the police to claim you have breached your bail conditions.
- Use a calendar to make brief notes about any attempts your ex-partner, his friends or members of his family make to have contact with you and/or your children.
- Update your family court documents as needed as the criminal case progresses and is completed.
- Remember that the purposes of criminal court and family court are different as are the standards of proof, so even if you are found not guilty, your ex-partner can still raise the issue of abuse in your family court case.
- ◆ You need to be ready to provide an explanation for what has happened that can minimize the impact of the fact that you were criminally charged. For example, if you were charged once but your partner has been charged and found guilty several times, be sure to include this information in your family court documents. If you were charged for something you did because you were trying to protect yourself or your children from your expartner, describe the circumstances. If your ex-partner had a history of threatening to call the police to claim that you had assaulted him, put this information in your materials for family court.

NO MATTER WHICH OF YOU HAS BEEN CHARGED, REMEMBER:

Family and criminal courts do not communicate with one another, so it is your job to make sure that evidence of the abuse you have been subjected to is presented to both courts.

The standard of proof in the two courts is different. In criminal court, the accused must be found guilty beyond a reasonable doubt. In family court, judges make their decisions based on which person's story they find more believable on a balance of probabilities.

If you are the victim, you are not an official party to the criminal case. In family court, both you and your ex-partner are parties to the case.

Duty counsel lawyers are available in criminal court to assist people who have been charged and in family court to assist both people, subject to financial and other eligibility criteria.

Your family law case will likely be delayed until the criminal case has been completed.

IMMIGRATION LAW

If you are a newcomer to Canada or have sponsored your partner to come to Canada, immigration issues may arise when you and your partner separate. These can have an impact on your family law case, and your family law case can have an impact on your immigration status. If English is not your first language, you can access free, confidential interpretation services at languageinterpreters.on.ca.

DO I NEED A LAWYER?

Immigration law is complicated, so if possible, find a lawyer who specializes in this area of law. Ideally, your family and immigration law lawyers will be familiar with both areas, so they can watch for the implications of what happens in one area on the other.

Many abusers use immigration issues as a way to maintain power and control over their partner. You should find out what your immigration status in Canada is as soon as possible. Do not rely on your partner to tell you the truth. He may try to get you to stay with him by threatening to have you deported if you leave, but if you already have permanent status in Canada, you will not be deported for leaving him. Or he may tell you that you have permanent status when you do not.

If you are in Canada on the basis of a refugee claim made by your partner, then you may need to start your own claim to remain in Canada.

If you are a Canadian and you have sponsored your partner to come to Canada, you need to clarify your legal and financial obligations under your sponsorship if you leave him.

You need to have your own immigration lawyer, so you can be confident that you are getting truthful answers to your questions.

WHEN CAN I BEGIN A FAMILY COURT CASE?

Regardless of your immigration status, you can begin a family court case. However, if your status is precarious, you should consult with both an immigration and family law lawyer before starting a case in family court, because the case could bring you to the attention of immigration authorities, especially if your partner reports you in an attempt to get you to come back to him.



Legal Aid Ontario (LAO) provides family violence authorization forms for both family and immigration law, which allows you to obtain some free legal advice about your situation. These forms are usually available from women's shelters, community legal clinics and some other community agencies. Learn more in our LAO section.	NOTES	
Generally, Canada's immigration laws attempt to support women subjected to intimate partner abuse to stay safe and to leave those relationships if they wish to without jeopardizing their legal status in Canada. However, the law changes frequently, so it is important to work with a lawyer who can advise you appropriately.		
If you can start a case without risking deportation, this may buy you extra time in Canada, because immigration proceedings – including deportation proceedings – can be adjourned while other court cases are completed.		
The same is true if your partner has been criminally charged and you are a witness in that case.		
Neither situation will allow you to stay in Canada forever if you do not have permanent status, but you may be able to stay until the end of those other legal cases, during which time you may be able to take steps to move your immigration case forward.		
WHAT IF I HAVE BEEN CHARGED?		
If you have been charged criminally, you should make sure your criminal lawyer is aware of your immigration status, because this can affect their strategy for handling your criminal case. There may be deportation concerns if you are found guilty of a criminal offence.		
If you qualify financially, you may be able to obtain a legal aid certificate for family and criminal law regardless of your immigration status in Canada.		
RESOURCES		
Community Legal Education Ontario (CLEO) has useful brochures on topics related to immigration and family violence: Family violence when a woman is sponsored by a spouse or partner: cleo.on.ca/sites/default/files/book_pdfs/famvio.pdf Humanitarian and Compassionate (H&C) Applications and refugee claims: How are they different: cleo.on.ca/sites/default/files/book_pdfs/hcref.pdf		

AFTER COURT IS OVER

The family court process can be long and difficult. By the time it is over, you may be exhausted. You will likely also be sick and tired of dealing with your ex-partner.

Unfortunately, your ex-partner may not yet be ready to give up his power and control over you, so you can't completely let your guard down once court is over. You may need to put some plans in place to help you and your children respond to your ex-partner's harassment, set boundaries and eventually regain control of your lives.

Every woman's plans for doing this will be different and dependent on her own situation. If you don't have children, for instance, it may be somewhat easier for you to limit your contact and communication with your ex-partner. If you have children, your plans will depend on whether you still both live in the same community, the ages of your children, whether one of you still lives in the family home, whether you are dependent on him for financial support, what the details of your arrangements for the children are, and so on.

LOOKING AHEAD

Now that your family law process is over, you can start to look ahead for yourself. This can be both exhilarating and intimidating. You need to become comfortable making yourself a priority.

You will need to set some goals for yourself and develop a plan to help you achieve those goals. To do this, think honestly and positively about your strengths, what you enjoy doing, what you are passionate about.

You may want to meet new people, especially if you have left some of your old circle of friends behind. You may be able to do this by finding some volunteering activities, becoming active in your new neighbourhood if you have moved or joining a community group.

You may not be used to thinking of yourself as capable, so celebrate each milestone, from big ones like finishing with family court to small ones like the first time you take on a responsibility that your ex-partner would typically do. And don't hesitate to call on friends and family to help you with tasks you have never done before, especially if they are willing to help you learn how to do them yourself.



Find friends who make you feel good about yourself and with whom you can laugh as well as be serious. Build yourself a support network of these people and call on them when you need them, whether it is for a shoulder to cry on, someone to take the kids for a couple of hours when you just can't cope anymore or someone you can vent to about problems you are having with your ex-partner.	NOTES
Don't worry if you have good days followed by bad ones. Your life is undergoing a huge transformation, so it is perfectly normal that you will feel differently about it at different times. Be kind to yourself.	
You may find it helpful to keep a journal during this time. If you do, be sure to keep it in a secure place so your kids won't stumble on it and your ex-partner won't be able to find it.	
Physical activity is an important part of self-care. You don't have to become an Olympic athlete, but building exercise into your routine will be good for you emotionally as well as physically.	
Depending on your personality, how long you were with your partner, how he is behaving now that you are separated and other factors, it might take you a few years before you feel like you are consistently back on your feet again.	
Don't be afraid to seek out professional help. Your women's legal advocate can suggest experienced counsellors and therapists who have worked with women who have left abusive relationships. If you were seeing a counsellor or therapist during your family court case, consider continuing to see them, at least for a while, after your case is completed. You may need this ongoing support as you develop a new kind of working relationship with your ex-partner.	
For more tips on taking care of yourself, see the self-care section.	
BUILDING A POST-SEPARATION RELATIONSHIP WITH YOUR EX-PARTNER	
SAFETY The first step to building a workable post-separation relationship with your ex-partner is to identify any safety concerns you have and put measures in place to reduce the risk of harm to you and your children. For example: Do you need to change the locks on your home? Do you need to install special security at your home?	

◆ Do you need a secure parking spot at work?

NOTES	 Do you need to be careful how you use social media? Does your ex-partner's behaviour mean you should only communicate with him in writing? Do you need to manage exchanges of the children in a particular way? Do you think your ex-partner will have a negative reaction if/when you begin dating?
	Refer to our Safety Planning section for more information and tips.
	REASON FOR CONTACT
	Once you have addressed safety issues, you can move on to identify the reason(s) you need a relationship with your ex-partner. For example: Do you need to stay connected because you are co-parenting children? Are you staying in touch because you are still close to his ageing parents (or perhaps even involved in providing support or care to them)? Are you in the process of selling the family home so you need to be able to discuss offers and decide together when to accept one?
	If you are co-parenting children, you will need to be in a relationship with your ex-partner for some time – possibly many years – and will need to be able to have countless conversations about the children, some of them difficult. On the other hand, if you don't have kids and just need to communicate with him for the purpose of selling the family home, this is a short-term relationship with a relatively straightforward purpose.
	WHEN THERE ARE CHILDREN
	The best first step to a positive post-separation relationship with your expartner if you are both involved with your children is a good order or agreement spelling out the arrangements for them. The more details that are set out with precision in the order, the less room for misinterpretation, misunderstanding or manipulation, and the fewer issues you and he will have to talk about. With this order in place, you and your ex-partner need to build a structure for your ongoing, but new, relationship: How often will you communicate?

You will need to learn how to have a relationship as parents and not as partners.	NOTES
You may need to learn how to put aside the anger you still feel toward your ex-partner, no matter how justified it is, so you can put your children's needs first. Treating someone with respect when that person has been abusive to you in the past and who may still be treating you in a disrespectful or even threatening manner can be very difficult. However, if you make every effort to rise above any rude or disrespectful behaviour on your partner's part, you will know you have done the best you can, and your polite, respectful behaviour may even have a positive impact on him.	
Always remember that you do not have to be friends with your ex-partner. You are more like business partners, raising your children as well as you can. You will need to have boundaries and limitations in this relationship.	
COMMUNICATION Especially if you and your ex-partner have children together, you will have to communicate with him. There will be more communication the younger the children are, but even when your children become young adults, there will be times in their lives (graduation, marriage, serious illness or injury) when the two of you may need to communicate with one another.	
Even for former couples where there was no abuse during the relationship, positive post-separation communication can be challenging. Where there has been abuse, all of the usual challenges exist, but there may also be ongoing power and control issues, and safety may be a factor.	
You cannot control how your ex-partner communicates with you, but you can control your own communication.	
For tips on communication strategies, see our Tip sheets: Managing electronic communication with an abusive ex-partner and Post-separation communication do's and don'ts.	
SUPPORTING YOUR CHILDREN The more you can protect your children from the negative emotions you may be feeling toward and about your ex-partner, the better for them.	
Your fear of your ex-partner may be justified, but unless you have fears for your children's safety when they are with him, you need to be able to support them to feel positive about the time they spend with their father.	

NOTES	Even when you are angry with him because he has not made a child sup-
	port payment or because he has missed some scheduled time with the kids without giving you advance notice or because he is taking you back to court about something petty, try to keep these feelings to yourself.
	Be honest with yourself about any criticisms you may have about his parenting. Is your criticism about something important (for example, a child not being given medication or being kept from extra-curricular activities that mean a lot to the child) or is it about something less important (he is not as conscientious as you are about bedtimes on weekends or about well-planned meals)? Are you struggling with having to give up some of the control you are used to having as the primary parent?
	Tempting as it may be, don't use your children to spy on your ex-partner. Of course, you want to know what happens when they spend time with their dad, but avoid cross-examining them the minute they return from a visit. Ask them general, positive questions rather than pointed questions that insinuate that you are expecting a negative answer.
	Be alert to answers that may indicate you need to probe deeper or that there may be a concern for the children's safety or well-being.
	Generally, give them positive feedback about what they share with you: "I am glad you had so much fun with your dad." "It sounds like your dad's new girlfriend is really nice – that's great." "I know you feel uncomfortable at your dad's apartment right now, but it won't be long till it starts to feel like home too."
	You don't want your children to feel they have to tell on their father to you (or vice versa) or that they have to keep secrets from either of you.
	Help your children manage their emotions. This is a difficult time for them, too. They may have a mixture of feelings, including grief at the loss of the family you used to be, anger with either or both of you for what has happened, frustration that there is not as much money as there used to be or unhappiness at having to move to a new home or neighbourhood. They may blame themselves for the family breakup or be worried that you or your ex-partner won't love them as much in the future.
	On the other hand, they may also feel relief not to be living in a home where abuse is happening.

Limit what you share with them so they don't feel like they have to become involved in the adult issues. At the same time, listen to them so you know what they are worried about, what they want for their future in your newly configured family, what kind of support they might want, how they feel about decisions that will have an impact on them.

It is really important, no matter how old your kids are, for them to hear consistently from you that you love them, that the family breakup is not their fault, that they are not to worry about money and that it is okay for them to keep loving their father too.

To the extent that you can, make changes slowly and try to stick to familiar structures and routines. For example, even if the children are going to have to change schools, can it wait until the end of the school year or at least the end of the term?

If it is safe, develop similar (or at least not contradicting) strategies with your ex-partner so the children learn there will be consistency between their two homes about things like homework, chores, bedtimes and so on.

Your children will be affected socially, physically, emotionally and academically if they are exposed to ongoing conflict between you and your ex-partner. You cannot control his behaviour, and you should never put yourself in an unsafe situation just to avoid conflict, but if you do the best job you can to behave in a non-emotional and respectful way toward him, you will reduce the tension to which your children will be exposed.

Now may be a good time to involve extended family if your children are already close to them. A child may be able to share with a grandparent some of the anxieties that they don't want to burden you with.

Depending on how severe your children's emotional reactions to the new structure of your family are, you may need to consider finding professional support for them.

To find counselling services for children who have witnessed abuse, please contact your local women's shelter. Find the closest shelter at sheltersafe.ca, or visit Children's Mental Health Ontario at cmho.org.





POST-SEPARATION COMMUNICATION DO'S AND DON'TS

DO

- Communicate directly with your ex-partner.
- If you are meeting with your ex-partner, do so in a safe, preferably public place.
- Schedule difficult conversations for times when the children won't hear them.
- Be prepared before conversations with your expartner, especially if you anticipate you may not agree with one another.
- ◆ Keep a record of your communication.
- Take the time to think carefully about what words to use. Avoid words and language that you know will hurt or anger your ex-partner or that will just make emotions run even higher than they already are.
- Think carefully about the timing of difficult messages so you communicate them at a time when your ex-partner will be the most receptive.
- Be focused, clear and precise.
- Set communication boundaries. If your plan is to communicate only by email, when he calls you, respond by email so at least you are being consistent.
- ♦ Focus your communication on the issue at hand.
- Remember BIFF: brief, informative, friendly, firm
- Use a respectful or at least neutral tone of voice, whether in written or verbal communication.
- Take time to really listen to what your ex-partner has to say.
- Bring an open attitude, assuming the best.
- Be polite, honest, kind or at least neutral.
- End conversations that are not healthy or productive, and if necessary, come back to the subject at a later time or in a different way.

DON'T

- Don't use your kids or other family members as messengers between you and your ex-partner.
- Don't meet with your ex-partner in your or his home.
- Don't have difficult conversations or arguments when the children can hear.
- Don't rush into conversations with your ex-partner.
 You are more likely to get backed into a corner and agree to an outcome you don't want if you are unprepared for the conversation.
- Don't throw out any written communication or delete abusive phone calls or texts.
- Don't communicate in haste. Responding quickly to something your ex-partner has said might feel great in the moment, but if your anger or frustration come through in your communication, you could have more problems down the road.
- Don't send a communication to your ex-partner that you think will make him angry when the kids are with him or if you are about to see him in person.
- Don't let yourself get sidetracked.
- Don't break communication boundaries that you and your ex-partner have agreed on, unless it is an emergency. For example, if you have agreed to communicate by email, don't suddenly call him.
- Don't use communication to raise every little thing you don't like about your ex-partner.
- Don't ramble or raise unrelated topics that you know will be contentious.
- Don't use vulgar or aggressive language, no matter how you are feeling.
- Don't do all the talking.
- Don't make assumptions.
- Don't be rude, dishonest, cruel.
- Don't continue conversations that are abusive, disrespectful or harmful.

MANAGING CONTACT CHALLENGES **NOTES** You may find that ongoing contact between your children and their father can be challenging. Some of this is because the kids may be anxious about seeing their father or worried about the impact on you if they have a good time with their dad. But most of it is because the abuser knows that the best way to get to you is through the children. He may come early to pick them up and harass you about not having them ready. He may come late and leave you and the children waiting and wondering if he is going to show up. He may call and threaten not to return them, then bring them back late. He may bring them back early and interrupt whatever you were doing. He may not show up for several weeks in a row, ignore your communications about it, and then suddenly appear at a time not set out in the order demanding to have time with his children. A clearly written, detailed order can help reduce these kinds of challenges, but it cannot eliminate them if your ex-partner is determined to let you know that he is still in charge of the family. Whenever you can, be flexible with your ex-partner while maintaining firm boundaries. If he wants to change the usual schedule for a special event in his family and doing so will not interfere with an important activity that you have planned with the children, agree. The kids will appreciate it, and you may want the same consideration some time in the future. **COMMON ISSUES** You may have concerns about what happens when the children are with their father, and these concerns are more difficult to manage. You may be worried about the safety and well-being of your children when they are with him. At times, you may want to deny the children's time with their father because of these concerns. This is a tricky area, because courts do not take it lightly when either parent attempts or appears to attempt to interfere in the relationship between the children and the other parent or to act contrary to a court order. The law expects you to support and encourage the children's time with their father, even if they do not want to go or you have some concerns

ex-partner to comply with the court order.

about what goes on during the visits. It also requires both you and your

NOTES	Reporting your ex-partner to child protection services). You should also speak to your lawyer as soon as possible about other steps you can take. For example, your concerns may justify a change being made to the existing order on an urgent basis.
	return the children, you may be able to deny or limit his time with them.
	their own decisions about whether or not to spend time with their father. However, judges will rarely force adolescent and older children to engage
	alienate them from him, which can make things even more complicated. You can face contempt of court charges, fines and jail time if you act contrary to a court order or, in an extreme case, primary care could be
	Even if your ex-partner has not paid his court-ordered child support payments, you cannot stop him from seeing the children as set out in the parenting order.

EVEN WITH A COURT ORDERS Even with a court order in place, your ex-partner may just ignore it or follow it some but not all of the time. When he does not follow the order, it is called breaching the order. This is his way of demonstrating to you

that he is still in charge.

It can be very frustrating to you and your children. If he fails to show up to spend time with them, the kids may be disappointed. You may have made plans to see friends or to work, and now your plans have to be set aside.

The best way to ensure this does not happen is to try to get a court order that spells out any ongoing arrangements in detail, with consequences if the order is not followed. It is helpful to have a police enforcement clause in your order, although not all police will become involved even when there is such a clause.

Make a number of copies of your order. Keep one at your home, carry one with you, leave one in the glove box of your car and give one to anyone who might be involved if your ex-partner breaches the order. It is much easier for the police to intervene if they can see the order.

Keep track of every time your ex-partner does not follow the order, even if it seems small at the time. You can use a small calendar to do this, and just make a short note on the relevant date stating what happened (or what did not happen). For example: "Tom 30 minutes late to pick up kids." "Tom not at Sally's soccer match." "Tom took two months processing benefit claim."

When you keep track of every breach, you may see a pattern over time, which will be helpful if you have to return to court. Keep this calendar somewhere private.

If it is safe and you feel confident enough, communicate with your partner about his breaches. For example, if he has not sent the money for your child's school photos that he agreed to, you could say:

"Tom, I know money is tight for both of us. I paid for the school photos so there would be enough for both of us and all the grand-parents, but I really need you to send me your share of the costs. Can you send it with the kids when they come back from your place the next time? Thanks a lot."

NOTES	If your order says that each of you is to provide the children with clothing when they are at your home, but clothes that the kids wear to his place never come back, you could say:
	"Tom, I know the kids should be able to manage this on their own, but they seem to leave clothes from my place at your house most weekends, and we are running low on clothes here. Can you please make sure they come back from your house on Sunday with all the clothes they brought with them? Thanks."
	If your order has a police enforcement clause in it, call the police when there has been a serious breach. They may be able to assist in enforcing the order, but even if they cannot, your call creates a record that may be useful in the future.
	Let your lawyer know when your ex-partner has breached the order, so they can also keep a record.
	with the children, you may need to go to court to ask the judge to change the existing order to reflect his behaviour. Remember, though, that if you

TIP SHEET

MANAGING PARENTING TIME

NOTES

Here are some strategies for you to consider if you anticipate you may have challenges with your ex-partner:

THE COURT ORDER:

- Get as much precise detail in the order as possible.
- Have multiple copies of the order so one is always available to show the authorities if a problem arises.
- Orders should include a condition that the terms of the order are enforceable by the police. In some areas, the police will only enforce orders if it is specified that they do so.

SET BOUNDARIES:

- Monitor the children's phone/email contact with their father and end calls/exchanges that become inappropriate.
- ◆ Have caller ID installed so you can screen calls, and only accept calls from your ex-partner at times the children are available to talk to him.
- Limit what can be spoken about during telephone calls with your ex-partner, and end the call if it becomes intrusive or abusive.
- ◆ Arrange exchanges of the children away from your home.
- ◆ Resist the temptation to spend special occasions such as children's birthdays and cultural/religious celebrations with your ex-partner.
- Let him receive information about the children's health, education and general welfare directly from the children's care providers.
- Limit contact with former in-laws and family members who behave in an abusive or disrespectful manner.

KEEP A RECORD:

- Document any and all problems complaints the children return with, suspicious injuries, comments made by the kids about what went on in the visit, times he missed or was late for time with the kids, any threats he has made to keep the children, abusive behaviour toward you when he picked up or dropped off the kids.
- Let your lawyer know any time you deny your ex-partner time with the children.

GET SUPPORT:

- Depending on the circumstances, consider counselling for the children so they have an outside third party with whom they can talk through their concerns.
- Have a witness present for exchanges.
- In situations where there are serious concerns for the children's safety, contact child protection authorities.

NOTES MOVING WITH CHILDREN You may want or need to move to a new community for reasons of safety, to find a job or to live closer to your family. If your former partner has decision-making responsibilite and/or parenting time with the children, before you move, you must provide him with notice of your interention to move. If he opposes the move, you will both have to go to court to present evidence to support your positions. You will need to establish that the move is in the best interests of the children, that you are not moving just to interfere with your ex-partner's time with the children and that you will make extra efforts to support long distance contact between the children and their father. This could include allowing longer visits during school holidays, paying part of the cost of the children's travel, paying for long distance phone or video conference calls between the children and your ex-partner and/or agreeing to a reduced level of child support in acknowledgement of his travel costs to exercise access. The court will decide, based on the best interests of the children, whether or not you can relocate with them. For more information, see the Government of Canada Relocation Fact Sheet: https://justice.gc.ca/eng/fl-df/pdf/fact5-fiches5.pdf. You may be concerned that your ex-partner may try to remove your children from Canada. It is difficult to protect against the illegal movement of children, but there are some steps you can take. You can try to get an order that prohibits or places conditions on international travel and that requires either or both of you to surrender your travel documents. You can ask the court to require that the children's passports be deposited with the court.

passport for the child.



For more information about protecting your children from being illegally removed from Canada, we encourage you to visit the federal government's International Child Abduction: A Guidebook for Left Behind Parents (travel.gc.ca/travelling/publications/international-child-abductions).

You can contact the Canadian passport office to have a passport alert issued, which would create a "red flag" if anyone tried to apply for a

MAKING CHANGES

As your family changes over time – kids get older and move out, you get a new job, your ex-partner remarries and has new children or loses his job, you want to move – you may need to make changes to your family court order.

If your relationship with your ex-partner is going reasonably well and if you feel safe, you may be able to begin discussions about any changes you want on your own. However, if this does not feel safe or comfortable to you, you may need to return to court.

The person seeking the change will need to bring a Motion to Vary, in which that person explains to the court what change they want and why they think it is appropriate.

To be successful, you have to be able to show the court that there has been a significant change in circumstances since the original order was made and that any proposed change is in the best interests of the children. Here are a few examples:

- ◆ Your ex-partner wants to reduce the amount of child support he is paying because he has lost his job.
- You want to change the arrangement so you can decide when your expartner sees the kids because over the past year he has missed more visits than not.
- You want to sell the family home, which was not discussed in the court order, but your ex-partner does not want you to.
- One of your children is about to start university, and you need to reorganize child support.

You might also need to vary a court order for safety reasons. Perhaps you have started dating someone, and your ex-partner's response has been to stalk and harass you. You may need to go to court to get a restraining order against him.

If you need to change your court order, and if negotiating directly with your ex-partner is not safe or worthwhile, you should talk to a lawyer. If you need financial assistance, you could reconnect with your advocate, who may be able to provide you with a two-hour family violence authorization form for an initial consultation with a lawyer, or you may be able to talk to the duty counsel lawyer at family court.

Going back to court will probably be very stressful for you, so make sure you call on your support networks for assistance, and do the best you can not to let the children feel your anxiety.

NOTES

not to let the children feel your anxiety.	

NOTES	ENTERING INTO A NEW RELATIONSHIP		
	Starting a relationship with someone new can be exciting but also worrisome after a past abusive relationship. This is especially true if your abusive ex-partner is still involved in your life on some level. An update to your safety plan may be needed.		
	Also, give some thought to the type of relationship you are looking for, how you want to be treated and how you want to treat the other person in return. The following graphic is a depiction of a healthy, balanced relationship. You may find it helpful as you start to think about the specific things that you want in a future relationship.		

EQUALITY WHEEL BASED ON DULUTH MODEL NON-VIOLENCE (theduluthmodel.org) Permission to adapt from Domestic Abuse Intervention Programs **NEGOTIATION NON-THREATENING AND FAIRNESS BEHAVIOUR** Seeking mutually · Talking and acting so that she feels safe and comfortable satisfying resolutions to conflict Accepting change expressing herself and • Being willing to doing things compromise **ECONOMIC RESPECT PARTNERSHIP** · Listening to her · Making money decisions non-judgmentally together · Being emotionally affirming Making sure both partners benefit and understanding from financial arrangements Valuing opinion **EQUALITY** SHARED RESPONSIBILITY **TRUST AND SUPPORT** · Mutually agreeing on a fair • Supporting her goals in life distribution of work • Respecting her right to her own Making family decisions feelings, friends, activities and together opinions RESPONSIBLE **HONESTY PARENTING** AND **ACCOUNTABILITY** Sharing parental · Accepting responsibility responsibilites for self • Being a positive non-violent Acknowledging past use of violence role model for the children Admitting being wrong Communicating openly and truthfully **NOTES**

CONCLUSION

We hope that you have been able to use this workbook in a way that is empowering, informative and meaningful.

The family court system has considerable power and influence. It is important that those who need to use it are well informed and have a voice in the process. This can be especially difficult when you have just left an abusive partner and may be feeling particularly vulnerable.

We strongly encourage you to work with a Family Court Support Worker or a women's legal advocate at the shelter in your community. These workers can provide you with important information and support as you make your way through the family law process.

Always remember that by leaving your abusive partner, you have taken an important and courageous step toward building a life free from abuse and violence for yourself and your children.

FOR YOUR INFORMATION ONLY

Please remember that the content of this workbook is information and not legal advice. If you have questions about your situation or your family law case, you should discuss them with your lawyer or with duty counsel at your family court.



PERSONAL NOTES

