

IS YOUR CLIENT SAFE?

A Lawyer's Guide to Relationship Violence

If your client has suffered relationship violence, you can play a critical role in preventing more violence or even death.



In 2009, 49 women in Canada were killed by a current or former spouse.

Research suggests nearly 64% of women who have suffered relationship violence do not report it.



What is relationship violence?

Relationship violence refers to any abusive, coercive, forceful, or threatening actions or words used by one person to control the behaviour of their intimate partner. Statistics show that women are far more likely than men to suffer the most severe forms of abuse, such as sexual assault, severe violence, and stalking. Women experience a much greater risk of serious injury or death in violent relationships. For these reasons, this brochure focuses on women in abusive relationships with men, and the victim is referred to as “she.”

Relationship violence may include physical, emotional, psychological, sexual, and/or financial abuse. In extreme cases, it may result in serious injury or death. Relationship violence does not include situations where one partner uses reasonable force to protect themselves or others from harm.

Although much relationship violence is a gendered crime, abuse can happen to anyone, regardless of age, gender, sexual orientation, race, culture, religion, education, employment, or socio-economic or marital status. Relationship violence may occur *at any time* during a short- or long-term relationship. It can happen when people are dating, while a relationship is breaking down, or after the relationship has ended.

Is your client safe?

During an interview, your client may report or disclose, in words or through behaviour or appearance, some or all of the following signs of relationship violence:

- physical injuries, either visible or suspected, such as bruises, cuts, burns, and/or fractures;
- stress-related illnesses, such as headaches, sleeping and eating disorders, difficulty concentrating, memory problems, and/or anxiety;
- depression; low self-esteem; distrust; fear; and/or withdrawal from friends, family, and community;
- employment changes, such as absenteeism, decreased work performance, and recent firing or departure from her job;
- social isolation, such as lack of support; lack of access to transportation; restricted access to money, family, or friends, or to activities such as a job or school; and
- relationship problems, including complaints about her partner's anger or temper, substance abuse, controlling and/or humiliating behaviour, accusations of infidelity, stalking, and/or frequent electronic communication known as “cyber-stalking.”

Is your client at risk of further harm?

Domestic homicide, the most extreme form of relationship violence, is associated with the presence of certain risk factors. With appropriate safety planning and service provider intervention, domestic homicide is potentially preventable. To help save a life, be alert to the risk factors. Understand critical times when your client may face an increased risk of further violence as well as more severe violence, which could result in serious bodily harm or death. Critical times include separation, the start of litigation, or court attendances and any settlement meetings. Various risk factors include but are not limited to:

Relationship history

- current relationship status, particularly actual or pending separation or relationship breakdown
- obsessive, jealous, and/or controlling behaviours by your client's partner, including threats and stalking
- strangling, choking, biting, or forced sex by her partner
- having children who are or may be the subject of legal proceedings
- client is marginalized and faces discrimination based on race, immigration status, age, income, ability; lives with addiction or mental health issues; is pregnant; between age 15 to 25; socially isolated; or has language or literacy issues

History of your client's partner

- history of violent activity by your client's partner against her or a previous or new intimate partner, children, other family members, or anyone else

- escalation in frequency or severity of his violence
- prior criminal history
- exposure to violence as a child
- mental health issues, particularly depression and suicidal ideation
- alcohol or drug abuse
- unemployment or financial difficulty

Access to weapons

- client's partner has access to weapons, or has previously used or threatened to use a weapon

Your client's perceptions of risk

- client's perception that her personal safety is at risk, even with a protection order
- fear of future violence by her partner

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Resources for your client

Police

Your client can contact the police for help if she has safety concerns.

You can call 911 if your client wants you to or if you believe she is in imminent danger.

Domestic Violence Helpline / VictimLink BC

Phone: 1-800-563-0808

Free, confidential, multilingual telephone service 24 hours a day, seven days a week

Websites: www.domesticviolencebc.ca
www.victimlinkbc.ca

Other resources

To find community resources, publications, and Aboriginal services and resources, see the Legal Services Society fact sheet *Is Your Client Safe? — Relationship Violence Client Resources* at www.legalaid.bc.ca/publications (click Abuse & family violence)

Resources for your office

For workplace safety planning information and legal resources, see the Legal Services Society *Is Your Client Safe?* fact sheets: *Safety Planning for You and Your Staff* and *Relationship Violence Legal Resources* at www.legalaid.bc.ca/publications (click Abuse & family violence)



Your client is more likely to safely leave an abusive relationship if she has support from her community.

Why do you need to know?

Learning whether your client has suffered relationship violence will help inform the legal advice and information you provide. For example, does your client need a protection order or immediate police protection? safe housing? a safety plan?

Statistics show there is a significant increase in the likelihood of violence, including death, when a woman leaves her abusive partner. *Sometimes the violence will be directed at the people involved in assisting her.*

Encourage disclosure

While some clients openly disclose that they have suffered abuse and violence, others might not show or report any obvious signs. You may, however, still suspect that your client has been victimized.

For a list of the steps you can take to encourage disclosure, see the Legal Services Society fact sheet *Is Your Client Safe? — Encouraging Disclosure* at www.legalaid.bc.ca/publications (click Abuse & family violence).

If your client has suffered relationship violence

During your initial interview, alert your client to the possible increase in violence and to the idea of making a safety plan when she considers leaving a violent relationship (see *Safety planning for your client*). If your client discloses that she has been victimized, you can:

- reassure her that this information is confidential, unless there is immediate danger of someone being killed or a child being abused;
- tell her that the abuse is not her fault;
- empathize, encourage, and be supportive;
- provide referrals to victim services, other community services and resources (such as transition houses), and for safety planning;
- develop a safety plan for your workplace, along with your staff; and
- present her with the range of legal options available to her, including any potential risks to her and her children that may be associated with each option.

Safety planning for your client

If your client has safety concerns because of abuse and threats of harm by her partner, she needs to prepare a safety plan. Safety planning involves steps she can take to stay safe and to plan for and get help in an emergency, whether or not she stays in the abusive relationship.

Before leaving an abusive partner, she can get safety planning help from an advocate or victim service worker. Contact VictimLink BC (see *Resources for your client*).

To start a safety plan, see the Legal Services Society fact sheet *Is Your Client Safe? — Safety Planning for Your Client* at www.legalaid.bc.ca/publications (click Abuse & family violence).

For more information, refer your client to:

- Domestic Violence website at www.domesticviolencebc.ca (click Staying Safe)
- Ending Violence Association of BC at www.endingviolence.org (under If You Need Help)
- Legal Services Society fact sheet *Live Safe — End Abuse: Safety Planning* at www.legalaid.bc.ca/publications (click Abuse & family violence)
- *Safety Planning for Women Who Are Abused* at www.spotthesigns.ca (click Spot the Signs)



Separation is the most common risk factor associated with domestic homicide and is present in approximately 4 out of 5 cases.

The new Family Law Act (FLA) defines family violence and creates a new type of protection order that may restrict contact and communication between family members where there is a safety risk. Breaches will be enforceable by police and dealt with as criminal offences. The FLA was passed on November 24, 2011 and most of its provisions will come into force by order-in-council.



We thank everyone who contributed to this brochure, including focus group and field test participants, and legal reviewers.

Funded by

