



## LEAVING AN ABUSIVE RELATIONSHIP

# Information on Custody and Access for Women with Children

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## Leaving an Abusive Relationship:

### Information on Custody and Access for Women with Children

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*This booklet provides general information regarding BC law only.  
It is not intended to offer specific legal advice of any kind.  
Information in this guide is accurate as of July 2008.*

*YWCA Vancouver gratefully acknowledges  
The Law Foundation of British Columbia  
for funding this publication.*

## Leaving an Abusive Relationship: Information on Custody and Access for Women With Children

Leaving a relationship is always difficult. If you have experienced violence or abuse in the relationship, it may become worse when you actually leave. You may be frightened, and if you have children you will want to protect them.

Help is available. You can get support and the information you need from women's centres and transition houses, the police, legal advocates, Legal Services Society (Legal Aid) and lawyers.



### What is abuse?

Abuse includes:

- **Physically hurting** you (e.g. pushing you, pulling your hair, kicking you)
- **Threatening** you, your children, or your pets
- **Breaking** or destroying your possessions
- **Controlling** all the money
- **Forcing** you to have sex
- **Stopping** you from seeing your friends and family
- Doing anything that makes you **dependent on or afraid of** your husband or partner

## Where to Get Help

### Women's Centres and Transition Houses

Women's centres offer support and various resources to women in need of information and help. Transition houses provide temporary housing in a safe and secure environment, and they are open 24 hours each day.

Some centres have legal advocates who can help you with legal issues and provide emotional support. Note, however, that legal advocates are not lawyers; they are laypeople with some experience with family law issues, and they can help you through the process of leaving a relationship.

***To find a transition house or women's centre, or to contact an advocate, call VictimLINK toll free at 1 800 563 0808.***



### The Police

If you are in immediate danger, call 9-1-1 or the emergency police number listed in the front of the phone book.

In some cities, the police department has a Domestic Violence Unit. When you call the police, ask to speak to someone from this unit who can give you information and provide counselling.

## Legal Aid

In British Columbia, Legal Aid is provided through the Legal Services Society through offices across the province.

If you have to call long distance to reach a Legal Aid office, call Enquiry BC and ask for a transfer to the office number you want (you will not have to pay for the call):

**Outside Victoria and Vancouver:  
1 800 663 7867 (toll free)**

**In Victoria: 250 387 6121**

**In Vancouver: 604 660 2421**

When you call Legal Aid, tell the person you talk to that your husband or partner abused you (and/or your children) and that you need help to stay safe.

Legal Aid will not pay for you to get a divorce, but they will pay to have a lawyer help you get a restraining order (see page 7) to stay safe, and/or to make sure that your children do not have to see your husband or partner in an unsafe way.

If Legal Aid says they cannot help you, ask them to explain why in writing, and then phone an advocate (see “Where to Get Help,” page 4).

Note that if you have received a large lump sum of money from your husband or spouse (e.g. from the sale of a house), Legal Aid may ask for some of that money to help pay for your lawyer.

*Note: If you are turned down for Legal Aid, you can reapply if something changes in your situation (e.g. a new assault, you have less money, or you are more afraid).*



## Lawyers

If you are leaving an abusive relationship and you have children, you should talk to a lawyer, at least once. Finding a lawyer can be difficult and sometimes expensive, but options are available:

- Talk to friends and family and ask if they can recommend a good lawyer
- Call a legal advocate or transition house (see page 4) and ask if they know of lawyers who help women fleeing abuse.

### Tips for Working with Your Lawyer

- Write down the story of your relationship and have it ready for your first meeting with the lawyer, including: any abuse of you or the children; evidence of the abuse, such as witnesses or medical reports; and financial information.
- Keep a notebook of any problems with custody and access, with the dates, and any witnesses. Keep a list of questions for the next time you see your lawyer.
- Remain calm when talking to your lawyer and focus on the issues – your lawyer is not a support worker or counsellor.
- Keep telephone calls to your lawyer to a minimum – every call costs money, and if you are on Legal Aid, these calls use up your Legal Aid hours.
- Keep copies of all correspondence from your lawyer, and from your husband or partner and his lawyer, and keep copies of all court orders.

If you don't have enough money to pay for a lawyer, call the Legal Services Society (Legal Aid) to be referred to a free lawyer, call Family Duty Counsel or call one of the available “pro bono” (free legal work) programs: Access Justice (604 878 7400 or toll free 1 877 762 6664), the Salvation Army (604 694 6647), or the Law Line (604 408 2172 or toll free 1 866 577 2525).

***When you get a lawyer, ask for an interpreter if you have any difficulty with English.***

## Protecting Yourself and Your Children

If you are afraid for your safety, you can apply for a **restraining order** or a **peace bond**, or get a **no-contact order** (see below).

- A **restraining order** stops a person from doing something. For example, you might ask for a restraining order to stop your husband or partner from leaving the city with your children, or to stop him from talking to you.

You can apply to either Family Court or Supreme Court for a restraining order. You can make the application with or without a lawyer, but it is always better to get a lawyer if you can. The judge will listen to the facts of your situation and decide if you can have the restraining order. Ask the judge if you can have a “police enforcement clause” so police can respond if your husband or partner goes against the order.

- A **peace bond** is considered a preventive order that will stop an assault that might occur. That is, there does not have to be proof that the person has already committed an offence.

To get a peace bond you must call the police and they will apply for one to be ordered by a judge or justice of the peace in Provincial Court. Peace bonds apply across Canada for one year, and you can reapply for one after that.

- A **no-contact order** is an order that can be made by a judge if your husband or partner has been arrested and charged with threatening or assaulting you. This order will say that your husband or partner cannot try to see or talk to you and/or your children.

If you have a restraining order, peace bond, or no-contact order, be sure to make copies of the order and put one 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 other responsible person to keep it in a safe place.

## What the Courts Can Do to Help

Real court is not like court you may have seen on TV. There are different types of courts that carry out different tasks. For example, if you want a divorce, you must apply through the Supreme Court of BC. If you are applying for custody of your children, you can go through Provincial Family Court (or Supreme Court if the custody order is part of the divorce).

Each court will consider your situation as a new case. That is, what happens in one court won't necessarily be considered in another court. For example, if you have gone to Criminal Court for a no-contact order, the information that is given in that case won't be considered by the judge in Family Court unless you tell him or her.

### Criminal Court

Criminal Court hears cases where a crime has been committed (e.g. your husband or partner has threatened you or hurt you). You cannot take a case to Criminal Court yourself. Instead, the police will gather information and pass it on to Crown Counsel (the lawyer for the government side in a criminal case) if they think there is enough evidence for them to win in court.

### Tips for Court

- Take a friend, family member or support person to court with you.
- You may be judged by your appearance. It might be better to dress conservatively in court.
- Take notes and ask your lawyer any questions you have later. Learn the legal language.
- Remain calm and don't show your emotions. Don't make faces or comments about what your husband or partner says, even if it is not true.
- If you are asked questions, or are testifying, be brief and direct your answers to the Judge.



Keep in mind that Crown Counsel is not your own lawyer. In a criminal case, you are the witness for Crown Counsel, and you cannot tell him or her what to do.

The judge in Criminal Court can grant a no-contact order so that your husband or partner cannot see or talk to you and/or your children. Criminal Court judges do not grant custody of the children.

## **Provincial Family Court**

You can ask for a custody order for your children in Provincial Family Court, but you cannot get a divorce there. You do not have to pay any filing or application fees in Provincial Family Court, nor do you need a lawyer to help you if you don't want one or can't afford to pay for one.

The court process in Family Court is easier and more casual than in Supreme Court, so you may feel more comfortable if you are representing yourself without a lawyer.

Parents seeking custody and access in Provincial Family Court are required to attend a one-time course called Parenting After Separation. You will not be in the same class as your abusive partner.

## **Supreme Court**

If you want to get a divorce and to divide your assets (things that both you and your husband or partner both own, such as the house, car, and money or other investments), you must go to Supreme Court. Supreme Court will also make a custody order as part of a divorce.

Supreme Court is more difficult and has more rules, so you will probably need a lawyer. You will also have to pay application and filing fees to go to Supreme Court, but you can apply for "indigence status" if you don't have enough money. You can ask the court clerk how to apply for indigence status if you cannot afford the court fees.

## What Will Happen to the Children?

### Custody, Primary Residence, Access, and Guardianship

#### What the Words Mean

- Having **custody** generally means having the care and daily control of the children.

Parents now are often given **joint custody**, which means that they share responsibility, but usually the children still live most of the time with one parent, who has **primary residence**, and spend some time with the other parent.

- **Access** is the time the children spend with the parent who does not have custody or who does not have primary residency. Access can include telephone calls and web cam calls.

If you believe your children are in danger from your husband or partner, you can ask the courts for **supervised access**. This means that someone else is present besides your husband or partner during the access visits to make sure that your children are safe. This person may be you, a friend or relative you trust, or someone from a professional agency that charges money to supervise the access visits. Supervised access is usually short-term.

If the supervised visits go well over a period of time, your husband or partner will probably be allowed to have unsupervised visits.

- Having **guardianship** means that you make the major decisions that will affect your children, such as what schools they will go to, what religion they will be raised in, and what medical treatment they may need. Many parents have **joint guardianship**.



## How Do You Get Custody, Primary Residence, Access, and Guardianship?

Who gets custody, primary residence, access and guardianship is determined by a number of factors.

You will not automatically get custody when you leave a relationship just because you are the mother. In addition to the father, other people may have rights in custody and access cases, such as step-parents and grandparents if they have helped out financially or emotionally in raising the child.

As well, the government, through the Ministry of Children and Family Development, has a right to make sure that a child is properly cared for. They can remove children from homes where there is violence, even if the children are not the ones being hurt.

- If you were never married to the father of your children, **and** you never lived with him, **and** your child has always lived with you, then you are automatically the sole guardian (unless there is already a court order that says somebody else has custody).
- Although each case is different, the parent who has looked after the children most of the time before the breakup of the relationship will **usually** be the one who has primary

residence of the children, while 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), usually many short access visits are granted. Older children are more likely to have longer visits (e.g. overnights, weekends, and part of school holidays).

- Some parents can decide together about custody and access when they split up. If they cannot, a judge will decide in court.
- If you agree to joint guardianship, ask your lawyer what that means in your case and have it written into your court order, as joint guardianship means different things to different judges.

For example, in the “**Joyce model**” of joint guardianship, the parent with the primary residence gets to make the final decision when both parents can’t agree on an issue. But the “**Justice Horn model**” says nothing about what to do when the parents can’t agree, so all major decisions can end up back in court.

- “**The Friendly Parent rule**” means that if Judge thinks both parents are would take reasonably good care of the children, the one who is more likely to let the other one have time with the children will get primary residence.

If you cannot prove that your husband or partner will or has hurt your children, and you do not want him to see the children at all, or you want supervised visitation without a reason, you may be seen as “unfriendly.”

- Being the mother of your children doesn’t give you any special privilege in custody matters. Men and women are seen as equals by the court. The judge will listen to the evidence and make a decision based on what is best for the child. ***The judge is not there to decide what is best for the parents – only what is best for the child.*** You need to clearly state what you think is best for your child and why.

## **What does “in the best interests of the child” mean?**

In BC the judge must think about what is good for the children both physically and emotionally, which includes any special needs they may have.

The judge will consider many factors:

- Love and connections the children have with other people in their lives (e.g. grandparents, teachers, friends).
- Education and training for the children (e.g. the opportunity for stable school attendance and participation in extracurricular activities).
- The ability of the parents to do a good job of caring for the children.
- In the case of older children (twelve years and older), what the children themselves want.

Judges will not consider a parent’s “bad behaviour” unless it seriously affects the children (e.g. if Dad is an alcoholic, as long as he does not drink when he has the children, the judge will not stop him from having visits).

Note that a judge will not make a parent have more time than he or she asks for with a child.



If you are in an abusive relationship, and you hope to end up with your children living with you most of the time after you leave, there are steps you can take to improve your chances of a decision being made in your favour.

- **Take the children with you when you leave.** It will be difficult to get your children back if you leave them with your husband or partner.
- **Leave a note for your husband or partner** (and take a copy of it with you if possible). This note should tell him that you are leaving and include a phone number where you can pick up messages (e.g. your parents' or friend's number, or a cell phone number).

In the note, say that you want to meet with a family justice counsellor to try to work out a custody and access agreement.

Leaving such a note will prevent your husband or partner from going to court to get an ex parte custody order (see next page) because you “disappeared” with the children. If he gets an ex parte order, you could lose your children until you can go back to court.

For women in Metro Vancouver, the Downtown Eastside Residents Association offers a low-cost voice mail service.

Call 604 682 0931 for more information.

*(Note: Family justice counsellors are free mediators who provide information, mediation, and short-term counselling to people who are considering or in the midst of separation or divorce. To find a family justice counsellor, call Enquiry BC toll free at 1 800 663-7867.)*

- **Get a lawyer as soon as possible.** Call a legal advocate, transition house or women's shelter (see "Where to Get Help" on page 4), and ask for a list of recommended lawyers. If you have a low income, you may be able to get Legal Aid.

Contact the Legal Services Society for information about Legal Aid (see information about Legal Aid box on page 5).

- **Go to court to settle custody and access issues as soon as possible.** Without an order your husband and partner can take your children (e.g. from school) and you might not be able to get them back without going to court.

## Ex Parte Order

An ex parte order is an emergency temporary custody or restraining order granted by the court without your husband or partner having any advance notice of it. Both you or your husband or partner can apply for one.

These orders are very serious and difficult to get, and you should talk to family duty counsel for help. Family duty counsel are lawyers who work out of many provincial courthouses and who help people with family law problems. For information on the location and hours of family duty counsel offices, call the Legal Services Society of BC toll free at 1 866 577 2525.

To get an ex parte order you need to explain to the judge why it is an emergency situation and why there is not enough time to notify the other parent about the order. If the judge refuses to give you the order, you can ask for "short leave," which means you do not have to wait the full amount of time after telling your husband or partner that you need to take this issue to court. For example, you can ask the judge for short leave for two days to give you time to notify your husband or partner that you are applying for the order (e.g. perhaps by e-mail).

An ex parte order stays in effect until it expires or until the court makes another order.

## Mediation: The Right Option for You?

Going to court is not the only way to get an order from a judge. Instead, your husband or partner, and sometimes the judge, may suggest mediation as a way to resolve your situation. But before you agree to mediation, you should be sure it is the best choice for you.

For couples who are separating and who have not had an abusive relationship, mediation can offer an inexpensive way to deal with issues without going to court.

But in an abusive relationship, mediation may present another opportunity for your husband or partner to continue that abuse. It's unlikely that your husband or partner will start treating you fairly in mediation if he never treated you fairly when you were together.

Some women think that if they go to mediation they will be able to make peace with their husband or partner. But mediation can become another way your husband or partner tries to hurt you. For example, he might use the time at mediation to make you feel scared, or to pressure you into giving him what he wants. He might tell you that if you don't agree at mediation, he will go to court where things will go really badly for you.



If you are in mediation, and you feel uncomfortable about agreeing to something, take a copy of the proposed agreement to a lawyer and get his or her opinion on it.

***Remember: even if you make an agreement at mediation, your husband or partner may still take you to court to try to change it.***



## Frequently Asked Questions

### **Do I have to let my children see my husband or partner before I get a court order?**

It is best to get an order first if there is any danger of your husband or partner hurting your children, or refusing to give them back after the visit. If you send your children to see your husband or partner without having an order, and he doesn't bring them back to you, the police will not be able to help you. You will have to wait to go to court to try to get them back. If you are afraid for your children's safety, offer to give your husband or partner access by phone, web cam, or email.

If you DO decide to send your child on a visit with your husband or partner, ask him to sign a piece of paper that says:

- He is seeing the child for an access visit
- The date and the exact time of the beginning and end of the visit
- That if the child is not returned at the agreed time, you can file this paper in court as part of "an order by consent for custody to you, or for an ex parte application for interim without prejudice custody order and return of the child."  
(Copy these words exactly.)

Take this paper to a notary public and have it notarized if possible. (Look in the yellow pages of the phone book under "notary public" to find a notary. Their services are not expensive.) Take the paper and your ID to the notary and have your husband or partner meet you there to sign it. (Bring a friend with you if your safety is an issue.) By taking this step, you might make your husband or partner think twice about not bringing your children back because he will know that a judge could see this agreement.

***Beware: An agreement like this is not a guarantee that your husband or partner will return your children after a visit.***

If the children are not returned, immediately take the signed agreement to your lawyer or to family duty counsel at the courthouse for help.

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

The courts generally don't let children say where they want to live until they are at least twelve years old. The courts do not want to put children in the middle of the parents' dispute, and they recognize that young children may not be able to make the best decision. However, what the children say they want may be included in a report if a family justice counsellor or a psychologist is asked by the judge to give their opinion of what is best for the child.

### **Won't the judge realize that, because my husband or partner hurt me, he is dangerous to our child?**

Judges in BC don't have to consider your husband or partner's violence toward you when deciding child custody and access. Some judges might not think that the abuse seriously affected your child, or they might think that because you and your husband or partner don't live together anymore it isn't a problem. You should always tell the judge about any violence, but there is no guarantee that doing so will make a difference to what the judge decides.

### **Will the judge let my husband or partner have access if he has hurt my children?**

A judge will usually allow some sort of access unless you have very convincing proof that the children will be hurt (e.g. your husband or partner was convicted of hurting the children in the past, or has recently been charged by the police for hurting the children). Sometimes if the children have told someone else (e.g. a teacher or doctor) that your husband or partner has hurt them, that person's evidence can be used to prove the abuse. Ask your lawyer what "proof" could be in your case.

Even with a lot of proof, the judge may still allow your husband or partner to have access. The judge might say that the access has to be supervised and/or that your husband or partner needs to get counselling.

## Access Exchange: Staying Safe

Some men use the access exchange (pick up and drop off) to continue the abuse in some form.

For example, your husband or partner may:

- Lie about what time you showed up for the exchange.
- Try to talk to you about getting back together, about the abuse, or about other things you don't want to talk about.
- “Push your buttons” to make you upset, sad, or angry.
- Follow you home after the access exchange.

If your husband or partner does any of these things, consider making the exchange in a public place where there are witnesses. For example, you might meet at a mall with an escalator; you can be at the top and your husband or partner at the bottom, and you can send the children down to meet him. Or you might choose to meet in a busy coffee shop. You might also want to bring a friend or family member with you as a witness.

Wherever the exchange takes place, try not to talk to your husband or partner. It is enough to simply say “hello” and confirm the pick-up time. Use email or a notebook to pass on any other necessary information about the children. If any problems arise, write down what happened right away.

If you are worried about being followed home, go somewhere else first to see if he is following you. Know where the nearest police station is, and if your husband or partner is following you, go there and ask for help. If you have a restraining order and he is following you, call 9-1-1.

If your husband or partner does not show up for a visit, you should have proof that you were there at the agreed-upon time. You can, for example, make a small purchase, like a cup of coffee, and keep the receipt.

In dangerous or high-conflict situations, a judge can make an order for a supervised access exchange. This means that there is a go-between who takes the children from one parent to another for the access visit. This person could be a friend or family member, or it could be a paid professional.

For the names of local professionals who provide supervised access exchange, ask your lawyer, a woman's centre, or a transition house.

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

If your children tell you they have been abused, how you react is very important to your child emotionally, and it is also important for you to keep your child safe in the future.

### **Don't:**

- Under react (e.g. don't tell your children that they are imagining the abuse or pretend it didn't happen).
- Overreact (e.g. try not to show how angry you are).
- Criticize or blame them.
- Ask for details or ask leading questions that may cause problems in a police or child protection interview, especially for younger children (e.g. "Did your dad touch your private parts?" "Did it happen at Dad's home?" "Did this happen many times?").

### **Do:**

- Support them in their decision to tell you about the abuse, and reassure them that it is good that they told you.
- Reassure them that the abuse is not their fault and that you will 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 is okay to tell the truth to the social worker or police officer (children can call Kids Help Phone toll free at 1 800 668 6868 for more support).
- If there are visible injuries, such as bruises, take them to a doctor (preferably one you trust, but even a walk-in clinic will do). Tell them that you don't know if the bruises are from abuse or an accident. Ask them to record the injuries on the child's medical record (medical records can be used as evidence in court).
- Talk to your lawyer about your concerns, and they will tell you if there is enough evidence to ask for supervised access.

### **Can I stop the access visits?**

Don't stop sending your children for visits without dealing with the situation legally. If you do, your husband or partner could go back to court to force you to let the children visit him. You could even lose custody or primary residence for stopping the access visits without permission.

### **My husband is showing up drunk to pick up the children. What should I do?**

If there is a major change in your situation, such as your husband or partner arrives to pick up the children and he is clearly drunk or high, don't send the children for the visit. Instead, offer to set up another access option, such as a phone call that evening, and immediately call your lawyer (or go see Family Duty Counsel) and tell him or her that you need to go back to court for an "interim order to suspend access" (this is asking the judge to stop visits for now).

### **My children don't want to go on a visit. Do they have to go?**

Children under the age of twelve typically do not have a say in the access arrangements. If your children tell you that they don't want to visit your husband or partner, try to arrange for the children to talk to a counsellor (e.g. the school counsellor) who can be a safe person for the children to talk to and who will explore why they don't want to go. You may need this information for evidence in court, as a parent's word may not be enough for a judge.

### **My children have seen my husband abuse me. What can I do to help them?**

Witnessing abuse hurts children and can affect them emotionally. If your child has seen you being abused, you can get free help for them through your local Children Who Witness Abuse program. Call the BC/Yukon Society of Transition Houses at 604 669 6943 or toll free 1 800 661 1040, or visit their website at [www.bcysth.ca](http://www.bcysth.ca) for information about the program nearest you.

## **My husband or partner won't pay his child support.**

### **Can I stop access?**

You should never stop access visits without getting a court order to do so. A father can't stop paying child support because the mother won't let him see the child, and a mother cannot stop access because the father won't pay child support. Child support and access are separate issues. The child has both the right to see both parents and the right to be financially supported.

If you are having problems getting child support paid, talk to a legal advocate or your lawyer about enrolling in the Family Maintenance Enforcement Program.

## **The judge has asked for a Section 15 report?**

### **What does this mean?**

A Section 15 report is ordered by a judge when he or she needs more information to make a decision about what custody and access arrangements are best for a child. You or your husband or partner can also ask the judge to order a Section 15 report.

### **Tips for your Section 15 Report Interview**

- The people who do the assessments are not your friends. It is their job to assess you and make recommendations to the court.
- Dress conservatively for your meeting(s) with the person doing the assessment.
- Try to communicate clearly.
- Appear calm, collected and reasonable. Don't appear overly emotional.
- Don't make negative remarks about your husband or partner.
- Present your concerns, but focus on the children.
- Back up your claims about abuse problems with evidence, such as witnesses.

Family justice counsellors can make this report for free, or some psychologists will prepare the report for a fee. In some cases Legal Aid can help out.

To prepare the report, the family justice counsellor or psychologist will meet with you, your husband or partner, and the children separately, and then with each parent with the children. Sometimes the person preparing the report will visit each parent's house to evaluate the home. Psychologists may have you complete some tests to evaluate you. They may also talk to friends, extended family, teachers and daycare workers about your family.

A judge takes this report very seriously. The person making the report sees only you and your husband or partner for a short time, during which most people try to be on their very best behaviour. Consequently, the family justice counsellor or psychologist might not realize from the interview alone that your husband or partner is abusive. For this reason, it is important to talk to a lawyer about whether a Section 15 report is a good idea in your situation, and to ask for an opinion on who would be best to prepare the report.

**My husband or partner says that he is the victim of “parental alienation syndrome.” What does that mean? What should I do about it?**

If your husband or partner is claiming to be a victim of parental alienation syndrome, it means that he believes you are to blame for “alienating” the children – or making the children not like him.

It is certainly true that in some cases one parent does contribute to the children thinking the other parent is a “bad person.” However, there are many other times that children do not want to see an abusive parent because they are afraid of him.

To make sure that you are not accused of alienating your child from your husband or partner, be careful not to speak badly

about him in front of, or to, your children, even if your children say out loud that they don't like him. If, for example, your child says, "I am afraid of Dad," you can respond by saying, "I'm glad you are able to talk about your feelings." Or you can try "paraphrasing," which means you repeat back what you have heard. For example, you might say, "You're feeling afraid of Dad."

You could also ask your child if he or she would like to talk to somebody who can help with those feelings (e.g. a counsellor from Children Who Witness Abuse program).

If you are found to be alienating your children against your husband or partner (as might be reported in a Section 15 report if your child says, for example, "Mom says Dad is mean and awful"), the judge might not rule in your favour.





## **Remember:**

you are not  
to blame for  
the abuse.

If things start to become too much for you to handle, reach out for help. Your family and friends might become overwhelmed with the issues, but emotional support is available through women's centres, and sometimes transition houses.

**Hold on to your  
belief in yourself!**

For other information and publications on Family Law go to **[familylaw.lss.bc.ca](http://familylaw.lss.bc.ca)** — they also have information and pamphlets in various languages on different family law matters, such as sponsorship and immigration, violence in the home and First Nations issues.

To connect with resources in your first language you can contact Mosaic BC (**[www.mosaicbc.com](http://www.mosaicbc.com)**) or Vancouver Lower Mainland Family Services Society (**[vlmfss.ca/Resources.html](http://vlmfss.ca/Resources.html)**).

## Checklist:

### What to take when you leave

- |   |   |
|---|---|
| <input type="checkbox"/> Birth certificates<br>(yours and the children's)                         | <input type="checkbox"/> Cash   |
| <input type="checkbox"/> Social insurance cards   | <input type="checkbox"/> Credit cards   |
| <input type="checkbox"/> Driver's licence and/or<br>photo identification                          | <input type="checkbox"/> ATM card   |
| <input type="checkbox"/> Passports  | <input type="checkbox"/> Cheque book and bank<br>book   |
| <input type="checkbox"/> Permanent residence<br>card/immigration permits/<br>visas                | <input type="checkbox"/> House, car, and safety<br>deposit box or post<br>office box keys                                 |
| <input type="checkbox"/> Any documents from<br>another country to do<br>with you or your children | <input type="checkbox"/> Calling card   |
| <input type="checkbox"/> Marriage certificate   | <input type="checkbox"/> Cell phone   |
| <input type="checkbox"/> Custody orders   | <input type="checkbox"/> Address book   |
| <input type="checkbox"/> Legal protection or<br>restraining orders                                | <input type="checkbox"/> One month's supply of<br>all medicines you and<br>your children are taking                       |
| <input type="checkbox"/> Care cards/medical<br>coverage forms                                     | <input type="checkbox"/> Copies of prescriptions  |
| <input type="checkbox"/> Medical records for all<br>family members                                | <input type="checkbox"/> Jewellery or small objects<br>you can sell   |
| <input type="checkbox"/> Children's school records  | <input type="checkbox"/> Pictures<br>(make sure you have a<br>picture of your spouse<br>so you can serve legal<br>papers) |
| <input type="checkbox"/> Investment papers/<br>records and bank account<br>numbers                | <input type="checkbox"/> Keepsakes  |
| <input type="checkbox"/> Rental agreement/lease<br>or house deed                                  | <input type="checkbox"/> Children's treasures<br>(e.g. stuffed animals or<br>special blankets)                            |
| <input type="checkbox"/> Car title, registration, and<br>insurance information                    | <input type="checkbox"/> Clothing for you and<br>the kids   |

*You may also want to clear out the history on your computer so your husband or partner can't find out where you have been looking (e.g. if you have been searching for transition houses). If you are unsure how to clear your history, go to [www.google.com](http://www.google.com) and type "how to clear your history" in the search bar.*

## Resources

### At YWCA Vancouver

YWCA Vancouver Legal Educator	604 734 5517 x 2235
Single Mothers' Support Services	604 895 5797

### Additional Resources

Access Justice	604 878 7400
ATIRA Women's Resource Services	604 331 1407
Battered Women's Support Services	604 687 1868
Family Duty Counsel	604 660 1508
Family Justice Services	604 660 2084
Legal Services Society	604 408 2172
MOSAIC	604 254 9626
Pro Bono BC	604 893 8932
Salvation Army pro bono	604 694 6647
South Fraser Women's Centre	604 536 9611
Vancouver Lower Mainland Family Services Society	604 436 1025



*YWCA Vancouver 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, YWCA Vancouver touches lives in communities throughout Metro Vancouver.*