



Live Safe End Abuse

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- Who Can Help
- How to Protect Yourself
- How the Law Can Protect You



Legal
Services
Society

British Columbia
www.legalaid.bc.ca

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Safety Planning

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Who this is for

The fact sheets in this folder are for you if you're afraid for your safety or your children's safety because your partner is abusing you. You may feel ashamed, afraid, and alone. *But abuse against you isn't your fault.*

Your partner is the person you are or were married to, live or lived with in a marriage-like relationship, or have a child with.

See *Who Can Help?* For more about where you can get help.

Get help from the police

Call **911** if you're in immediate danger.

If you don't speak English, ask for an interpreter. If your area doesn't have 911 services, call your local emergency police or RCMP.

You and your children have the right to be safe. Police can help when the abuse happens and after.

Get help from VictimLinkBC

Call **1-800-563-0808** (24 hours a day) for confidential, multilingual support for people who are being abused.

VictimLinkBC can give you information about support services and tell where you can find the nearest emergency shelter or transition house. These places give a temporary place to live to anyone who's been abused or is at risk of being abused.

Read this fact sheet if:

- you're afraid for your safety because your partner is abusing or threatening you; and
- you need help to plan for your safety, whether you want to stay in the relationship or leave.



How can you plan for your safety?

One thing you can do to stay safer is make a **safety plan**. A safety plan is made up of the steps you can take to protect yourself and your children.

Having a safety plan means you know how to get help if your partner is abusing you. Your children will also feel safer when you help them make their own safety plan.

Ask a friend, advocate, or victim service worker to help you.

How do you start a safety plan?

- Get information about emergency services in your area (such as safe houses or transition houses) and how you can get help when you need it.
- Talk over your plan with people who can help.
- Talk to your children about how to keep safe.
- Keep a journal of the abuse and save evidence (pictures, emails, doctor visits, police reports). This needs to be kept in a safe place, outside your home. It's best if you can keep it with a friend, if possible.

Include in your plan how to protect yourself at home and after you leave the relationship.

This fact sheet just provides a few examples of what to do to protect yourself. You need to customize your safety plan to fit your situation.



How can you protect yourself at home?

Think about what you need to do to stay safe at home.

- Find the safest place in your home if you expect your partner to get violent. This is a place where you won't get trapped and there are no weapons, such as knives.
- Plan your emergency exits.
- Know your local emergency phone numbers and where you can get help.
- Ask neighbours and friends to call the police if they see or hear anything suspicious.
- Put away some money in a safe place.
- Keep your purse, wallet, identification, keys, medication, and cell phone in a safe, accessible place in case you need to leave suddenly.
- If you're using a computer or mobile device that your partner has access to, erase your browsing history. For more information, see [wikihow.com/Clear-Your-Browser's-Cache](http://www.wikihow.com/Clear-Your-Browser's-Cache).
- Find a safe place to store your important documents and personal papers for you and your children.
- If you decide to leave, don't tell your partner you're leaving until you're in a safe place with your children.



How can you protect yourself after you leave?

After you leave, you still need to protect yourself from abuse. This can be a dangerous time for you, as your safety may be at higher risk immediately after you leave. Your safety plan could include these actions:

- If you have a protection order or there's a no contact bail or probation order, keep a copy of it with you at all times.

- If you have a protection order, show your co-workers and neighbours a picture of your ex-partner, and ask them to call police if they see your ex-partner.
- Arrange to have your mail sent to friends or family.
- Let your family members, close friends, co-workers, and children's daycare or school know that you've left your abusive partner. Ask them not to provide information if your ex-partner contacts them.
- Contact all business and government offices that send you money with your change of address.
- Keep your cell phone charged and on you at all times.
- Screen your calls on all phones.
- Make sure your contact details aren't on public lists, like employee phone lists.
- Change your passwords on your social media accounts, and make sure that your social media information is only available to your friends and family.
- Make sure your home is secure and take different routes home.
- Switch banks, grocery stores, and other services you normally use.
- If you remain in the family home, change the locks, and if possible install an alarm system.
- Park in well lighted public areas close to the entrance, and have your keys ready on your way to your car. Have someone walk with you, if possible.

How can you protect your children?



Your children need a safety plan too. Plan this out by talking with them about safety. Consider this:

- Tell your children that their job is to protect themselves, not to protect you.
- Show them where they can go in the house that's safe if there's a violent situation.
- Set up a code word to use with your children during a violent situation in the home. If they hear you say it, they know to call for help.
- Teach them how to call 911, and what to say.

Who can help make a safety plan?

VictimLinkBC can help you get started on your safety plan. They offer confidential, multilingual support to people experiencing abuse.

1-800-563-0808 (24 hours)

The website mylawbc.com can help you make a safety plan. It has a guided pathway about abuse and family violence that can help you think about what you need to do to stay safe. It provides you with a safety planning checklist and a downloadable plan for your situation.

mylawbc.com/paths/abuse
(click "Make a safety plan")

Clear your browser

If you're using a computer or mobile device that your partner has access to, erase your browsing history. For more information, see wikihow.com/Clear-Your-Browser's-Cache. You could also consider using a computer at a library.

Read this fact sheet if you're a woman who's:

- afraid for your safety or your children's safety because your partner is mistreating you, and
- wondering if your partner's actions are abuse.

In this fact sheet, **partner** means the male person you are or were married to, live or lived with in a marriage-like relationship, or have a child with.

See *Who Can Help?* for resources for the LGBTQ/2S community.

What's abuse?

Abuse includes behaviour ranging from threats to physical or sexual assault. It may also include harmful emotional, verbal, and financial actions.

An abuser uses threats and violence to get power and control over their partner. Often, the abuser blames the abuse on the victim. But abuse is the abuser's fault. *Abuse against you isn't your fault.*

Here are some examples of relationship abuse.

Emotional or verbal abuse includes when your partner:

- embarrasses you, yells at you, insults you, or calls you insulting names;
- constantly criticizes and blames you for everything;
- doesn't let you contact friends and family;
- threatens to have you deported; or
- accuses you of having or wanting to have sex with someone else.

Psychological abuse includes when your partner:

- decides or limits what you do, where you go, or who you see;
- opens and reads your mail, text messages, email, or other private mail;
- follows or watches you wherever you are;
- posts sexual photos or videos of you without your permission;

- phones, texts, or emails you a lot, especially when you've asked not to be contacted;
- checks your phone or internet activity; or
- threatens to hurt you, your children, friends, or a pet.

Financial abuse includes when your partner:

- makes all the household money decisions and doesn't let you have any money;
- doesn't let you use bank accounts or credit cards;
- won't let you get a job or makes you lose your job; or
- runs up debts in your name.

Sexual abuse includes when your partner:

- forces you to have sex when you don't want to or haven't given consent;
- forces you to perform sex acts that make you uncomfortable or hurt you; or
- injures sexual parts of your body without your agreement.

Physical abuse is when your partner:

- stops you from leaving your home;
- breaks your things, damages property, or threatens to damage something that you value; or
- shoves, slaps, bites, chokes, punches, or kicks you, or hurts you with a weapon or any object.

It's also abuse if your partner threatens to kidnap your children, or threatens to use the courts to take your children away from you.

Abuse can continue after you leave your partner. For example, your abuser may threaten to take you to court to pressure you to do what they want. Or they may keep taking or trying to take you to court, or not pay child support that the court ordered.

Who's most at risk?

Abuse affects women of all backgrounds. Studies show that women who are at more risk of experiencing abuse include young women, Aboriginal women, women with drug or alcohol addictions, women with disabilities, and women living in poverty. Help is available for all women.

When is abuse against the law?



Any kind of abuse is harmful. But many kinds of abuse are also crimes:

- **Physical assault** is when your partner hits or hurts you. It's also when your partner threatens to hit or hurt you, and you believe that can and will happen.
- **Sexual assault** is when anything sexual happens to you that you don't agree to. This includes unwanted kissing, sexual touching, and forced intercourse (rape).
- **Criminal harassment** (sometimes called **stalking**) is when your partner forces unwanted and constant attention on you. It's a pattern of threats and actions that makes you afraid for yourself and your children. The law says that your partner can't phone or email you again and again, follow you, threaten you, or threaten to destroy your property.

Why do you stay?

Women stay with abusive partners for many reasons. You may stay for the following reasons:

- You believe things will change. You may be a victim of a "cycle of violence" — a repeating pattern of violence in an abusive relationship. It may begin with tension that slowly builds until a violent event happens. Later, your partner may be sorry, promise it won't happen again, and be loving. This may convince you both that the abuse will end. But this pattern of abuse often happens again.

- You feel financially dependent on the abuser, especially if you have a disability.
- You're afraid for your children's safety.
- You're afraid of losing your home, your children, or your immigration status.
- You think no one will believe the abuse happened.
- You have no social supports and feel alone.
- You don't know about your legal rights or support services that can help you.
- You don't speak English well and think that you won't be understood, or you're a newcomer to Canada.
- You feel pressured by family, community, religious, cultural, or societal beliefs.

You can get help



Because you're in an abusive relationship, you might feel embarrassed, ashamed, depressed, frustrated, trapped, guilty, or afraid and may not want to tell anyone or ask for help. Abuse in relationships *isn't* a private family matter. You can get help, whether you want to stay in the relationship or leave.

Start by telling someone you trust and who you think will believe you about the abuse. Make a safety plan (action plan) that sets out steps you can take to protect yourself when abuse happens. See *Safety Planning*.

Where can you find help?



VictimLinkBC gives confidential, multilingual support to women experiencing abuse. They offer referral services and information about support resources.

1-800-563-0808 (24 hours a day)

There are many trained people and services that give support, referrals, legal advice, and information. See *Who Can Help?*

Read this fact sheet if you have children and:

- your partner has abused or threatened you or your children; and
- you've left your abusive partner, or are thinking of leaving.

See *Who Can Help?* for where to get legal advice.

How can you protect your children?



If you decide to leave your partner and are worried about your children's safety, take them with you when you leave.

If you can't take your children with you when you leave, get them as soon as you can. If you feel it's unsafe to go back for your children, ask the police to go with you. The police can make sure that you're safe. If you don't have a court order, the police can't force your partner to give you the children.

If you're afraid for you and your children's immediate safety, or you believe your partner may abuse you and your children in future, apply for a protection order. See *Protection Orders*.

What legal terms about parenting do you need to know?

If you and your partner separate, there are some legal words you need to know. The following words are used in the BC Family Law Act:

- Parents who lived with or played a meaningful role in a child's life are the child's **guardians**. When one parent moves out, it doesn't matter who the child lives with: both parents continue to be guardians.
- Guardians have **parenting time** and **parental responsibilities**. Parenting time is the time a guardian spends with the child. Parental responsibilities are your responsibilities when raising a child (such as making daily decisions about the child and making important decisions about the child's education and medical treatment.)
- **Contact with a child** is time that a non-guardian has with the child.

For more information about family law, see familylaw.lss.bc.ca.

How can a parenting order help?



You can apply for parenting orders to limit your partner's parental responsibilities and parenting time. Sometimes, the court may order that a parent can no longer be a guardian. A parenting order can make your parental responsibilities clear, or limit your partner's parental responsibilities or parenting time.

You can apply for a parenting order without a lawyer. But it's better to get legal help. See "Legal help" in *Who Can Help?*

It takes time to get a final parenting order. You can get an **interim** (temporary) **parenting order** more quickly. You can apply for that right away.

In an emergency, you can apply for an interim order without telling your partner. This is called a **without notice** or **ex parte order**. You have to explain to the judge why it's an emergency and not safe to tell your partner about the order.

When deciding what parenting arrangements to make, the judge considers only your **child's best interests**. This includes:

- the child's health and emotional well-being;
- the child's views, unless it's inappropriate to consider them;
- the love and affection between the child and other important people in the child's life;
- the child's need for stability;
- the history of the child's care;
- the ability of parents or others who want guardianship, parenting time, or contact to look after the child;
- the effect of any family violence on the child's safety, security, and well-being; and
- whether the child's parents are able to cooperate with each other.

The judge may order that a **custody and access report** (also called a section 211 report) be written. For a fee, a professional prepares this report to give an opinion or recommendation about the best parenting arrangements for your children. A **family justice counsellor** can write this report for free if the court appoints one, but it can be a long wait.

For more information, go to the Attorney General website at www2.gov.bc.ca and search for “family justice counsellors.”

If you have a parenting order or agreement, and then get a protection order with different parenting details, the protection order must be obeyed first. For example, if your parenting order gives your partner parenting time but your protection order says your partner can't go near the children, the protection order must be obeyed first, and the parenting order goes on hold.

What can you do if you're afraid for your children's safety?



Even if your partner has abused you or your children, your children might still miss them and want to see them. Your partner can go to court or ask for **parenting time** with them through a lawyer, family justice counsellor, or mediator. Parenting time is the time a guardian spends with a child. If you're afraid for your children's safety, tell the judge and ask for:

- **conditions on parenting time or contact.** The judge can decide how your partner can spend time with the children. For example, the judge could say your partner can't:
 - use drugs or alcohol while with the children and for 24 hours before that, or
 - can't take the children out of your home community or have them stay overnight.
- **supervised time.** Your partner can visit the children only when someone else is with them. Before you go to court, ask a friend or family member if they would be able to supervise visits.
- **specific times.** Your partner can spend time with the children only at certain times.
- **a specific meeting place.** Your partner must not take the children from a certain place.

To ensure your safety when your children are seeing your partner, here are things you can do:

- Make a safety plan. Meet in public, or have another adult go with you or be your go-between. Ask the judge to put this into your court order. Or make sure it's in the agreement.

- Make written notes when your partner doesn't show up for a scheduled parenting time, or shows up drunk or on drugs. The notes could help in court.
- If your partner shows up drunk or on drugs for a scheduled parenting time, don't hand over your children if you feel it's unsafe for them. Instead, offer to plan the visit at another time.
- If you feel unsafe or you're in immediate danger, call **911**. If your area doesn't have 911 service, call your local emergency police or RCMP.
- If your partner **breaches** (disobeys) a parenting order, you can go back to court and ask the judge to **enforce** the order. The judge can also make different types of orders. For example, the judge can order a parent or a child to go to counselling or support programs.

Where can you get counselling for your children?

Witnessing abuse hurts children and can affect them emotionally. You can get free help for your children through the Children Who Witness Abuse Programs.

Call VictimLinkBC at **1-800-563-0808**.

Children and youth can also talk to a counsellor through the Kids Help Phone. Call **1-800-668-6868**.

Child protection services

Your children may have witnessed or experienced abuse in your home. If you and your children are staying in the family home with your abusive partner, your children's safety is important.

Under BC law, anyone who suspects that a child is being abused or neglected must report this to a social worker with the Ministry of Children and Family Development (MCF) or a delegated Aboriginal agency. Call **1-800-663-9122**.

MCF will make sure your children are safe and aren't harmed by witnessing family violence. Social workers will try to work with you to keep your children safe with you or with a family member. But they also have the power to place your children in foster care if there isn't an agreement about the plan for where they can live that's safe.

Read this if you're a man who's:

- concerned about safety or depressed because your female partner is mistreating you, and
- wondering if your partner's actions are abuse.

In this fact sheet, **partner** means the female person you are or were married to, live or lived with in a marriage-like relationship, or have a child with.

See *Who Can Help?* for resources for the LGBTQ/2S community.

You're not alone



If you're a man being abused by your partner, you're not alone. This type of abuse happens but isn't widely discussed or reported. It takes courage for you to recognize and report it.

What's abuse?

Abuse includes behaviour ranging from threats to physical or sexual assault. It may also include harmful emotional, verbal, and financial actions.

The abuser uses threats and violence to get power and control over their partner. Often, the abuser blames the abuse on the victim. But abuse is the abuser's fault. *Abuse against you isn't your fault.*

Here are some examples of relationship abuse.

Emotional or verbal abuse includes when your partner:

- embarrasses you, yells at you, insults you, or calls you insulting names;
- constantly criticizes and blames you for everything;
- doesn't let you contact friends and family;
- threatens to have you deported; or
- accuses you of having or wanting to have sex with someone else.

Psychological abuse includes when your partner:

- decides or limits what you can do, where you go, or who you see;
- opens and reads your mail, text messages, email, or other private mail;
- follows or watches you wherever you are;

- phones, texts, or emails you a lot, especially when you've asked not to be contacted;
- checks your phone or internet activity; or
- threatens to hurt you, your children, friends, or a pet.

Financial abuse includes when your partner:

- makes all the household money decisions and doesn't let you have any money;
- doesn't let you use bank accounts or credit cards;
- won't let you get a job or makes you lose your job; or
- runs up debts in your name.

Sexual abuse includes when your partner:

- forces you to perform sex acts that make you uncomfortable or hurt you; or
- injures sexual parts of your body without your agreement.

Physical abuse includes when your partner:

- stops you from leaving your home;
- breaks your things, damages property, or threatens to damage something that you value; or
- shoves, slaps, bites, chokes, punches, or kicks you, or threatens or hurts you with a weapon or any object.

It's also abuse if your partner threatens to kidnap your children, or threatens to use the courts to take your children away from you.

Abuse can continue after you leave your partner. For example, your abuser may threaten to take you to court to pressure you to do what they want. Or they may keep taking or trying to take you to court, or not pay child support that the court ordered.

Who's most at risk?

Studies show that men who are at more risk of experiencing abuse include men who are younger, Aboriginal, in common-law relationships, or with partners who have high levels of conflict and stress in other areas of life. Help is available for all men.

When is abuse against the law?



Any kind of abuse is harmful. But many kinds of abuse are also crimes:

- **Physical assault** is when your partner hits or hurts you. It's also when your partner threatens to hit or hurt you, and you believe that can and will happen.
- **Sexual assault** is when anything sexual happens to you that you don't agree to. This includes unwanted kissing, sexual touching, and forced intercourse.
- **Criminal harassment** (sometimes called **stalking**) includes when your partner forces unwanted and constant attention on you. It's a pattern of threats and actions that makes you afraid for yourself and your children. The law says that your partner can't phone or email you again and again, follow you, threaten you, or threaten to destroy your property.

Why do you stay?

Men stay with abusive partners for many reasons. One reason may be society's attitudes about how men and women should act. Our society expects men to be strong and protect women, not be abused by them.

Repeated psychological and emotional abuse over time lowers confidence and self-esteem. You may begin to believe that you haven't fulfilled society's idea of a man's role and that you deserve the abuse. Such beliefs make it difficult for a man to leave an abusive relationship.

Other reasons why you stay may include:

- You want the relationship to continue because you love your partner and sometimes your partner acts loving and kind.
- You feel financially dependent on your partner, especially if you have a disability.
- You're afraid for your children's safety.
- You want to spend time with and care for your children.
- You think no one will believe the abuse happened.

- You're in denial that you're in an abusive relationship. (You believe, "it's not that bad" or "I'm a man. I can deal with it.")
- You have no social supports and feel alone.
- You don't know about your legal rights or support services that can help you.
- You feel pressured by family or community, or by religious, cultural, or societal beliefs.

You can get help



Because you're in an abusive relationship, you might feel embarrassed, ashamed, depressed, frustrated, guilty, trapped, or afraid and may not want to tell anyone or ask for help. Abuse in relationships *isn't* a private family matter. You can get help, whether you want to stay in the relationship or leave.

Start by telling someone you trust and who you think will believe you about the abuse. Make a safety plan that sets out steps you can take to protect yourself when abuse happens. See *Safety Planning*.

Where can men find help?



VictimLinkBC gives confidential, multilingual support to people experiencing abuse. They offer referral services and information about support resources.

1-800-563-0808 (24 hours a day)

Some organizations give support services, counselling, and information specifically for men:

BC Society for Male Survivors of Sexual Abuse
604-682-6482 (Greater Vancouver)
1-888-682-6482 (elsewhere in BC)
bc-malesurvivors.com

BC Men's Resource Centre
604-878-9033 (Greater Vancouver)

The Men's Centre
250-716-1551 (Nanaimo)
877-716-1551 (elsewhere in BC)
themenscentre.ca

Men's Trauma Centre
250-381-6367 (Victoria)
1-866-793-6367 (elsewhere in BC)
menstrauma.com

Read this fact sheet if:

- you're afraid for your safety or your children's safety because your partner abused you or threatened to hurt you or damage your property; and
- you need a court order to protect yourself or your children.

You may need help from a lawyer. See "Legal help" in *Who Can Help?*

What are protection orders?



If your partner has threatened you, been violent towards you, or caused you to fear for your or your children's safety, you can apply for a protection order. Protection orders are made by a judge in court or by police to help protect one person from another person. There are two types of protection orders:

- **Peace bonds** are issued in criminal court.
- **Family law protection orders** are issued in family court.

When you get a protection order, make a copy and keep it with you at all times. Show it to the police if you need to call them. You can also give a copy to your child's school or daycare.

What's a peace bond?



A peace bond is a protection order made under the Criminal Code of Canada. It can help protect you from your partner.

A peace bond can set conditions, such as your partner:

- can't have direct or indirect contact with you (or your children);
- must stay away from where you live and work;
- must not contact you by phone, mail, email, through another person, or in any other way;
- can't carry weapons or use drugs or alcohol; or
- has to go for counselling.

How do you apply for a peace bond?

You don't need a lawyer to apply for a peace bond. You can call the police or RCMP to ask for one.

- The police may then send a report to **Crown counsel** (the government lawyer). This report describes your situation, why you're afraid for your safety, and why you need to be protected by a peace bond. Crown counsel can then apply to court for a peace bond for you. You can apply for a peace bond yourself for free at Provincial Criminal Court.
- To apply for a peace bond, you'll have to go to court for a hearing. Your partner will probably be there too. At the hearing, you or Crown counsel don't have to prove to the judge that your partner hurt you. You just have to prove that you have a reasonable fear that your partner will hurt you, your family, or a pet, or damage your property.
- A peace bond applies across Canada for up to one year. You can apply for another one if you need it.
- If the application for a peace bond proceeds, Crown counsel will be involved. If there's a court hearing, it will be in criminal court.

If your partner breaches a peace bond

If your partner **breaches** (disobeys) the peace bond, call the police right away. Tell them you have a peace bond. The police can arrest and charge your partner with a criminal offence.

Write down all the times your partner breaches the peace bond, every time you call the police, and the incident numbers you get from the police.

If you contact your partner, *you're* disobeying the peace bond. If you want to contact them, first ask Crown counsel for a change to the bond conditions.

What's a family law protection order?



A family law protection order is a protection order made under the Family Law Act that can protect you from a family member, such as your partner, your child's parent or guardian, or a relative who lives with you. A judge in family court (Provincial or Supreme Court) can make a family law protection order if there's a risk of family violence, such as:

- you or a family member are abused physically, emotionally, psychologically, or sexually;
- you're followed or stalked;
- your property is damaged; or
- your child is exposed to family violence.

A protection order can tell your partner:

- to not contact you, your children, or other family members;
- to stay away from your home, work, school, or other places where you and your family spend time;
- to not follow you, your children, or other family members;
- to not have a weapon; and/or
- that the police can take them from the family home, or go with you to your home to get your personal belongings.

How do you apply for a family law protection order?



You can apply for a family law protection order in either Provincial Court or Supreme Court. Usually you apply for a family law protection order (for free) in Provincial Court. You'll have to fill out some forms and go to a hearing.

You can also apply in Supreme Court. It costs \$80 if you have already started a case in Supreme Court. It costs \$200 if you haven't already started a case.

You don't have to give your partner notice when you apply. Giving notice may put you in more danger. After the court makes a protection order, it will **serve** (arrange delivery of) a copy on your partner. Your partner can then ask the court to set aside or change the order. If they can prove there isn't a risk of family violence, the order will be set aside.

- The family law protection order ends **after one year** unless the judge puts another date in it.
- It's made in BC and usually applies only in BC (not the rest of Canada), but you may be able to register your order with the courts in your new location.

If your partner disobeys the order

If your partner breaches this order (if either of you contacts the other), the police can arrest and charge your partner with a criminal offence.

If you want to contact your partner, you must apply to court to change or cancel the protection order. Before you make changes to the protection order, talk to a victim service worker or lawyer. You need to know how changes could affect your or your children's safety.

Other criminal court orders

If your partner is charged with a criminal offence, such as assault against you, there may be other court orders that have conditions to protect you. These include bail, probation, or conditional sentence orders. These orders may include conditions to have no contact with you or your children, or your family or friends, and not to go to specific addresses such as your home, workplace, or school. It's possible for criminal court orders to be in place at the same time as a protection order.

What's an exclusive occupancy order?



An exclusive occupancy order says you can stay in the family home with your children. Your partner can't come into your home while this order is in place.

If you want to keep living in the family home with your children:

- Tell the police you want a peace bond that says your partner must stay away from your home.
- Apply for a protection order, a parenting order, and an exclusive occupancy order under the Family Law Act.

If you left your abusive partner to go to a safe place, you may be able to apply for an exclusive occupancy order later. You'll need a lawyer to go to court with you to get this order. Legal Aid won't give you a lawyer for this unless you're in danger. To find a lawyer, see "Legal help" in *Who Can Help?*

BC Protection Order Registry

The Protection Order Registry keeps a record of all protection orders made by BC courts. If your protection order is registered and you have to call the police about your partner, they can quickly find out the conditions in your protection order. To make sure your protection order is registered and correct, contact VictimLinkBC:

1-800-563-0808 (24 hours a day)
www2.gov.bc.ca (search for "Protection Order Registry")

Read this fact sheet if:

- you're in immediate danger;
- your partner has abused or threatened to hurt you or your children, or has damaged your property; and
- you want help from the police.

Why call the police or RCMP?



They can help you. You might feel scared about getting help from the police or RCMP because you're in an abusive relationship. But remember that abuse is

the abuser's fault. *Abuse against you isn't your fault.*

It's a crime for your partner to threaten or hurt you. If that happens:

- Call **911**. If your area doesn't have 911 service, call your local emergency police or RCMP.
- If you don't speak English, ask 911 for an interpreter.

You can call the police at the time of an abusive incident with your partner or after it has already happened and you're in a safe place.

What happens when you call the police?

When the police come to your home, they talk to you and your partner separately. Tell the police as much as you can remember. Tell them if:

- You're afraid for your safety and your children's safety, and what your partner did to make you afraid.
- There are weapons in your home.
- You tried to leave the relationship, or told your partner you're leaving.
- Your partner has a history of abusing you or others.

- You want a court order to keep your partner away from you and your children. See also *Protection Orders*.
- You and your children want to stay in the family home.

What will the police do?



When you call or meet with the police about your abusive partner, they have to investigate right away and make a police report.

The police may:

- Take you and your children to a safe place, like a safe house, transition house, or friend or relative's home.
- Take you to a hospital or doctor if you're hurt.
- Arrest your partner (that is, take them to the police station and ask questions) if there's evidence of abuse. The police can arrest your partner even if you don't want them to.
- Give their report and evidence of abuse to **Crown counsel** (the government lawyer). Crown counsel decides if there's enough evidence to charge your partner with a crime. The police must ask Crown counsel for approval to charge your partner if there's evidence of assault or criminal harassment, even if you don't agree.
- Charge your partner with a crime if Crown counsel approves charges.

When you meet with the police, ask for a card with their name and phone number on it and the police case or incident number. You need these so you can:

- Call the police if your partner contacts you when they're not supposed to.
- Get up-to-date information about the police investigation and your partner's case.

- Report the abuse so there's a record if you need it in future; for example, if you apply for a protection order.

The police can also give you information about advocates or victim support workers who can help.

What happens if the police arrest your partner?



If arrested, your partner can be held in custody while the police investigate. If your partner isn't charged, they'll be released without conditions. However, if your partner is charged:

- They may be released with **no contact** conditions. For example, they can't contact you in any way and must stay away from your home and work.
- They may be held in jail and must apply for bail in court. The judge will decide if your partner can be released from jail while the police and courts deal with the criminal charges. (This is usually with no contact conditions and to not use guns, drugs, or alcohol.) Sometimes the judge will include a condition to allow indirect contact through lawyers, family justice counsellors, or mediators to arrange visits with the children or to arrange financial support.
- They may go to court and plead guilty or not guilty. In some cases, the judge may set release conditions that say your partner can't contact you or your children, or go to your home. The judge may also say that your partner can't use guns, drugs, or alcohol.

See also *The Criminal Court Process*.

What if you have children?

If you have children in your home, the police will call the Ministry of Children and Family Development (MCF). MCF will need to ensure your children are safe and aren't harmed by witnessing family violence. The social worker will try to work with you to keep your children safe with you or with a family member. The social worker won't want to separate you and your children. But the social worker also has the power to place your children in foster care if there isn't an agreement about the plan for where your children can live that's safe.

If a social worker contacts you about your children, you have the right to legal advice. Call Legal Aid BC at 604-408-2172 or 1-866-577-2525.

What information do you have a right to?



Under the BC Victims of Crime Act, a person who's been abused has a right to up-to-date information about their partner's case. This information can include how the criminal justice system works and how the abuser's sentence will be carried out.

If you're having trouble getting information from the police, RCMP, or Crown counsel, an advocate or victim service worker may be able to help you. See *Who Can Help?*

If you or someone you know is being abused, get help. Here's information about people and agencies that can help you.

If you're in immediate danger



Call 911. If you don't speak English, ask 911 for an interpreter.
If your area doesn't have 911 service, call your local emergency police or RCMP.

Services to help you



Abuse in relationships *isn't* a private family matter. Support services and trained people can help you and your children wherever you live in BC.

Telephone helplines

VictimLinkBC gives confidential, multilingual support for victims of abuse. They offer referral services and information about support resources.

1-800-563-0808 (24 hours a day)
victimlinkbc.ca

BC211 provides free information and referrals to community, government, and social services.

211 (24 hours a day)
bc211.ca

Safe housing

Shelters and transition houses are free, temporary places for women to stay when they're leaving an abusive partner. These houses provide a safe place to stay and support services to women and their children.

To find housing in your community, call:

BC Society of Transition Houses:
604-669-6943 (Greater Vancouver)
1-800-661-1040 (elsewhere in BC)
Or call VictimLinkBC at **1-800-563-0808**

Income assistance (welfare)

Apply for emergency money from the BC Ministry of Social Development and Poverty Reduction:

1-866-866-0800 or
myselfserve.gov.bc.ca

If you need an advocate to help you apply for financial assistance, contact **povnet.org** (click "Find an Advocate").

See also *What to Do About Money*.

Emotional support

You may want to talk to someone about your situation. Call VictimLinkBC to get help from a victim assistance worker who can tell you about emotional supports available in your community.

Help in different languages

VictimLinkBC offers help for victims of abuse in 110 languages.

1-800-563-0808

AMSSA provides a list of multicultural agencies that have interpretation and translation services for immigrants.

604-718-2780 (Greater Vancouver)

1-888-355-5560 (elsewhere in BC)

amssa.org

Legal help

Legal Aid BC (Legal Services Society)

Contact Legal Aid BC to learn about free legal services. Tell them if you've been abused and need help to stay safe and to keep your children safe.

You may qualify for a free lawyer. Our services are in many languages.

604-408-2172 (Greater Vancouver)

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

legalaid.bc.ca

If you don't qualify for a lawyer to take your case, you can find out about other legal services, such as:

- Family LawLINE
- family duty counsel (a lawyer at court)

Other Legal Aid websites:

familylaw.lss.bc.ca (family law information)

mylawbc.com (help making a safety plan)

aboriginal.legalaid.bc.ca (legal information for Aboriginal people)

Lawyer Referral Service

Gives you the name of a lawyer you can talk to about your legal problem for \$25 plus taxes (first half hour)

604-687-3221 (Greater Vancouver)

1-800-663-1919 (elsewhere in BC)

Access Pro Bono Society of BC

Legal clinics where you can meet with a lawyer for half an hour for free, if you qualify

604-878-7400 (Greater Vancouver)

1-877-762-6664

Legal services for Aboriginal people

Call VictimLinkBC for the name of a Native courtworker near you who can help:

1-800-563-0808

Services for the LGBTQ/2S community

QMUNITY provides referrals to lawyers, shelters, and other resources

604-684-5307 ext. 100

Legal Aid BC publications

Legal Aid BC publishes booklets about the law. These are booklets about abuse:

- *Clear Skies* (available in English only) is a graphic novel that introduces you to your legal rights through storytelling and artwork.



- *For Your Protection: Peace Bonds and Family Law Protection Orders* (available in English only) explains how and when to apply for peace bonds and family law protection orders, and what the differences are between them.



- *Leaving Abuse* (available in English only) is a graphic novel that shows (with illustrations and a plain language story) how to find support and legal aid.



- *Mothers Leaving Abusive Partners: Family Law Information* (available in simplified and traditional Chinese, Punjabi, Spanish, and online only in French) describes how to protect yourself and your children, what the courts can do, deciding parenting arrangements, and where to get help and support.



- *Safety in Relationships for Trans Folk* and *Safety in Same-Gender Relationships* (available in English only) describe relationship abuse, provide tips for staying safe, dispel common myths, and list community resources where help is available.



- *Is That Legal* (available in Arabic, simplified and traditional Chinese, Punjabi, and Spanish) helps youth become safer online when they use social media.



Read these publications at legalaid.bc.ca/read.

Order copies at crownpub.bc.ca (under Quick Links, click BC Public Legal Education & Information).

Clear your browsing history

If you're using a computer or mobile device that your partner has access to, erase your browsing history. For more information, see wikihow.com/Clear-Your-Browser's-Cache. You could also consider using a computer at a library.

Read this fact sheet if:

- you're an immigrant in Canada sponsored by your partner;
- you're afraid for your safety (or your children's safety) because your partner is abusing you; and
- you want to know how to protect yourself or your children.

Can the police help?



Yes, they can. You might feel scared about getting help from the police or RCMP. But remember that abuse is the abuser's fault. *Abuse against you isn't your fault.*

It's a crime for your partner to threaten or hurt you. If you're in immediate danger:

- Call 911. If you don't speak English, ask 911 for an interpreter.
- If your area doesn't have 911 service, call your local emergency police or RCMP.

If your partner has abused you, the police may take them away or take you and your children to a safe place, like a safe house, transition house, or a friend or relative's home. The police can also take you to a hospital or doctor if you're hurt.

Where else can you get help?

If you need help right away, call VictimLinkBC. They give help to victims of abuse in 110 languages. They can tell you where to find an emergency shelter (a safe house) or a transition house, a victim service program, or a referral for legal help.

1-800-563-0808
victimlinkbc.ca

Can you leave your partner?



Yes. If your partner abuses you, you can leave the relationship, *even* if your partner is your sponsor. You can also take your children with you. And you can take your identification papers and documents that show your immigration status in Canada and your children's immigration status. Also take anything that belongs to you and what the children need.

- If you have permanent resident status and you leave your partner, you won't be deported or have to leave Canada. You can stay even if your partner is your sponsor.
- If you don't have permanent resident status or you're a refugee claimant, and you leave your partner, get legal help right away. Call Legal Aid BC.

Humanitarian and compassionate applications

Generally, if you don't have permanent resident status, and you leave your sponsor partner or your sponsorship is cancelled, you may apply for permanent resident status for humanitarian and compassionate (H&C) reasons. Immigration legal aid may help you with the application to Immigration, Refugees and Citizenship Canada (IRCC).

To assess H&C applications, IRCC considers:

- how much hardship you would face if you had to go back to your home country;
- whether your work skills, training, and family and community support could help you adapt to life in Canada; and
- whether your children's best interests would be harmed if you had to leave Canada.

IRCC also looks at documents you include with your application, such as police reports and letters from doctors, teachers, employers, and other people you know.

If your application is approved, you'll be allowed to stay in Canada as a permanent resident.

If your application *isn't* approved, you may have to go to an immigration hearing sometime to decide if you have to leave Canada.

Can you get financial help?



If you're a permanent resident, you can apply for **income assistance** (also called **welfare**). This is money from the provincial government for basic needs such as housing, food, and clothing. This has no impact on your immigration status in Canada.

If you don't have permanent resident status and need financial help, talk to a lawyer, advocate, or settlement worker (also called an immigrant settlement worker, who helps newcomers to Canada find services) before you apply for welfare. If you already receive welfare as a refugee or refugee claimant, these payments won't be cancelled because you leave an abusive partner.

The online application for welfare is available at www2.gov.bc.ca. (Click Family and Social Supports and then Income Assistance.) Before you apply, gather your permanent resident papers and any documents that may help support your application. When you apply for income assistance, it's important to say if you've been threatened or abused by your partner.

If you don't have all your identification documents or your Social Insurance Number (also called a SIN), you can still apply for **hardship assistance**. This is emergency money for food, housing, or medical needs. But to get this, you must prove that you're a permanent resident. You must also show that you're doing everything you can to get your SIN and/or other identification documents.

To find out more, see *What to Do About Money*.

Can you get spousal or child support?

If you and your partner separate or divorce, your partner still has a legal responsibility to help support your children. This is called **child support** or **maintenance**. They may also have to give you support payments. This is called **spousal support**.

You can go to court to apply for child or spousal support from your spouse. If you don't want to go to court, you and your spouse can try to work out an agreement with a mediator, lawyers, or a family justice counsellor.

Need help to get your immigration documents?



Your partner might have your immigration documents. If you're afraid to ask for them, or you think your partner won't give them to you, you can apply for a certified copy of your permanent resident papers or a replacement permanent resident card. Call Immigration, Refugees and Citizenship Canada:

1-888-242-2100
cic.gc.ca

An advocate or settlement worker can help you ask the police to go with you to your partner's house to get your documents. The police will probably not make your partner give you the papers, but they can make sure you're safe while you're there.

What can a lawyer do for you?



It's a good idea to talk to an immigration lawyer to get legal advice before you speak to anyone at Immigration, Refugees and Citizenship Canada.

It's also a good idea to talk to a family law lawyer to help you:

- apply for a court order telling your partner to stay away from you and, if necessary, from your children (see *Protection Orders*); and
- apply for spousal support, child support, and parenting orders (see *Keeping Your Children Safe* and *What to Do About Money*).

If you're sponsoring your partner and they abuse you, get legal help right away.

Read this fact sheet if you:

- have left, or think you might leave, an abusive partner;
- have questions about how to support yourself and your children; and
- want to know what may happen to your home or property you share with your partner, and who's responsible for debts.

Where can you get money?

Income assistance (welfare)



Income assistance is money and other benefits you may be able to get from the BC Ministry of Social Development and Poverty Reduction (the ministry) if you need it. To apply, call:

1-866-866-0800

Tell them you're leaving an abusive partner. If you need money right away for food, housing, or medical needs, tell them you want to apply for **hardship assistance**. This is emergency money you can get quickly.

You can only get hardship assistance for a short time. If you stay separated from your partner and have no money, apply for regular income assistance or disability benefits as soon as you can.

If you're getting welfare and your address changes, call the ministry to have your payments sent to your new address.

If you live on reserve, you must follow a different process. To apply for welfare, contact the band's social development worker. You don't need to be Aboriginal to apply for welfare on reserve.

Child tax benefits

Child tax benefits are money the federal and provincial governments pay every month to eligible families to help raise their children. If you aren't getting these benefits, call the Canada Revenue Agency to apply:

1-800-387-1193

If you're already getting welfare but not these benefits, ask the ministry for a top-up (extra money) while you wait for these federal benefits to start.

If you get a lump-sum payment of the federal benefits, the BC Family Bonus (a provincial benefit) amount will be taken off your welfare payment for that month.

If you're getting one or more federal benefits and have lived apart from your partner for 90 days or more because your relationship ended, you may qualify for more benefits. Send the Canada Revenue Agency the form that says you're separated (Form RC65). To find this form, see:

cra-arc.gc.ca (search for "Marital Status Change")

If your address changes, contact the Canada Revenue Agency to have your payments sent to your new address.

Crime Victim Assistance Program benefits

This is money the BC government pays to victims of crime to help them recover from injury and financial loss. If you've been physically abused or harassed, you can apply. Benefits cover things such as lost wages, medical expenses, damaged clothing or eyeglasses, changing locks, and counselling. Your partner doesn't have to be charged with a crime for you to get the benefits, but there must be a police report. To apply, call the Crime Victim Assistance Program:

604-660-3888 (Greater Vancouver)

1-866-660-3888 (elsewhere in BC)

Child or spousal support

This is money the court may order your partner to pay you if you separate or divorce.

Spousal support can be complicated and have timelines. Talk to a family lawyer or get information from Family LawLINE right away to see if you're entitled to spousal support. Call:

604-408-2172 (Greater Vancouver)

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

The Federal Child Support Guidelines say how much child support your partner must pay, based on the number of children and your partner's income.

To find out more, speak to a family justice counsellor or a child support officer at the Family Justice Centre. This service is free. Call Service BC and ask to have your call transferred to a family justice counsellor or child support officer close to you:

604-660-2421 (Greater Vancouver)

250-387-6121 (Victoria)

1-800-663-7867 (elsewhere in BC)

Civil damages

Civil damages are payments that a judge may order your abusive partner to pay you. To get this, you have to sue your partner in civil court. The money is for your pain, suffering, injuries, or loss of wages because of the abuse. If you want to apply, talk to a lawyer right away. There are time limits. See Legal help in *Who Can Help?*

Other options

You may be able to get Employment Insurance benefits or pension benefits (if you're eligible). Or you might ask for financial help from family and friends.

How is family property divided?



Property laws are complicated. There are important time limits. If you have questions about dividing family property, talk to a lawyer as soon as you can.

If you're married or have lived in a marriage-like relationship for at least two years (which makes you and your partner **spouses**), you have a right to an equal share of family property. Family property is everything owned by one or both spouses at the time you separate. The property usually includes the family home, cars, furniture, bank accounts, businesses, and pensions. It doesn't include property that one partner owned before the relationship started.

Courts will order that family property be shared unequally only if it would be "significantly unfair" to divide it equally.

If you and your partner lived together for less than two years, you usually share the property you own together. You might have to prove you have a right to it if your name isn't on the property, and there's no written agreement saying that you and your partner agreed to split it. You would have to show that you paid part of the expenses, or paid by looking after the property. For example, you looked after your children and your home so your partner could earn money to get the property. This is called the law of **constructive trust**.

Who's responsible for debts?



If you're married or have lived in a marriage-like relationship for at least two years, both spouses are equally responsible for family debts.

Family debts are any debts you or your spouse took on during your relationship, no matter whose name is on the debt. They also include debts either of you took on to take care of family property after you separated.

The court will order that debts be shared unequally only if it would be "significantly unfair" to divide it equally.

The people who you and your partner owe money to can get payment only from the partner who took on the debt. If you and your partner have joint debts, they may choose to try and get payment from only one partner.

If you've separated, consider this:

- Let all your creditors know you've separated.
- Cancel any secondary credit cards.
- Talk to your bank about any joint accounts. Reduce limits on overdrafts and credit lines to what you owe now. If you need credit, ask the bank to open a line of credit in your name only.
- Change the beneficiary of your investments, RRSPs, insurance, and your will if your partner is the beneficiary.
- Talk to a lawyer for legal advice.



Read this fact sheet if:

- your partner is charged with assault or another crime against you, and has to go to court;
- you think you may have to be a witness; and
- you have questions about the legal process.

See *Who Can Help?* for where to get legal advice.

What happens if your partner is charged?



After the police investigate the abuse, they report to **Crown counsel**, (the government lawyer). Crown counsel isn't *your* lawyer — they act for the public.

Only Crown counsel can approve or drop charges.

BC law says if there's evidence of assault or criminal harassment, the abuser must be charged with a criminal offence. If Crown counsel decides there is evidence and approves the charges, your partner has to go to court. At court, the judge will ask:

- if your partner has/plans to get a lawyer, and
- how your partner wants to **plead** (answer) to the criminal charge.

If your partner pleads **guilty**, there won't be a trial. Instead, the judge will decide the **sentence** (legal punishment) either that same day or later.

If your partner pleads **not guilty**, a trial will happen. If your partner is in jail, the judge may let them out until the trial. Your partner will have to agree to **bail conditions**, such as not contacting you, or not drinking alcohol.

You might not be notified when your partner gets out of jail. But you need to know what's happening and what the bail conditions are. Ask Crown counsel for a copy of the bail conditions and any no contact orders. Keep these with you *always* in case you need to call the police. If you need help getting the bail conditions, ask an advocate or victim service worker for help. To find a victim service worker, call VictimLinkBC at 1-800-563-0808.

If your partner **breaches** (disobeys) the bail conditions or no contact order, call the police. They can arrest and charge your partner with **breach of bail** or **breach of an order**.

Your partner can ask for an **adjournment** (court delay) for a good reason (like getting a lawyer).

You only have to go to court if you want to go or Crown counsel says you must be a witness.

Crown counsel might give you a **subpoena** (a legal document that says you must go to court).

What does a witness do?



If your partner pleads not guilty, you'll have to **testify** (tell the judge what happened to you).

Before the trial, Crown counsel will talk to you about the case. If you need an interpreter or help because you have a disability, tell Crown counsel before you meet. They can arrange this for you. Crown counsel:

- will talk to you about what you plan to say,
- may explain what'll happen in court, and
- may talk to you about making a **victim impact statement**.

If your partner is found guilty, your statement will help the judge decide their sentence. A victim service worker or advocate can help you fill out the statement form. Tell Crown counsel:

- if you're afraid for your or your children's safety,
- if your partner breached or disobeyed a bail or no contact order and how your partner breached the order, and
- if/when you had contact with a **probation officer**. Probation officers supervise people after they get out of jail, if they're on bail, or if their sentence includes probation.

If you don't want to be a witness

Tell Crown counsel. Ask if Crown counsel can ask the judge for a **peace bond** instead of having a trial. The peace bond says your partner must "be of good behaviour and keep the peace" for up to 12 months. It usually has other conditions too, such as no contact with you. If your partner follows it, they won't have a criminal record.

Even if you don't want to be a witness, the case may still go ahead. The judge may say you have to testify or you'll be arrested if you don't testify.

If that happens, explain why you don't want to be a witness. If you're afraid, the judge may allow you to testify on video or sit behind a screen. Ask an advocate or victim service worker about this.

What happens in a trial?



Before a trial, a victim service worker can explain the court process to you and may be able to go with you to court.

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

At the trial

1. Crown counsel presents evidence against your partner (the **accused**).
2. Crown counsel calls you as an important witness and asks you questions.
3. Crown counsel calls other witnesses, such as the police, your friends or neighbours, and maybe your doctor. Your children won't be witnesses unless it's necessary.
4. Crown counsel may present **physical evidence**, such as torn clothing, photos of injuries, a weapon, or medical records.
5. Your partner or their lawyer can **cross-examine** you (ask you questions). The judge and Crown counsel should make sure that the questions are appropriate. You could also ask for a screen or arrange to only look at the judge while answering questions.
6. After Crown counsel presents its case, your partner's lawyer presents the other side in the same way. Your partner may give evidence, but they don't have to.



Judge's decision

After hearing all facts, the judge decides if your partner is guilty or not guilty.

- If your partner is guilty, the judge will sentence them.
- If your partner is not guilty, the judge won't sentence them. This doesn't mean the judge didn't believe you. It means that the evidence didn't prove that your partner was guilty "beyond a reasonable doubt."

How the judge decides the sentence

The judge:

- thinks about what happened when you were abused;
- reads your victim impact statement. (If you wrote it a while ago, it helps to update it before the trial); and

- may ask for a pre-sentencing report from a probation officer. The probation officer may interview you to write this report, so be clear about your and your children's safety concerns.



Possible sentences

If the judge decides your partner is guilty, your partner will get one of the following sentences:

- **Conditional discharge:** Your partner must obey conditions for a period of time, like stay away from you and your children, or get counselling. If your partner obeys, they won't have a criminal record.
- **Suspended sentence:** For a period of time, your partner must obey all conditions the judge puts in the probation order. Usually, one condition is to report to a probation officer. The judge may also order your partner to go to a treatment program for abusive people, or for drug or alcohol addiction. The probation officer must tell you the conditions in the order. If your partner doesn't obey them, they can be arrested, charged, and face trial. If your partner is found guilty, they'll also be sentenced for breach of an order. They'll have a criminal record even if they obey all the conditions.
- **Time in jail:** If the assault was serious or if your partner committed criminal offences before, they may be sentenced to time in jail. After jail, your partner may be on probation and have to obey conditions. With this sentence, your partner will have a criminal record.

What about after the trial?

If your partner has a jail sentence, it's important to:

- Tell the parole board and corrections staff if your address/phone number changes. They can send you information about parole hearings and when your partner will get out of jail.
- Keep talking to your advocate or victim service worker for ongoing support and information.



How to get this and other free Legal Aid BC publications

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Order: crownpub.bc.ca
(under Quick Links, click BC
Public Legal Education & Information)

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