



MOTHERS LEAVING ABUSIVE PARTNERS

Family Law Information



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This booklet provides general information on British Columbia law only. The information in this booklet is not intended to offer specific legal advice. Because each person's case is different, you might need to get legal help. Information in this guide is accurate as of March 2022.

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The YWCA Metro Vancouver is a progressive, non-profit organization dedicated to achieving women's equality. It is a registered charity, providing a range of integrated services for women and their families, and those seeking to improve the quality of their lives. From early learning and care to housing, health and fitness, employment services, and leadership, the YWCA Metro Vancouver touches lives in communities throughout Metro Vancouver.

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Who Is This Guide For?

This guide is for women (inclusive of all who identify as women) with children who've been abused by their intimate partner. This can include a spouse or someone you were never in a relationship with but who you share a child with.

If your partner is abusive, their abuse could get worse if you leave or threaten to leave. This booklet gives you information to help you:

- stay safe when you leave your partner, and
- understand and use the legal system.

There are many types of **abuse**. For example:

- Physical or sexual abuse (affecting your body)
- Psychological abuse (affecting your mind and how you feel)
- Financial abuse (affecting the ability to support yourself or your children)

See the next section for more examples of abuse.

We refer to your partner in this booklet as a partner or ex-partner.

What Is Abuse?

Abuse can be violent or non-violent. There are many different kinds of abuse defined in BC law:

Physical abuse

- Making any kind of physical contact that hurts or could hurt you or your children. For example:
 - pushing, pulling hair, kicking, biting
- Stopping you or your children from leaving your home or any other place. For example:
 - sitting on you so you can't move
 - locking you in a room for even a short time
- Not giving you or your children the basic things you need. For example:
 - food, water, heat, a bed

Note: You won't be accused of physical abuse if you use reasonable force to try to protect yourself, your children, or your pets from getting hurt.

Sexual abuse

- Rape
- Unwanted sexual touching
- Making you or your children watch or listen to pornography or people taking part in sex acts

Attempts to abuse

- Trying or threatening to hurt you or your children. For example:
 - saying they're going to hurt you
 - trying to punch you
 - throwing something at or near you
 - trying to force you into a sex act
 - trying to rape you

Note: Trying or threatening to hurt someone is abuse. They don't need to actually hurt them. The threat or attempt is itself harmful and traumatizing, so it's considered abuse.

If you have to go to court with your ex-partner, the court will use these descriptions of “family violence” in the BC Family Law Act to decide if you've been abused.

Psychological or emotional abuse

Intimidation, harassment, use of force or threats

- Forcing you to:
 - stay in your relationship or home
 - leave your relationship or home
- Making you worry about the people you love, as well as your pets or special objects
- Saying you'll lose your children if you go to court or call the police
- Calling you names or saying hurtful things about you or your family over and over
- Making you do things you don't want to do. For example:
 - using drugs
 - leaving your children alone
 - transferring your home into someone else's name
 - selling all your RRSPs
 - getting into severe debt
 - spending all the savings
 - making you move from your home or sell it

Note: Any threat can be family violence, even if it's made only once, it's not likely to happen, or your abuser doesn't follow through with their threat.

Your ex-partner might try to use the court process against you. That's abuse as well.

Unreasonable restrictions (financial or personal)

- Stopping you from working
- Putting your job in danger (for example, making you miss work or saying they won't take care of the children if you go to work)
- Taking your money away from you
- Not letting you have a credit card or bank card
- Not paying child support to make you suffer or go back to them
- Stopping you from seeing friends or family

Stalking or following

- Following you
- Asking people to say where you are
- Showing up where you work
- Sending text messages, emails, or calling you over and over

Intentional damage of property

- Destroying sentimental or valuable items
- Damaging the home. For example:
 - punching holes in walls
 - breaking door locks

In the case of a child, direct or indirect exposure to family violence

- Doing *anything* listed in the chart above to a child or to another person where a child can see or hear the abuse

Where to Get Help

See the last page in the booklet for a tear off page with all the phone numbers in this section.

Specially trained people can help you leave an abusive partner. **VictimLinkBC** is a free, 24 hours a day, confidential, multilingual phone service for referrals, help with safety planning, and crisis support. You can call any time, day or night: **1-800-563-0808**.

Women's Centres, Transition Houses, and Violence Prevention Organizations

You can get practical help and emotional support from staff at women's centres, transition houses, and other violence prevention organizations and programs.

Transition houses can give you free safe housing for a short time. They're open 24 hours a day, every day of the year.

To find a women's centre, transition house, or other support worker, call **VictimLinkBC** at **1-800-563-0808**.

Legal Advocates

Some organizations have legal advocates who can help you with legal issues and give you both emotional and court support. Legal advocates aren't lawyers: they're people with some knowledge of family law issues, and experience supporting women who've had a violent intimate partner. They can:

- help you leave an abusive relationship and make an appropriate plan for your safety and the safety of your children,
- put you in contact with Legal Aid BC, and
- go with you to meetings and court dates as a support person.

Connect with a legal advocate as soon as you can. Keep reaching out to different advocates until you find one that you connect with and that understands your culture and your unique situation. Legal advocates have a lot of resources and connections and can make a huge difference in keeping you safe and helping you come up with a plan.

To find a legal advocate, call VictimLinkBC at **1-800-563-0808**.

Police

Call 911 and ask for the police if you need help quickly. If English isn't your first language, tell the 911 operator what language you speak and they'll get you an interpreter.

Some police departments have a Domestic Violence Unit. When you talk to the police, ask if you can speak to someone from this unit. You might have to talk to a regular officer first.

If you want the police to come, but you're afraid your partner will overhear you:

- call or text a friend and ask them to call the police,
- call the police, tell them your address, and say "Help," or
- call the police from your landline and hang up. They can trace your number to your home and come over to make sure you and your family are safe. Or, the 911 operator might call back. You don't need to spend a lot of time on the phone with 911 for the police to come to your home.

If you want to report family violence, but it isn't an emergency, you can ask a support person or legal advocate to be with you when you call the police. This is helpful if:

- you're worried about what the police will say or do,
- English isn't your first language,
- you find it hard to talk when you feel stressed, or
- you're worried about how your community will react.

To find a legal advocate, call VictimLinkBC at **1-800-563-0808**.

Lawyers

If you're leaving an abusive relationship and you have children, **try to talk to a lawyer at least once before you leave**. There are ways to get free or low-cost legal advice, or even a lawyer to take your case if you have a low income. A great first step is to talk for free to duty counsel (see next page). To find a lawyer:

- Call staff at a women's centre, transition house, or violence prevention organization (see contact details on page 4) and explain your situation. You might ask if they can:
 - connect you to a lawyer who can assist with safety planning or next steps, or
 - assist you in applying for legal aid.
- Ask friends and family if they can recommend a good lawyer.
- Call the **Lawyer Referral Service** (Access Pro Bono):
 - » **604-687-3221** (Greater Vancouver)
 - » **1-800-663-1919** (elsewhere in BC)

Before you hire a lawyer, try to meet them to see if you're a good fit for each other and if they understand abuse. *Don't* feel pressured to give a lawyer money unless you're fully happy with them. Lawyer and client relationships that aren't great at the beginning, only get harder as time goes on.

If English isn't your first language, ask for an interpreter or go with someone you know who can translate. Once you've chosen a lawyer, prepare for all your meetings so that you make good use of your time with them (see pages 9 – 10).

If you don't have enough money to pay for a lawyer, you can apply for legal aid (see pages 7 – 9). If you can't get a legal aid lawyer, you may qualify for other programs that give free legal help:

- **Access Pro Bono:** Legal advice clinics or possibly a lawyer to take your case.
 - » **604-878-7400** (Greater Vancouver)
 - » **1-877-762-6664** (elsewhere in BC)

- **Family Duty Counsel:** Lawyers who can give up to three hours of brief legal advice. They can also check legal forms and may be able to speak for you at court appearances on simple matters, but can't take on your whole case. See the family duty counsel page on the Legal Aid BC website: legalaid.bc.ca/legal_aid/familyDutyCounsel
- **Family LawLINE:** Family lawyers who provide “next steps” legal advice and check legal forms over the phone.
 - » 604-408-2172 (Greater Vancouver)
 - » 1-866-577-2525 (elsewhere in BC)
- **Justice Access Centres:** Government-funded offices that provide family law information, advice, and services.
 - » 604-851-7055 (Abbotsford) » 604-660-2084 (Vancouver)
 - » 250-741-5447 (Nanaimo) » 250-356-7012 (Victoria)
 - » 604-501-3100 (Surrey)
- **Rise Women’s Legal Centre:** Free and low-cost legal services to women in BC, including legal advice, some representation, and preparing court documents.
 - » 604-451-7447

womenslegalcentre.ca

Legal Aid Lawyers

In BC, people with low incomes can qualify for a legal aid lawyer through Legal Aid BC. Call:

- » 604-408-2172 (Greater Vancouver)
- » 1-866-577-2525 (elsewhere in BC)



When you call Legal Aid BC, tell them that your intimate partner has abused you (and/or your children) and that you need help to stay safe. They'll assign a lawyer to you or you can ask for a lawyer by name. You should first speak with that lawyer to ensure they're able and willing to take your file, to avoid delays.

As soon as Legal Aid BC tells you that you have a lawyer, call the lawyer right away. Even if you and the lawyer haven't spoken, the lawyer is responsible for talking to your ex-partner (or your ex-partner's lawyer) and for planning court dates.

It's always best to ask an advocate, transition house, or support worker to give you the name of a lawyer who has experience working with women in your situation.

If Legal Aid BC assigns a lawyer and you're not happy with them, speak to an advocate about how to get a different one. Do this as soon as possible.

What Does Legal Aid Pay For?

Your legal aid lawyer can help you get a **protection order** to stay safe (see page 14), or to make sure that your children only see your ex-partner in a safe way.

A legal aid lawyer will also help you get other orders about your children, about who can stay in the house, and for child and spousal support. However, they can't always take on and solve all your family law issues.

If you get a large lump sum of money (for example, from the sale of a home or a one-time payment from your ex-partner), Legal Aid BC might ask you to use some of it to help pay for your lawyer. This pay back is still cheaper than hiring a lawyer privately.

If Legal Aid BC tells you that you don't qualify for a lawyer, ask for a written explanation and then call an advocate for help (see page 4). They can help you **appeal** the decision (ask for it to be **reviewed**).

You can also **reapply** for legal aid later if something changes in your life. For example, if:

- your ex-partner physically assaults you again, or there's more abuse of any kind and your ex-partner is making you more afraid for your safety,
- the police, the hospital, or a child protection agency have become involved, or
- you have less money.

What Your Lawyer Needs to Know

Your lawyer needs to know the whole truth about your problem to help you properly. When you first meet with your lawyer, describe your problem fully and honestly. All information you share with your lawyer is privileged (private), which means they won't share it with anyone unless you tell them to.

Remember: What you *yourself* say (or write) is good **evidence**, especially if you can remember dates and details. You don't need to have evidence that someone else witnessed or can say is true. However, it can be helpful to keep or collect any other evidence you might have, such as:

- photos of injuries to you or your children,
- photos of damage to your home or property by your partner,
- text messages or emails that are abusive or contain abusive language,
- financial statements showing financial abuse or control, or
- anything else you feel might assist your lawyer in better understanding your situation and needs.

Tell your lawyer if your ex-partner has ever:

- threatened to kill you, themselves, or the children, or
- tried to commit suicide.

Also tell your lawyer if your ex-partner:

- has or can get hold of guns or other weapons
- has mental health issues
- has substance use issues

Abuse often gets worse after you leave. Tell your lawyer:

- if the abuse gets worse
- if there are any signs that the abuse might get worse or happen more often

Tips for Working with Your Lawyer

Before your first meeting, do your best to make detailed notes about your relationship with your ex-partner. For example:

- the dates and type of any abuse
- a list of witnesses, if any
- a list of any medical reports or other documents that might help, such as photographs of injuries or damage to your home and property
- information about you or your ex-partner's finances and income, such as tax returns, pay stubs, or bank statements
- texts, emails, or letters between you and your ex-partner that contains abusive language or that shows abusive behaviour (such as using force or threats)

When in doubt, you can always ask your lawyer what documents or information they'd like you to bring.

If you and your ex-partner have been sharing the children's time, write down issues you have with your ex-partner about parenting time. For example, note if your ex-partner:

- is abusive towards you during pick up and drop off of your children
- communicates with you about the children in an abusive way by text message, email, or telephone
- tells your children to misbehave or spy on you
- steals the children's things to cause you problems

- doesn't return the children as required under an agreement or court order, or refuses to follow other conditions set by the court or that you both agreed to

Write down all the questions you want to ask your lawyer.

When you meet, focus on legal issues and use your time wisely. Your lawyer isn't a support worker or counsellor. If you have a legal aid lawyer, they only have a limited amount of time to help you. Try to use an advocate or support person for other issues.

Remember that every phone call costs money (or uses up your legal aid hours).

Keep copies of:

- all letters and emails from your lawyer
- all letters and emails from your ex-partner and their lawyer
- all court orders

Reply to your lawyer as soon as you can. If you don't contact your lawyer for a long time or respond to their requests, they might stop representing you.

If you move or change your phone number, give your lawyer your new contact information.

A lawyer acts on your instructions, and you don't have to agree to an arrangement that you feel is unsafe for you or your child. If your private lawyer is giving you advice that you feel is unsafe or incorrect, or not responding to you in a reasonable amount of time, you have the right to get a second opinion or to change lawyers. If you disagree with your legal aid lawyer, you can contact legal aid to see if you can request a change. See also "Working with Your Legal Aid Lawyer" at legalaid.bc.ca/read.



Family Justice Counsellors

Family justice counsellors work in Family Justice Centres and at some courthouses. Family justice counsellors can:

- give you basic information about the family court system,
- help you and your ex-partner find ways to agree, and
- develop a family law agreement that is “binding” (like a court order).

Their services are free and you can meet with them more than once.

Your lawyer, the court, or a support person might ask you to see a family justice counsellor if:

- your ex-partner takes you to court,
- you decide you want to take your ex-partner to court, or
- you want to solve a family law issue out of court.

Family justice counsellors aren’t lawyers or judges. They can’t give legal advice or make decisions about your case. The counsellor will ask questions to see if there’s been family violence and if it’s safe to begin **mediation** between you and your ex-partner. Once the process starts, you can stop it at any time if you feel it’s unsafe or unproductive. (See pages 27 – 29 for more information on mediation.)

To find a family justice counsellor, call Service BC and ask to speak to a family justice counsellor near you:

- » **604-660-2421** (Greater Vancouver) (call or text)
- » **250-387-6121** (Victoria)
- » **1-800-663-7867** (elsewhere in BC, and VRS)

How to Protect Yourself and Your Children

If you don't feel safe, you can:

- leave and take your children with you,
- apply (make a legal request) to the court for a **protection order**, or
- report your situation to the police, and ask them to:
 - get a **peace bond**, or
 - recommend that your ex-partner be charged with a crime (which usually means they'll have to follow **no-contact conditions** right away), or
- get an **urgent** court order for a protection order or other time-sensitive matter.

How to Leave and Take Your Children with You

If you leave an abusive relationship and take the children with you, your ex-partner might accuse you of keeping the children from them or of abducting the children. To avoid this, here's a list of things to do:

- If possible, meet with a lawyer before you leave or as soon as you can after you leave to get legal advice about your situation (see pages 6 – 8 for where to get legal help).
- Email, text, or leave a note for your ex-partner. Take a screenshot, photograph, or copy of it with you if you can. Write that you're leaving and give a phone number where you can pick up messages (for example, your parents' number or a friend's number, or a cell phone number).
- In the email, text, or note, say that you want to agree on **parenting arrangements**. If you leave a note like this, it might stop the other parent from getting an order for sole **parenting time** by saying that you "disappeared" with the children. If your ex-partner does get an order like this, go to the courthouse as soon as possible to **vary** the order (have it changed). Family duty counsel should be able to help with this.

- Get a lawyer as soon as you can. They can tell you about your rights and responsibilities so you can make good decisions. Hiring or talking to a lawyer doesn't mean that you have to go to court.
- Call a legal advocate, transition house, or women's shelter (see the section Where to Get Help on page 4) and ask for their list of lawyers. If your income is low, you might be able to get legal aid. Contact Legal Aid BC for information (see page 7).
- Go to court to sort out parenting arrangements or try to come to an agreement as soon as possible.

If you don't take the children with you when you leave, go to court for a parenting time order right away. You might be able to get an **ex parte order** (urgent without notice or attendance) or **short leave order** (see page 16).

It might be safer to take the children with you when you leave. Some partners become neglectful or more violent with the children when women leave (even if they've never been neglectful or violent toward the children before).

Protection Order

A family law **protection order** is an order made by the court against your ex-partner to keep you and your children safe. A protection order lists conditions that the person named in the order must follow.

You can apply for a protection order yourself with the help of duty counsel, an advocate or a lawyer, or you can hire a lawyer. Your ex-partner doesn't have to be told about your application (see page 16).

Make sure the judge knows:

- the history of family violence,
- the type(s) of violence (use the chart on pages 2 – 3 to help you describe it),

- exactly why you feel that you and your children aren't safe (use examples), and
- only the most serious safety issues — don't focus on problems that could be solved by living apart.

The judge will be focused on the **best interests** (the safety and well-being) of your children (see page 31). The judge will listen to the facts and then decide if they'll give a protection order. If the judge gives a protection order, it will be registered with the Protection Order Registry. This means the police will have access to it and can enforce it. If your ex-partner **violates** (doesn't follow) a protection order, they might face criminal charges.

Once you have the protection order, the court will give a copy of the protection order to your ex-partner. If your partner isn't in court, you'll be asked to give information to help the registry locate your ex-partner.

Protection orders usually last for one year. You can apply for another one if you still feel unsafe.

If you got the protection order without your ex-partner knowing in advance — often the safest option — the judge may set a shorter time limit for the protection order, or make a term that allows your ex-partner to come to court to ask for the order to be changed or cancelled. To do this, your ex-partner would have to convince the court that you or your children aren't in danger if the order is changed or removed.

Having a protection order doesn't mean that you can't see your ex-partner. If you choose to spend time with them while the order is in place, you won't get in trouble or be arrested. But having the order protects you.

If you have any other court orders dealing with your children, a protection order overrules them. For example, if there's an order that says your ex-partner can see the children, but the protection order says that your ex-partner can't, the protection order must be followed.

Peace Bond

A **peace bond** is similar to a protection order but made under the Criminal Code of Canada.

- To get a peace bond, call the police and tell them you want one.
- Tell them why you feel afraid or in danger.
- You don't have to show that a person has already committed an offence, but you do have to have a **reasonable fear** (for example, a threat).
- If they agree you have a good reason to be afraid, they'll ask for a peace bond to be ordered by a judge in Criminal Court.

Peace bonds apply across Canada for one year. You can ask for another one if you still feel unsafe.

Ex Parte Order (“Order Without Notice or Attendance”)

An **ex parte order** is an urgent order granted by either the Provincial or Supreme Court. Your ex-partner doesn't get any notice of this type of order and they don't appear in court to argue their side. This order is usually used for:

- protection orders,
- **priority parenting matters** (time-sensitive issues about a child such as emergency medical treatment, upcoming travel, or activity)
- **financial restraining orders** (to stop your ex-partner from selling, hiding, or giving away assets or money), and
- **non-removal orders** (to stop your ex-partner from removing your children from the city or province).

To get an ex-parte order, you need to explain to the judge:

- why you need the order right away, and
- why you can't give your ex-partner proper notice.

The judge only hears one side of the story with these orders, so they try not to make them often. The order will often be for just a short time.

If the judge won't give you the order, you can ask for **short leave**. This means that your ex-partner has to appear in court on much shorter notice than what's normally given. For example, you can ask the judge for short leave of two days to give you time to tell your ex-partner that you're applying for the order.

If you don't have a lawyer but need an urgent order, talk to family duty counsel or a lawyer on Family LawLINE (see page 7).

Either you or your ex-partner can apply for an ex parte order.

Criminal Charges and No-Contact Conditions

You can't take a case to Criminal Court yourself. The police take your information, investigate, and then give a report to Crown counsel who takes the case to court.

If the police decide to charge your ex-partner with a crime (such as assault, uttering threats, or stalking), your ex-partner will be arrested. Your ex-partner will only be kept in jail if the violence is very serious and there's a risk of them continuing the abuse if released before trial. Your ex-partner is likely to be released immediately after arrest if:

- they've been arrested and charged with threatening or assaulting you, *but*
- they're not a flight risk (likely to run away), *or*
- they don't have a serious criminal record.

Usually they'll be released with **conditions** about what they can and can't do while on **bail**. One of the conditions will be **no-contact** with you or your children. Other conditions while on bail might be that your ex-partner can't:

- go to certain places (for example, where you live or work),
- have any weapons, or
- use drugs or alcohol.

Tell Crown counsel (the prosecuting lawyer) if you'd like any other conditions, such as no-contact with other members of your family. (Criminal Court judges can't make family law orders, for example, orders for parenting time).

The judge might order that your ex-partner can have some contact with you to talk about family law matters. If you don't think it's safe for your ex-partner to keep seeing your children, or if you no longer want to have to hand the children over for a visit (at one of your homes or in public), tell Crown counsel. They can tell the judge.

If your ex-partner violates the conditions, they might be arrested again.

It's a good idea to apply for a family law protection order along with criminal no-contact conditions. A protection order will protect you even if the criminal no-contact conditions are cancelled.



Tips for Going to Court

Your court appearance may be via phone, video-conference or in person. The following tips apply to all situations.

- Take notes during the proceedings.
- Have a friend, family member, or support person with you. Ask them to take notes about what the judge says.
- Ask your lawyer any questions you have after the court appearance.
- You're not allowed to record the court proceedings on audio or video.
- If you need to say something to your lawyer while they're speaking to the court, ask for a break. Or, if you're in a courtroom, write a very short note and pass it to them.
- If you're attending court in person, tell a sheriff if you're afraid that your ex-partner will follow or harm you. The sheriff can make sure your ex-partner stays away from you.
- Court appearances are formal so dress in nice work clothes.
- Stay calm. It's normal to be nervous or even to cry. But getting angry, making faces, rolling your eyes, or yelling in court will disrupt the court process and harm your case.
- If you're asked questions or you're **testifying** (telling your story), give short answers and stick to the issues.

Once You Have the Document

Once you have a protection order or peace bond, or are protected by no-contact conditions, make copies of the document and:

- put a copy in every purse you carry and in your children's backpacks,
- take a copy to your children's school or daycare and ask the teacher or another responsible person to keep it in a safe place, and
- give a copy to others who may need it such as:
 - good friends, or
 - family members who often have your children with them.

Frequently Asked Questions (Part 1)

Will the abuse stop when I leave my partner?

A woman who has experienced abuse by an intimate partner is most at risk:

- when leaving an abusive partner and for two years after
- during pregnancy
- after giving birth

Many women believe the abuse will stop when they leave their partner. This may or may not be true. However, you can make a safety plan before you leave to help you stay safe.

If you're planning on leaving your partner, do everything you can to set-up a check-in system with friends and family, and avoid being alone with your partner.

Don't serve your partner court documents or tell a violent partner that you're leaving them really soon. This is very dangerous. Often women think that serving papers or final threats of leaving will make their partner change their behaviours. Research has shown that this isn't true. The violence may get better for a few days but usually gets much worse.

After their partner leaves, people who abuse may:

- use the courts and the police to harass their ex-partner,
- use the children to continue the abuse or to force their ex-partner to come back, or
- use money as a way to control their ex-partner (for example, not paying child support, or not giving their ex-partner a share of any money they have).

You can make these things less likely if you:

- set up a strong support network for you and your children,
- see a lawyer right away, and
- move your money out of joint accounts as soon as you can.

If you're going to leave a computer behind, you might want to clear the search history on it first so your ex-partner can't see what you've been looking at (for example, information about transition houses). If you're not sure how to clear your history, go to [google.ca](https://www.google.ca) and type "how to clear your history" in the search bar. Or you can switch to a private or incognito browser.

Do I have to let my children see my ex-partner before I get a court order?

It's best to get an order first if you think your ex-partner is likely to hurt your children or refuse to give them back after a visit.

If you don't have an order, the police might not be able to help you if your ex-partner doesn't return them after a visit. You would then have to go to court for a parenting time order.

If you're afraid for your children's safety, offer to give your ex-partner parenting time by phone, video (such as FaceTime or Zoom), or email.

If you have legitimate concerns about the safety of your children, don't let them visit. Go to court to get a protection order. Keep your child's passport safely with you.

If you do decide to send your children to see your ex-partner without getting an order first, get your ex-partner to agree to conditions that you put in a text or email. For example:

- Clearly state that the children are coming for a visit and aren't moving in.
- Set the date and the exact time of the beginning and end of the visit.
- Ask that the children be returned to a certain place.
- Include what your partner can't do, such as drinking alcohol, driving without a car seat, or taking the child to be around unsafe people.
- You may want to tell your ex-partner that if the children aren't returned in the way that's set out, you'll go to the police or try to get an ex parte order for parenting time.

Ask your ex-partner to reply by email or text that they received the message and accept the conditions. (Take a screenshot of the text message.) Your ex-partner will know that you can show the court or police that you had an agreement if they don't follow the conditions.

An agreement doesn't guarantee that your ex-partner will return your children after a visit. If they don't return the children, take the email or the screenshot of the text messages to your lawyer or to family duty counsel at the courthouse right away. If you know that your ex-partner isn't likely to follow an agreement, don't allow a visit, and go to court for an order.

Emails or texts used for agreements can be useful evidence in court. Keep emails in a safe email account. Make sure that your ex-partner can't guess the password and security questions. If you use texts, take screenshots of them and email them to yourself right away to make sure that they can't be deleted.

Keep notes about any time you see or speak with your ex-partner. Write short notes that remind you of what happened each time.



My children have seen my ex-partner abuse me. What can I do to help them?

Witnessing abuse hurts children and can affect them emotionally. If your children saw you being abused, you can get free help for them through the Prevention, Education, Advocacy, Counselling and Empowerment (PEACE) program).

Call the BC Society of Transition Houses at:

- » 604-669-6943 (Greater Vancouver)
- » 1-800-661-1040 (elsewhere in BC)

Or visit their website at bcsth.ca to find the program nearest you.

What if my children tell me they were hurt or abused?

Don't:

- Underreact (for example, by telling your children that they're imagining the abuse or by pretending it didn't happen).
- Overreact (for example, by showing them how angry you are).
- Criticize or blame them.
- Don't ask for details or ask leading questions (examples below). This could cause problems later in a police or child protection interview, especially with younger children.
 - Don't say, "Did your dad touch your private parts?" Instead ask, "Where did your dad touch you?" "Can you show me by pointing or drawing it on this picture of a person?"
 - Don't say, "Did it happen at Dad's home?" Instead ask, "Where were you when these things happened?" "Whose house were you at when this happened?"
 - Don't say, "Did this happen many times?" Instead ask, "How many times did this happen?"

Do:

- Tell them it's good that they told you about the abuse.
- Tell them the abuse isn't their fault and you'll help them.
- Call the Ministry of Children and Family Development from anywhere in BC at **310-1234** (no area code needed) or call your local police.
- Tell your children that you need to tell someone about the abuse because you need to keep them safe.
- Tell them that it's okay to tell the truth to the social worker or police officer. Children can call Kids Help Phone at **1-800-668-6868** for more support.
- Take them to a doctor (a walk-in clinic is fine) if you can see any injuries (for example, bruises). Let your child tell the doctor about the injury. Ask the doctor to put the injuries on the child's medical record (medical records can be used as evidence in court). It's best to take them to a children's hospital if there's one in your community.
- Talk to your lawyer about your concerns.



My ex-partner says that they're the victim of "parental alienation syndrome." What should I do?

If your ex-partner's claiming to be a victim of **parental alienation syndrome**, it means that they believe you're "alienating" the children (making them dislike your ex-partner).

Sometimes one parent does try to make the children think that the other parent is a "bad person." But there are many reasons why the children might not want to see an abusive parent:

- They're afraid of the parent.
- They've become **estranged from** (no longer feel close to) the parent. This can happen if the parent isn't spending time with them when they visit or is treating them badly or abusing them during visits. Or, your ex-partner may use parenting time to ask about you or talk badly about you.

To reduce the risk of your ex-partner accusing you of alienating the children, be careful not to speak badly about your ex-partner. Do this even if your children say out loud that they don't like them. For example, if your child says, "I'm afraid of Dad," you can:

- say, "I'm glad you can talk about your feelings," or
- repeat what your child said, such as, "You're feeling afraid of Dad."

You could also ask your children if they'd like to talk to somebody who can help with those feelings (for example, a counsellor from the Prevention, Education, Advocacy, Counselling and Empowerment (PEACE) program).

Other Ways the Courts Can Help

Once you've arranged protection for yourself and your family, you may need to deal with other issues such as child support or parenting arrangements.

For all family law matters (including family law protection orders), you can go to either Provincial Family Court or Supreme Court. It's best to go to Provincial Court because it's less complicated and less expensive. However, if you want a divorce or need to resolve property or debt issues, you must go to Supreme Court. Sometimes, you need to use both courts to sort out issues. Something you can ask a lawyer is whether your property issues need to be dealt with urgently, or whether you could get parenting and support orders from Provincial Family Court first before going to Supreme Court.

Courts in real life work quite differently from what you might have seen on TV shows. It's helpful to have a general idea of how the courts work in BC and how they can help you. If you have any questions about the court system, speak to a lawyer or an advocate.

Provincial Family Court

Family Court deals with:

- child or spousal support,
- **parenting arrangements**,
- **guardianship** (who looks after the children),
- **relocation** (moving away with the children), and
- protection orders.

The Provincial Court is encouraging people to resolve their issues out of court. You can (and at some courthouses, you must) talk to family justice counsellors before you go to court. You may have other steps to follow before you go to court such as taking a short online parenting course. Contact your court registry for more information about the process at your registry and the steps you can take to resolve your case out of court.

If you don't have a lawyer, it's easier to represent yourself in Provincial Family Court than Supreme Court. You don't have to pay any filing or application fees in Provincial Family Court.

Supreme Court

If you want to get a divorce or divide your **family assets** (things that you and your ex-partner both own or bought during your relationship, such as the house, car, and money or other investments), you must go to Supreme Court or resolve your issues outside of the court process.

The Supreme Court also makes parenting orders as part of a divorce if you're married. Before a judge grants a divorce, they must know that proper arrangements have been made for the care of the children, including parenting arrangements and child support.

Supreme Court has more complex rules than Provincial Family Court. You'll usually need a lawyer for Supreme Court. You also have to pay application and filing fees in Supreme Court. If you don't have enough money, ask the court clerk how to apply to **waive the court fees** (be excused from paying them) or use the Legal Aid BC online step-by-step guide (family.legalaidsystem.ca/bc-legal-system/court-orders/get-order-bc/supreme-court/get-order-waive-fees#0).

Mediation

Going to court isn't the only way to solve issues. You can also consider **mediation**. Your court registry might suggest mediation for matters that aren't urgent, if it's safe and appropriate to do so. This means a trained mediator meets with both of you to talk about ways to solve your problem.

Before you consider or agree to mediation, be sure it's the right choice for your situation.

Your ex-partner isn't likely to start treating you fairly in mediation if they've never treated you fairly before. For example, they might use the mediation to scare you by saying that if you don't come to an agreement, they'll go to court and things will go really badly for you.

If you do choose to attend a mediation with your ex-partner, tell both the mediator and your lawyer about any concerns or fears you have. You can attend mediation by phone, video conference, or using separate rooms.



When You're in a Mediation

- Ask the mediator to write down any suggestions. Sometimes it's easier to understand things when they're written down.
- Ask for a break whenever you need one.
- If you feel uncomfortable or pressured:
 - Leave at any time if it's not working for you.
 - Don't agree to anything without speaking to a lawyer or advocate.
 - Take a copy of any agreement to a lawyer to make sure you understand it and you're happy with it before you sign it.

Sometimes the mediator won't tell you that you have these choices. Stay strong and know you have a choice.

If you do make an agreement during a mediation, you can file it in court. It will be treated like a court order and is **binding** (you and your ex-partner must do what it says). Even if you don't file the agreement, it's still considered to be binding. The courts don't like to change an agreement without a very good reason, so you must know what you're agreeing to.

Some women agree to things they're unhappy with in mediation to try to make peace with their ex-partner. Sometimes they still don't get peace and are forced to live with an agreement that makes their life more difficult. Don't make an agreement that will cause you *more* problems.

Mediation is a confidential process. You, your ex-partner, and your lawyers can't tell the judge what was said in mediation or why mediation *didn't* solve the issues.

If you don't resolve your matter with mediation and start the court process, you'll still have opportunities to settle the case before trial. The judge has meetings with you and your ex-partner (called conferences) to try to help you come to an agreement on some or all of the issues.

At these hearings, a judge may make decisions or order further steps for you to take. For example, the judge may ask you or your ex-partner to provide more information (such as Financial Statements), or to attend another conference to resolve issues you can't agree about.

What Will Happen to the Children?

When most families separate, the parents arrange how they'll care for the children. You don't need to ask a judge to decide on the **parenting arrangements** if:

- you and your ex-partner can agree by yourselves (for example, by email), or
- your ex-partner doesn't want any visits.

In this case, you and your ex-partner can make an agreement that you can file with the court to make it enforceable. However, it may not be possible to make arrangements, especially if your ex-partner was abusive. If you and your ex-partner can't agree on a parenting arrangement, you can both tell your ideas to the judge. The judge will choose one of your suggestions or come up with a compromise.

The only thing the court will consider is the **best interests of the child**. An agreement or order is in a child's best interests if it protects the child's physical, psychological, and emotional safety and well-being. In other words, the law says that the most important thing is to keep children healthy and safe.

When describing to a judge or mediator what you think should happen, always explain how it's in the child's best interests. (Married spouses in the Supreme Court should speak to a lawyer first about parenting orders.)

Legal Terms to Know

Guardianship: Usually both parents are guardians under the Family Law Act. A parent who's never lived with a child and hasn't regularly cared for them usually isn't a guardian unless an order or agreement says so.

Parenting arrangements: These are the arrangements you make in an agreement or court order for sharing (or dividing) **parenting time** and **parental responsibilities**.

Only guardians can apply or ask for parenting time and parental responsibilities. Even if a parent is a guardian, their amount of parenting time or parenting responsibilities (see below) is based on what's best for the child.

Parenting time is the time a child spends with a guardian. Even short visits count as parenting time.

Parental responsibilities are the responsibilities that a guardian usually has during their parenting time. Parenting responsibilities include making day-to-day decisions, such as what the child wears and eats. It includes bigger decisions about a child's life such as where the child will live, who they'll spend time with, and where they'll go to school. It also involves serious issues such as if they can get a passport, what medical treatment they can get, and getting confidential information about the child from the parent.

These responsibilities can be shared (or divided) in whatever way works best for the child.

Contact with a child is time that a non-guardian — such as a grandparent or step-parent, but also a non-guardian parent — has with a child. This means spending time with the child, but not having the responsibilities or rights of a guardian.

The BC Ministry of Children and Family Development is responsible for making sure that a child is properly cared for. The ministry has the right to remove a child from a home where there's violence, even if the child isn't the one being hurt.

What Does “Best Interests of the Child” Mean?

Judges consider only the **best interests of the child** when they make decisions that affect children. For example:

- the child's health and emotional well-being (such as a child with special health needs might need special parenting arrangements);
- what the child wants;

- the child’s relationships with other family members;
- how the guardians looked after the child in the past;
- the child’s need for stability and routine, depending on the child’s age and health;
- the ability of the guardian to be responsible (for example, if a parent has a mental health issue, parenting time with the child might be supervised);
- how family violence might have harmed the child (for example, if your ex-partner has been violent in front of your children, visits might need to be supervised and the child may need counselling); and
- if there are any criminal proceedings.

Deciding Parenting Arrangements

It’s always best to come to court with a list of ideas or suggestions for how parenting time and responsibilities should be divided.

Here are some things to know about how parenting arrangements are decided in court:

- You won’t automatically get most of the parenting time just because you’re the mother. The court’s general approach is that a child’s best interests are served by spending time with both parents, if not harmful in any way.
- The judge will decide what’s best for the child. The judge isn’t there to decide what’s best for the parents. You need to say clearly what you think is best for your children and why.
- The parent who’s looked after the children for most of the time before the breakup of the relationship might get more parenting time. The other parent will get to see the children as often as the judge thinks will be good for the children:
 - If a child is very young (under five years), the judge will often order shorter visits.
 - Older children are more likely to have longer visits. These can include weekday time, overnights, weekends, and part of school vacation times.

- Even if there's a history of abuse or violence (with you or with the children), judges may still order that children spend the same amount of time with each parent if:
 - both parents were actively involved, and are likely to be actively involved in caring for the children
 - adequate arrangements can be made to protect the safety and well-being of the child

Parenting responsibilities are usually shared. But sometimes it's better for the children if both parents don't share certain parenting responsibilities. If you're worried, you can ask the court to divide parenting responsibilities in a certain way.

For example:

- you might not want to share the responsibility of keeping the children's passports if you're worried that your ex-partner might run off with the children, or
- you might not want to share responsibility for the children's health care if your ex-partner might not give permission to treat them.

If you're the primary caregiver, you can ask the court to allow you to have the final say in the event of a disagreement, after having made best efforts with the other parent to reach an agreement. The other parent can then apply to the court if they disagree. This is called **Joyce Model** parenting.

If your children are at risk of physical or emotional harm, you can ask for **supervised parenting time or supervised contact**. This means that someone else is there when your children are with your ex-partner. This person can be:

- you,
- a friend or relative you trust, or
- someone who does this as a job (you or your ex-partner will have to pay for their service).

Supervision usually lasts for a limited time period. If the visits go well, eventually the supervisor might not be needed.

Also think about how you'll **exchange the children** (hand them over to your ex-partner) for visits, especially if you're afraid that your ex-partner will abuse you during an exchange. In your proposal, say how you think child exchanges should happen. The plan can be changed later, if other things change. See below for ways on how to stay safe when you're **transferring** (picking up or dropping off) the children to the other parent.

Staying Safe While Transferring the Children

Your ex-partner might use the exchange of the children (pickup and drop off) as a time to abuse you. For example, they might:

- lie about what time you showed up for the exchange,
- try to talk to you about the abuse, getting back together, or other things you don't want to talk about,
- try to make you upset, sad, or angry,
- follow you home after you pick up your children, or
- refuse to return your children at the time agreed or written in your order.

If your ex-partner does any of these things, you could:

- bring a friend or family member with you (as a witness),
- do the exchange at the child's school or daycare — one parent can drop off and the other can pick up after,
- ask a friend or family member to transfer the child, or
- make the exchange in a place where people can see you, such as:
 - in a busy coffee shop, or
 - a mall with an escalator. You can be at the top and your ex-partner at the bottom. You can send the children down to meet them.

Older children might be able to walk alone to the exchange, or wait for the other parent in a public place.

If you do the exchange yourself, try not to talk to your ex-partner. Simply say hello and confirm the pickup time. If there are any problems, write down what happened right away. Use email, text, or a written message in a notebook to pass on any important information about the children.

If you're worried about being followed to your home, go somewhere else first to see if your ex-partner is following you. If your ex-partner follows you, go to the nearest police station and ask for help. You can also **call 911**.

In dangerous or high-conflict situations, a judge can make an order for a **supervised parenting time exchange**. This means that someone else takes the children from one parent to another for their parenting time. This person could be:

- a friend,
- a family member, or
- someone who does this as their job (you or your ex-partner would have to pay for this service).

Ask your lawyer, a woman's centre, a transition house or other violence prevention organization for the names of local people who are paid to do supervised parenting time exchanges.



Parenting Journals

It can be a good idea to keep a journal about your parenting arrangements. This could be either a paper notebook or a Word document. In addition to documenting your schedule and pick-ups and drop-offs, you can record any missed exchanges, negative experiences, or abusive behavior.

Ensure that you have a clear record of when the children were with you or with your ex-partner. Consider recording parenting dates/times in a calendar (paper or electronic). A record like this can help you provide specific information to your lawyer or to a judge if there's a dispute later around parenting schedules.

Communicating with an Ex-Partner

If you find it difficult to talk to your ex-partner about the care of your children, it can be a good idea to set boundaries about how those conversations will happen. You can try to agree or ask the court for an order that discussions between you and your ex-partner will be only about matters relating to the care of your children, and that those discussions will occur only by email, except for urgent matters.

Email is often a good way to communicate with the other parent because it allows you to keep a record, and to take the time you need to respond with the best interests of your children in mind. Remember that any communications between you and your ex-partner could end up in court.



Frequently Asked Questions (Part 2)

Can my children decide which parent they want to live with?

The judge will consider a child's views depending on how mature they are (usually by the age of 12 and up).

The reasons a court might hesitate to ask for a child's view include:

- They don't want to put children in the middle of their parents' fight.
- They know that younger and less mature children might not be able to decide what's best for them.

If the court wants to hear the child's views, usually a professional writes a **Views of the Child** report for the court. In rare situations, the court may interview the child directly. If you believe that a child's views should be considered by the court, it's a good idea to speak to a lawyer to decide how best to do this.

Be careful when asking for a report. Children can sometimes say whatever they believe people want to hear and it can lead to devastating consequences.

Always take care not to involve children in any disagreement with your ex-partner around parenting matters, even if the child is older and more mature.

Will the judge decide that my ex-partner is dangerous to our child because I was abused?

Judges in BC must think about how your ex-partner's violence toward you might affect what's best for your child's safety.

Always tell the judge about:

- any violence the child has witnessed,
- any violence that happened after separation, and
- how the violence affected your child.

See the section on best interests of the child (page 31) for other things a judge will think about when they make an order for parenting arrangements.

Will the judge let my ex-partner have parenting time or contact with our child if they've hurt the child in the past?

A judge might allow some parenting time or contact if they feel there's no **immediate danger** to the children. Some signs of immediate danger are:

- a **conviction** (being found guilty) of hurting the children,
- reliable witnesses who've seen or heard the abuse,
- the children talk about the abuse in video/audio recordings,
- police or medical reports that show the children have been abused, or
- the parent continuing the abuse during parenting time.

If you believe that your child will be in immediate danger if parenting time is ordered, talk to a lawyer about what evidence you need to prove this. See also page 14 about protection orders.

Even if the child might be at some risk, the judge might still give your ex-partner some parenting time or contact. However, they may order that:

- the visit must be supervised,
- the parent must complete counselling before any visits can happen, or
- the visits must be in a public place.

My ex-partner doesn't show up for parenting time with the children. What should I do?

It's always a good idea to make a note of when your ex-partner doesn't show up. Mark a calendar or send yourself an email.

If the meeting location is a public place, it's helpful to take a photo with your phone. Or buy a small item nearby and keep the receipt to show that you were at the right place at the right time. Wait for 30 minutes in case they're late.

Don't stop allowing their parenting time after a few missed visits. But once this is a pattern, you don't have to plan your life around the other parent's time. If you're going to stop their parenting time, make sure you've made plenty of notes of the times you tried to arrange it.

I don't want my children going on visits with my ex-partner. Can I stop it?

Parenting time is about the children, not you. If your only concern is that the other parent was a bad partner and not that the children will be harmed, you can't **deny** (stop) parenting time or contact. If you do, your ex-partner could go back to court to force you to let the children visit. You could even lose parenting time and responsibilities.

Unless there's a good reason for stopping parenting time (see the next page), and especially if it's happened often, the court can make penalizing orders. The judge can also order that the missed parenting time must be made up.

If you want to deny parenting time, talk to your lawyer or an advocate. If you don't feel it's safe to send your children to a visit, try to have the visit by phone or video (such as FaceTime or Zoom).

If the child doesn't want to go to the parenting time, sometimes it's better to let your ex-partner know the reason so you can work things out. You can suggest a different time or place for a visit. Or take the child to a counsellor or doctor. They can write a note to say that the child was upset or anxious about the parenting time.

When can visits be stopped?

Under s.62 of the Family Law Act, you can deny parenting time if:

- you believe that the child might be affected by family violence if the parenting time or contact takes place (see pages 2 – 3 for a definition of family violence). For example:
 - your ex-partner has threatened to hurt you or the child the next time they see either of you,
 - they recently assaulted you, or
 - they've recently abused the child (including emotional abuse).
- you believe that the other parent is drunk or high on drugs during or leading up to parenting time.
- you have a doctor's note that says the child shouldn't visit because they're sick.
- the other parent misses their parenting time over and over and doesn't give reasonable notice or a good reason for missing the visit. For example, if they often call the night before to say that they won't be coming.
- your ex-partner cancels the visit, but then changes their mind at short notice and demands to have the visit after all.

You might have other important reasons for denying parenting time. Before you deny parenting time, try to ask a family law lawyer if a judge is likely to think your explanation is reasonable.

If the court doesn't agree that stopping parenting time was reasonable, you may lose parenting time, responsibilities, or face other penalties. It's generally better to try and change your parenting arrangements by court order.

If you have to unexpectedly deny parenting time, get legal advice as soon as you can. Ask your lawyer or someone else you trust to write to the other parent. Give your reasons for denying the visit(s) and to say how long this will last. Tell the other parent that you can deny access under s.62 of the Family Law Act.

What if my ex-partner doesn't return a child on time, or refuses to return a child?

The information above applies to your ex-partner as well. They need to follow the schedule set out in your parenting plan or agreement.

My ex-partner won't pay their child support. Can I stop their parenting time or contact?

Child support and parenting time are separate things:

- A parent can't stop paying child support because the other parent won't let them see the child.
- A parent can't stop parenting time because the other parent won't pay child support.

A child has the right to see both parents and to be **financially supported**.

If you have a child support order or agreement, but your ex-partner isn't making payments, talk to an advocate, transition house worker, or your lawyer about enrolling in the Family Maintenance Enforcement Program.

The judge has asked for a Section 211 report. What does this mean?

A judge orders a **Section 211 report** when they need more information to decide what parenting arrangements are best for a child. A judge takes this report very seriously. You or your ex-partner can also ask the judge to order a Section 211 report.

A Section 211 report can look at one or all of the following:

- the needs of a child in relation to the dispute,
- the views of a child in relation to the dispute, and
- the ability and willingness of each parent to satisfy the needs of the child.

Family justice counsellors can write this report for free, but the reports are short because they don't get to spend a lot of time with any of you. Do some research before you agree to a Section 211 report from a Family Justice Counsellor. Psychologists may also prepare a report for a fee of \$5,000 to \$12,000. If cost is a concern, you can ask whether the report can be prepared by a family justice counsellor. Because there are some kinds of assessments — such as a finding of parental alienation — that can't be determined by family justice counsellor, in some cases, the court will require that a private report be prepared. Sometimes Legal Aid BC will pay half the cost of the report, but this doesn't happen very often. Ask your legal aid lawyer to apply for payment.

To prepare the report, the family justice counsellor or psychologist meets:

- with you, your ex-partner, and the children separately, and then
- with each parent with the children present.

Sometimes the person preparing the report will visit each parent's house. Psychologists might ask you to do some tests to find out more about you. They might also talk to friends, family, teachers, and daycare workers about your family.

The person making the report only sees the parents for a short time. The parents will probably try to be on their very best behaviour during this time. This means that the person making the report might not see from the interview that an ex-partner is abusive. It's important to ask a lawyer if a Section 211 report is a good idea for you, and if so what kind of report would be best for your case. Ask them who they think would be the best person to prepare the report.

Tips for Your Section 211 Report Interview

- The report writer isn't your friend. If they're doing an assessment of your parenting, rather than just reporting the views of the child, their job will be to **assess** you and how you are as a parent, and to make **recommendations** (suggestions) to the court.
- Prepare what you want to say. Focus on how the abuse has affected your children. Don't focus on yourself.
- Bring evidence of abuse. For example, bring a list of witnesses' names and be prepared to give the report writer their contact information.
- Dress in nice work clothes for your meetings with the report writer.
- If you find it hard to understand or speak English, ask for an interpreter.
- Try to speak clearly. Think before you speak.
- Try to be calm, collected, and reasonable. Try not to get upset.
- Tell them what you're worried about, but focus on the children.
- Some people believe that abuse ends when you leave your ex-partner. Talk about abuse from the past, but spend more time talking about what's happened recently or since you left your ex-partner.
- Don't say only negative or bad things about your ex-partner.

Can I or the other parent move somewhere else with the children?

Just like parenting arrangements, the court is most concerned with what's best for the children. A judge will often start by assuming that it's best to keep a child in the same community, in the same school, and around the same people if the child is happy and stable.

A move that would significantly affect the current parenting arrangements and the children's relationship with the other person is called a **relocation**. Parents hoping to make such a move with a child (for example, to another city) will have to convince a judge that the change is better for the child than their current circumstances.

The Divorce Act (which applies to married or divorced parents in Supreme Court) and the Family Law Act, which applies to parents in the Provincial Court or unmarried parents in the Supreme Court, have different approaches to relocation. The law is also different if a parent isn't a guardian or there isn't an existing court order or agreement. Because the rules can be very different for different families, it's a good idea to speak to a lawyer and get legal advice if possible.

In general, to relocate with your children, you must notify the other parent of your intention to relocate at least 60 days before you want to move. Make sure your request is in writing.

The other parent has 30 days to file an application with the court to stop the move. If they don't, you can move.

You should keep proof of delivery of your notice (such as the other person confirming that they got your message) and you should make sure that in your message you let them know that they have 30 days to file an application. If you can, you should try to offer ways that the other person can continue to have a good relationship with the child.

If the other parent applies to stop the move, a judge decides if you can move. The judge considers:

- Is the move in the best interests of the child?
- Will the move give the child a better life?
- Will the move allow both parents to stay in the child's life in a meaningful way?
- Has the parent who wants to move made an offer for parenting time that's reasonable?

If you're worried that the other parent might wrongfully take your child somewhere else, you can ask the court to make an order that they not remove your child without your permission.

Other Resources

If you're Aboriginal, see the Aboriginal Legal Aid in BC website at **aboriginal.legalaid.bc.ca** for information about your rights. Topics include your family, abuse and family violence, your home on reserve, and more. The website also has links to publications such as *Clear Skies*, a graphic novel about leaving abuse.

- For help making a safety plan, see the MyLawBC website at **mylawbc.com**

This website has a guided pathway about abuse and family violence that can help you think about what you need to do to stay safe. It also has links to publications about leaving abuse, including *Live Safe*, *End Abuse* (fact sheet series).

- For information about family law, see the Family Law in BC website at **family.legalaid.bc.ca**

This website has easy to understand family law information, including step-by-step guides (such as how to apply for a protection order), links to court forms, publications, videos, and where to go for legal help.

- For legal information, education, and help, see the Clicklaw website at **clicklaw.bc.ca**

This website has links to useful publications on family law and other matters, such as:

- sponsorship and immigration (including sponsorship breakdown)
- violence in the home
- Indigenous issues

Remember: Abuse isn't your fault. If things start to get too much for you, ask for help. If your family and friends are finding it hard to help, go to a women's centre or transition house. They can help you. Hold on to your belief in yourself!

Checklist:

What to Take When You Leave

- Birth certificates (yours and the children's)
- Social insurance cards
- BC Services Card (CareCard/ medical coverage forms)
- Driver's licence and/or photo identification
- Status cards
- Passports
- Permanent residence card/ immigration permits/visas
- Any documents from another country to do with you or your children
- Marriage certificate
- Family law orders
- Legal protection or restraining orders
- Medical records for all family members
- Children's school records
- Investment papers/records and bank account numbers
- Rental agreement/lease or house deed
- Car title, registration, and insurance information
- Cash (it might take months to get support payments)
- Credit cards
- ATM card
- Chequebook, bank records
- Keys for the house, car, and safety deposit box or post office box
- Pre-paid calling card for long distance calls
- Cell phone/laptop computer/tablet (some ex-partners might use these to find you, so leave them with someone you trust)*
- Address book
- At least one month's supply of all medicines you and your children need
- Copies of prescriptions
- Jewellery or small objects you can sell
- Pictures (make sure you have a picture of your ex-partner so you can serve legal papers)
- Keepsakes
- Children's treasures (for example, stuffed animals or special blankets)
- Clothing for you and the children

**Cell phones, computers, tablets, and cars may have tracking systems in place. Your ex-partner might be able to use these systems to find you. Leave these items with a trusted friend or family member at first. Then take them to an expert to see if there's tracking software that has to be deleted.*

Keep These Numbers at Hand

(tear off page)

- **VictimLinkBC**
Crisis support workers,
women’s centres, transition
houses, legal advocates.
» 1-800-563-0808
- **Police**
» 911 (ask for the Domestic
Violence Unit)
- **Legal Aid Lawyers**
» 604-408-2172 (Greater
Vancouver)
» 1-866-577-2525
(elsewhere in BC)
- **Lawyer Referral Service**
» 604-687-3221 (Greater
Vancouver)
» 1-800-663-1919
(elsewhere in BC)
- **Family LawLINE**
“Next steps” legal advice
over the phone.
» 604-408-2172 (Greater
Vancouver)
» 1-866-577-2525
(elsewhere in BC)
- **Family Duty Counsel**
Lawyers who give brief legal
advice.
» [legalaid.bc.ca/legal_aid/
familyDutyCounsel](http://legalaid.bc.ca/legal_aid/familyDutyCounsel)
- **Access Pro Bono Legal
Advice Clinics**
» 604-878-7400 (Greater
Vancouver)
» 1-877-762-6664
(elsewhere in BC)
- **Rise Women’s Legal
Centre**
Legal advice, help with
court forms.
» 604-451-7447
- **Justice Access Centres**
Information, advice, and
services.
» 604-851-7055
(Abbotsford)
» 250-741-5447 (Nanaimo)
» 604-501-3100 (Surrey)
» 604-660-2084
(Vancouver)
» 250-356-7012 (Victoria)
- **Family justice counsellors
(call Service BC)**
Information, referrals,
mediation.
» 604-660-2421 (Greater
Vancouver) (call or text)
» 250-387-6121 (Victoria)
» 1-800-663-7867
(elsewhere in BC,
and VRS)

How to get this and other free Legal Aid BC publications

Read: legalaid.bc.ca/read

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

Questions about ordering?

604-601-6000
distribution@legalaid.bc.ca

Feedback on this publication?

publications@legalaid.bc.ca



YWCA Metro Vancouver

For more resources or information or to learn about the YWCA Metro Vancouver's legal supports for women, please visit: ywcavan.org/programs/legal-supports



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@YWCAVAN