

GET READY FOR FAMILY COURT

Find the Right Lawyer

You need a lawyer who knows about family law.

You need a lawyer who has experience with woman abuse.

To get the best help your lawyer must understand your situation.

Your lawyer must be able to speak for you in court.

Tell Your Story and Get Proof

You need to tell the Family Court what happened to you.

You also need to tell the Family Court how you will care for your children.

You will need to show what your children's father did to you.

Here are some things you can use to prove what he did:

- letters or notes from family, friends or neighbours
- letters or notes from your children's daycare or school
- medical reports
- police reports

Keep a copy of all the things you have done with your children since you left their father.

For example:

- going to parent-teacher meetings at school
- helping the children with homework
- taking a parenting course

GOING TO FAMILY COURT

Going to Family Court can take a long time. Your case may take months or years.

If you need clothes to wear to court, call **Family Abuse Crisis Exchange (FACE)** at (416) 787-7165.

At court here are some things you may be asked to do:

- **Go to a Case Conference**

At a case conference you and your children's father and your lawyers meet with the Judge to talk about your case.

- **Mediate**

In mediation, you and your children's father meet with an outside person or mediator to decide your children's future.

Mediation should never be used if you have been abused. You have the right to say NO to it.

- **Be Assessed**

When you are assessed, an outside person will talk with you and your children and their father. They will write a report saying what they think is best for the children.

If you are told you will be assessed, ask for someone who has experience with woman abuse and who can do a comprehensive risk assessment. This will tell the Family Court how likely it is that you and your children will be hurt again.

Ask your lawyer what you can say when you are assessed.

How Family Court Decisions Are Made

The Family Court judge decides about custody and access.

Judges look at the laws in Canada and the proof that you and the children's father bring to court.

Judges decide what they believe is best for the children. This is called the children's **best interest**. If you disagree with the judge, you have the right to appeal. Ask your lawyer how to appeal.

This brochure is for you if your ex-husband or boyfriend...

- always questions and criticizes how you take care of the children
- does not come for visits on time or comes to your house when he feels like it
- does not return the children unless you promise to give him money for gas or bus fare
- brings the children back from visits too early or too late
- calls to talk about the children and uses that time to call you names
- spends his visits with the children saying bad things about you
- teaches the children that it is okay to use threats and violence to get what they want
- uses his visits with the children to change the rules and routines you have made for them. For example, letting them stay up past their bedtime, watch TV all day or not do their homework.



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- **Did your husband or boyfriend hurt you?**
- **Did you leave him?**



This brochure is about your right to care for your children after you leave a husband or boyfriend who hurts you.

Plain Language Version

If your children's father hurts you and you decide to leave, take your children with you!

When you are in a safe place, talk with a lawyer or legal clinic. You can talk to a family lawyer for 2 hours for free.

To find a lawyer or a community legal clinic, call the:

Assaulted Women's Helpline .. (416) 863-0511
TTY (416) 364-8762

Barbra Schlifer
Commemorative Clinic (416) 323-9149
TTY (416) 323-1361

You can also ask an ESL teacher, settlement worker or women's shelter for help.

If you cannot afford a lawyer, you may be able to get Legal Aid.

You must apply for Legal Aid. For an office near you, call:

Legal Aid Ontario - (416) 979-1446

To apply, go to the Legal Aid office when it opens. You may be there all day.

Find someone to take care of the children.

When you go to Legal Aid, take all of your financial records with you. This means bank statements, bills, pay stubs, rent receipts or tax returns.

If you don't speak English or don't speak English well, call the Legal Aid office. Ask for a cultural interpreter.

Tell Legal Aid that you are a **woman abuse survivor**.

Tell them your situation is an **emergency** or a **red tag**.

This will give you the most Legal Aid.



In my country people think that children belong to their father. If I leave my children's father, will I have to leave my children?

In Canada, both parents are responsible for the children. It is the law.

Parents that live together share **custody**. They care for their children equally. They both have the right to make decisions.

When parents do not live together, they can still share custody. Sometimes only one parent has custody. This is called **sole custody**.

If one parent has sole custody, that parent cares for and makes decisions about the children on his or her own.

The other parent has the right to spend time with the children and have information about them. This is called **access**.

Your lawyer may tell you to get an **interim custody order**. The order means that the children will stay with you and you will care for them.

Later, Family Court will decide who will have custody.



I am not a Canadian citizen. I am not landed. Can I be deported without my children if I leave their father?

You and your children may be able to stay in Canada without his sponsorship.

Talk to an immigration lawyer once you and your children are in a safe place.

Ask about staying in Canada under **humanitarian and compassionate grounds**.



I left my children's father because he hurt me. Now he is threatening to take the children away from me. What should I do?

Men who hurt their wives and girlfriends often use the children to keep hurting the women who leave them.

If your children's father does this:

- Tell your lawyer or legal worker.
- Talk with a counselor, or join a group for women who have been abused.
- Get help for your children. Ask about programs for children exposed to abuse.



The police charged my children's father with hurting me. He went to court for assault. He was sent to jail. Does this mean he will have to stay away from the children?

No. Criminal Court is separate from the Family Court.

The Criminal Court decides about jail.

Family Court decides about custody and access. They may decide that he has the right to see his children.



My children want to see their father. I am afraid he will hurt me when I drop them off and pick them up. How can I protect myself?

Men who hurt their wives or girlfriends often attack the woman when she drops the children off and picks them up.

Your children's father has a right to see the children. He does not have a right to see you.

Here are some ways to protect yourself:

- Get help. For ideas about how to be safer, call
 - an assaulted women's help line
 - a women's shelter
 - a violence against women program
- Go to court to get a **restraining order**. This means that he cannot talk to you or bother you. He must give messages to other people to give to you. With a restraining order, he cannot call you to talk about the children and use that time to bother you.
- Tell the Family Court that you want all drop-offs and pick-ups to happen in a public place. For example, community centres, day cares, parenting centres, police stations or schools.



What if my children's father tries to take them out of the country?

If you think he may kidnap the children or send them back home, ask the Family Court for a **restriction on travel** and a **restriction on documentation**.

This means that he cannot take them outside of the country without your permission.

If he takes the children out of the country, contact the Police and the Missing Children Program. Tell them your children are missing. Tell them their father has taken them out of Canada. They will help you try to find your children and get them back.

**Missing Children Program -
Foreign Affairs, Canada**

1-800-267-6788

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