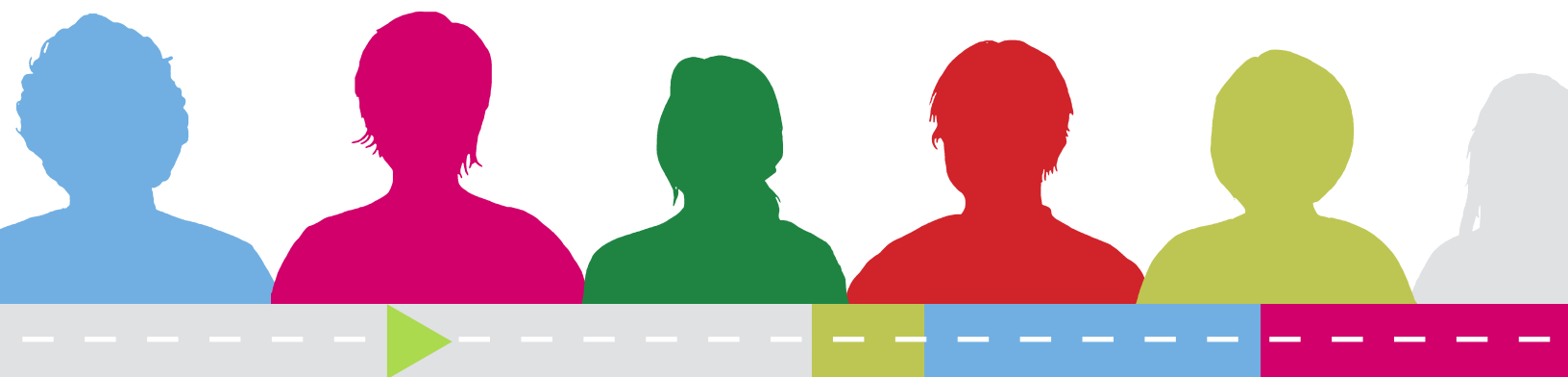


ROADS TO SAFETY

Legal Information for Older Women in BC



MARCH 2017

IF YOU ARE IN DANGER

- If you think you are in danger, call **9-1-1** for emergency help.
- If you need help in a language other than English, say what language you speak when you call **9-1-1** to get an interpreter.
- If you are deaf or hard-of-hearing and use a TTY (teletypewriter), dial **9-1-1** through your TTY.



If someone has hurt you and you need support or information, call **VictimLink** at 1-800-563-0808. This service is available 24 hours a day and in many languages.

Every woman deserves safety and respect.

إذا كانت حياتك معرضة للخطر، إتصلي هاتفياً على الرقم **9-1-1** وأذكرني إسم اللغة التي تتحدثين بها. إذا قام شخص بإيذاءك وتحتاجين إلى الدعم أو المعلومات، إتصلي بخط هاتف الضحية (VICTIMLINK) على الرقم 1-800-563-0808. هذه الخدمة متوفرة على مدار 24 ساعة وبلغات عديدة. كل امرأة تستحق السلامة والإحترام.

如果您正处于危险之中，请致电 **9-1-1**，告诉对方您讲什么语言。

如果有人伤害了您，您需要支持或信息，请致电 **VICTIMLINK (受害者热线)** 1-800-563-0808。这项服务以许多语言提供服务，一天24小时昼夜无休。

每个妇女都应该享有安全和尊重。

如果遇到危险，請致電 **9-1-1**，並講出您說什麼語言。

如果有人傷害您而您需要支援或資訊，請致電 **受害人熱線 (VICTIMLINK)**：1-800-563-0808。這項服務每天24小時都可使用，並且以多種語言提供。

每個婦女都應獲確保安全和受到尊重。

KUNG IKAW AY NASA PANGANIB, tumawag sa **9-1-1** at sabihin kung anong wika ang sinasalita mo.

Kapag ikaw ay sinaktan ng isang tao at kailangan mo ng tulong o impormasyon, tawagan ang **VICTIMLINK** sa 1-800-563-0808. Magagamit ang serbisyong ito sa iba't ibang wika, 24 oras bawat araw.

Ang bawat babae ay may karapatang maging ligtas at ginagalang.

SI VOUS ÊTES EN DANGER, composez le **9-1-1** et dites quelle langue vous parlez.

Si quelqu'un vous fait mal et que vous avez besoin de soutien ou de renseignements, appelez **VICTIMLINK** au 1-800-563-0808. Ce service est disponible 24 heures sur 24 et dans de nombreuses langues.

Toutes les femmes méritent d'être en sécurité et respectées.

अगर आप संकट में हैं, तो **9-1-1** को फ़ोन करें और बताएं कि आप कौन सी भाषा बोलती हैं।

यदि कोई आपको चोट पहुंचाए और आप को सहायता या जानकारी की आवश्यकता हो तो **VICTIMLINK** को 1-800-563-0808 पर फ़ोन करें। यह सेवा दिन के चौबीसों घंटे व अनेक भाषाओं में उपलब्ध है।

सुरक्षा व आदर प्रत्येक महिला का अधिकार है।

اگر در خطر هستید، با **9-1-1** تماس بگیرید و بگویید که به چه زبانی صحبت می‌کنید.

اگر کسی به شما آسیبی برساند و به کمک یا اطلاعات نیاز داشته باشید، با **VICTIMLINK** به شماره 1-800-563-0808 تماس بگیرید. این خدمت در 24 ساعت شبانه‌روز و به چندین زبان موجود است.

هر زنی شایسته‌ی برخورداری از ایمنی و احترام است.

ਜੇ ਤੁਸੀਂ ਖਤਰੇ ਵਿਚ ਹੋ ਤਾਂ **9-1-1** ਨੂੰ ਫੋਨ ਕਰੋ ਅਤੇ ਦੱਸੋ ਕਿ ਤੁਸੀਂ ਕਿਹੜੀ ਜ਼ਬਾਨ ਬੋਲਦੇ ਹੋ।

ਜੇ ਕਿਸੇ ਨੇ ਤੁਹਾਨੂੰ ਨੁਕਸਾਨ ਪਹੁੰਚਾਇਆ ਹੈ ਅਤੇ ਤੁਹਾਨੂੰ ਮਦਦ ਜਾਂ ਜਾਣਕਾਰੀ ਦੀ ਲੋੜ ਹੈ ਤਾਂ **ਵਿਕਟਿਮਲਿੰਕ** ਨੂੰ 1-800-563-0808 'ਤੇ ਫੋਨ ਕਰੋ। ਇਹ ਸਰਵਿਸ ਦਿਨ ਦੇ 24 ਘੰਟੇ ਮੌਜੂਦ ਹੈ ਅਤੇ ਬਹੁਤ ਸਾਰੀਆਂ ਜ਼ਬਾਨਾਂ ਵਿਚ ਹੈ।

ਹਰ ਔਰਤ ਨੂੰ ਸੇਫਟੀ ਅਤੇ ਇੱਜ਼ਤ ਦਾ ਹੱਕ ਹੈ।

SI ESTÁS EN PELIGRO, llama al **9-1-1** y diles qué idioma hablas (di "Spanish").

Si alguien te ha lastimado y necesitas apoyo o información, llama a **VICTIMLINK** al 1-800-563-0808. Este servicio está disponible 24 horas al día y en muchos idiomas.

Todas las mujeres merecen seguridad y respeto.

اگر آپ خطرے میں ہیں تو، **9-1-1** پر فون کیجئے اور آپ جو زبان بولتے ہیں وہ کیجئے۔

اگر آپ کو کسی نے چوٹ پہنچائی ہے اور آپ کو مدد یا معلومات کی ضرورت ہے تو، **VICTIMLINK** کو 1-800-563-0808 پر فون کیجئے۔ یہ خدمت دن کے چوبیس گھنٹے اور بہت سی زبانوں میں مہیا ہے۔

ہر خاتون تحفظ اور عزت کی مستحق ہے۔

NÉU QUÝ VỊ ĐANG BỊ NGUY HIỂM, hãy gọi số **9-1-1** và cho biết quý vị nói tiếng gì.

Nếu có người đã thương quý vị và quý vị cần được trợ giúp hoặc cần biết tin tức, hãy gọi cho **VICTIMLINK (ĐƯỜNG DÂY TRỢ GIÚP NẠN NHÂN)** tại số 1-800-563-0808. Dịch vụ này hoạt động 24 giờ mỗi ngày và bằng nhiều ngôn ngữ.

Mỗi người phụ nữ đều xứng đáng được an toàn và tôn trọng.

ROADS TO SAFETY: Legal Information for Older Women in BC

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Produced by West Coast LEAF and the Canadian Centre for Elder Law.

Written by Krista James and Alana Prochuk.

Legal research by Kendra Milne, Krista James, Eric Hou, and Zoe Suche.

Consultations conducted by Shahnaz Rahman, Alana Prochuk, and Krista James, and documented by Alana Prochuk, Maria Kari, Eric Hou, Teava Lotfi, Victoria Tortora, and Rosanna Ho.

Edited by Alana Prochuk. Copy edited by Kasari Govender, Krista James, and Kathleen Cunningham. Proofreading and plain language editing by Tript Johal and Linda Forsythe.

General legal review by Kim Hawkins, Kendra Milne, Kathleen Cunningham, and Krista James. Legal review of information on Indigenous law by Amber Prince. Legal review of immigration information by Alistair Clarke. Legal review of information on decision-making rights, powers of attorney, and representation agreements by Martina Zanetti.

Designed by Nadene Rehnby and Pete Tuepah, Hands On Publications.

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This handbook explains the law in general. It is not intended to provide specific legal advice on individual legal problems and should not be relied upon as legal advice. Information is current as of May 2016.

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555 – 409 Granville St.,
Vancouver, BC, V6C 1T2
t: 604.684.8772
toll free 1.866.737.7716
e: info@westcoastleaf.org
westcoastleaf.org



1822 East Mall, UBC,
Vancouver, BC, V6T 1Z1
t: 604.822.0142
e: ccels@bcli.org
bcli.org/ccel

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SECTION 1

Emergency Information: Getting Safe

If you think you are in danger, call **9-1-1** for emergency help.

If you need help in a language other than English, say what language you speak when you call **9-1-1** to get an interpreter.

If you are deaf or hard-of-hearing and use a TTY (teletypewriter), dial **9-1-1** through your TTY.

Maybe you want the police to come to your home but are worried that somebody who is hurting you might hear your phone call to the police. You can dial 9-1-1 from your landline (your home phone, not your cell phone) and then hang up after the operator answers. If you do this, it is likely that 9-1-1 will call you back or that the police will come to your door. It is possible to make your phone call to 9-1-1 very short and simple and still get help.

Maybe you are afraid of how the police might treat you or respond to your call and you are not in danger right now. You can talk to an advocate or support person about your options. You can contact the police with support from someone you trust.

To find an advocate, call VictimLink at 1-800-563-0808. Their phone service is available 24/7 and with interpretation in many languages.

VictimLink can also connect you with shelters and other safe temporary housing. They can help you to find the support you will need for your next steps.



You can talk to an advocate or support person about your options. You can contact the police with support from someone you trust.

SECTION 2

You are Not Alone: About this Handbook



If someone is hurting you, it is not your fault and you are not alone.

Every woman deserves to be safe and treated with respect. This handbook was created to help you understand your rights and options if someone in your life is hurting you.

Unfortunately, sometimes older women are not safe and people in their lives mistreat them. Abuse can come in many forms such as:

- Physically hurting you — for example, pushing you, hitting you, or treating you roughly
- Doing anything sexual to you that you don't agree to
- Threatening to hurt you or someone you care about
- Stealing from you
- Pressuring you to sign legal documents
- Pressuring you to give away money or co-sign for debt
- Yelling at you, calling you names, or belittling you
- Not allowing you to have medication you need, or giving you too much
- Taking away or destroying health equipment you need for daily life, like a wheelchair or hearing aid, or threatening to do that
- Locking you in a room or restraining you in any way
- Stopping you from going somewhere you want to go or from seeing friends or family
- Not allowing you to have food or a safe place to sleep
- Preventing you from seeing your grandchildren unless you do something, like pay money or change your will.

Sometimes abuse is a crime. Abuse is wrong even when a crime has not occurred.

Sometimes discrimination might cause people to disrespect an older woman. People can have unfair ideas based on gender, age, race, culture, language, sexual orientation, ability, or class. They might wrongly believe that an older woman cannot make good decisions for herself. Sometimes unfair treatment happens even in places where older women go to get help. If you have been treated with disrespect or hurt in any way, it is never your fault and you are not alone. You can find support from someone who respects you.

Often, the people who hurt us are the people we care about. This can make it hard to speak out.

It can also be difficult to know what steps to take when you want the abuse to stop. It can take time to make change.

This handbook:

- Explains your rights
- Gives you some options to think about
- Tells you where to get help with different issues.

At the bottom of this page you will notice Amaka's story. This handbook contains stories of older women who are on the path to safety. The stories are made up, but they deal with real situations that could be similar to yours. The stories show examples of steps that older women might take to become safer. But every woman's situation is different, and you could make different choices in your own life.



Amaka and Ajani have been married for 55 years. Ajani has always been a person who gets angry easily, and now that he has retired, the situation is even worse. Ajani has needed a cane or assistance to move around since his last stroke. Amaka spends all day at home taking care of his needs. Trying not to make him angry is exhausting. She hates having to help him out of bed

or into the bath: if he is not happy with how she touches him, he pushes her and knocks her over. Amaka wants to leave Ajani. She is worried about leaving because she does not know how she will support herself or who will care for Ajani. When she mentions her concerns to her sons, they just say that it is her job to take care of her husband. She does not want her daughter to have to take over because she is afraid that Ajani will hurt her too.

One day Amaka talks to her granddaughter, Jenny, about what is going on. Jenny is a social worker and does a lot of community work. Jenny introduces Amaka to an advocate, who discusses some options with her. Jenny helps Amaka apply for income assistance so she can get her own apartment and helps her move in. Together they apply for her Old Age Security, and when she starts getting her pension, she gets off income assistance. Eventually they apply for part of Ajani's Canada Pension Plan benefits, which increases Amaka's monthly income. Jenny even finds someone to help Ajani apply for home support and register for a meals service. This takes more pressure off Amaka.

You might want to look through this handbook with a person you trust in a safe place. It can help to get support when you are dealing with a stressful situation, looking for information, or trying to decide what to do.

Learning about your rights does not mean you have to take any steps you don't want to take. Even if you talk to a lawyer or support person to find out about your rights, you still have choices about whether or not you act on the information you receive. Also, you have legal rights even if you decide that you are not ready to leave your home now.

Violence in relationships is more likely to happen to women, but violence can happen to anybody.

Even though this handbook was written with older women in mind, the information in it can be used by people of any gender or age.

NEXT STEPS

YOU ALWAYS HAVE RIGHTS. If you are thinking about leaving your home to get to a safe place, remember that you have legal rights when it comes to making decisions about your body and your life. The next sections set out some of your rights.



Thảo

Thảo came to Canada 12 years ago. She lives with her son and daughter-in-law, who have two young children. Thảo spends her days taking care of the children while her son and daughter-in-law are at work. She wants to improve her English, but she has no time to herself. Thảo's daughter-in-law is very unkind to her. She calls

Thảo stupid and sometimes locks her into her room when guests come over. Once she got so angry with Thảo that she held a knife in front of her face and said she might cut her.

A woman Thảo meets at church notices how her daughter-in-law treats her. One day this woman talks to Thảo after church and helps her find a victim assistance worker who speaks Vietnamese. The worker helps Thảo make a plan to leave and connects her with a transition house – a safe place to stay for women who have experienced abuse. The staff at the transition house listen to Thảo's story and believe that her safety is at risk. They say that she can stay at the transition house for now. Then they help Thảo get income assistance (financial support from the government) and find a free English class.

Eventually Thảo finds an apartment to share with some other women. After a year Thảo starts to see her family again. Now that she has her own place to live, she feels comfortable having her grandchildren visit her there and spending time with her son and daughter-in-law in public. But she decides not to visit her son and daughter-in-law's house, as she still does not feel safe there.

SECTION 3

Getting Ready to Leave

SAFETY PLANNING

Making the decision to leave a home where you are not safe can be scary. Even if you are living in a horrible situation, change can be difficult.

Some women find it helpful to do some planning ahead of time. This is not possible for all women. Sometimes your home becomes so dangerous that you must leave right away. Other women have time to find out things like where they can stay, how they will get there, and who can assist with their health concerns. Some women might be able to gather some of their identification and important records in advance. Knowing about options can make it easier to leave.

Here are some things you might be able to think about in advance:

WHO WILL HELP YOU? Figure out who might be able to assist you if you leave. You will likely need practical assistance and emotional support.

Help can come from many people and organizations, including:

- Family members or friends you trust
- Professionals you trust, like your doctor
- Organizations where you feel safe, like a place of worship, a seniors' centre, an Aboriginal Friendship Centre, a cultural society, or an immigrant services organization.

You can find contact information for many helpful organizations in the Resources section at the back of this handbook.

Some women have time to find out things like where to stay and who can help, and to gather identification and important records. Knowing about options can make it easier to leave.

If you are looking for support or information about places to get help, VictimLink has text messaging service at 604-836-6381. You can also call VictimLink on your TTY at 604-875-0885. To call collect, use the Telus Relay Service by dialing 711.

It might be a good idea to write down a few important phone numbers. Keep them in a safe place that you will be able to access if you leave. If you are able, try to memorize numbers of two safe people as they may be needed in an emergency.

You might decide to talk to somebody you trust about what is happening. Together, create a code word so that they will know that you need help without you having to say it when an abuser is listening. For example, maybe you could tell a trusted neighbour that when you talk about needing to buy more rice, this really means that you are in danger and want your neighbour to call for help for you.

WHERE WILL YOU GET HELP IN YOUR OWN LANGUAGE? If you do not speak English, contact VictimLink at 1-800-563-0808 or the Seniors Abuse and Information Line (SAIL) at 1-866-437-1940 to find an advocate or victim assistance worker who speaks your language in your community.

VictimLink is available 24/7 with service in many languages.

SAIL has language interpretation from 9 am to 4 pm, Monday to Friday. More details about these organizations are in the Resources section at the back of this handbook.



Gloria is getting worried. Her adult son, whom she lives with, is struggling with mental health issues and drug use. He is getting more and more rough in the way he treats her. Sometimes he pushes her to the ground, and she fears that she will get injured, especially because

she has osteoporosis and her bones can break easily.

Gloria does not feel comfortable phoning the police to report her son's violent behaviour because she doesn't trust that the police will treat her or her son with respect. She doesn't want her son to go to jail, and she knows that there are far too many Indigenous men in prison already. Gloria knows many Indigenous women and men who have had abusive and unfair experiences with the police and in the courts.

She decides to find out about other options to increase her safety. Gloria goes to an organization in her community that is run by and for Indigenous people where she feels her concerns will be understood. She meets an advocate who does not pressure her to do anything she is not comfortable with. The advocate helps her decide on some steps to increase her own safety. She also finds great comfort from connecting with women elders and participating in ceremony with them.

HOW CAN YOU GET EMERGENCY HELP IF YOU ARE DEAF OR HARD-OF-HEARING? If you use a TTY (teletypewriter), you can call 9-1-1 for emergency help through your TTY. In some parts of BC, it is now possible for deaf and hard-of-hearing people to register to get 9-1-1 service through text messaging on a cell phone. You must plan ahead to use this service. Details can be found at textwith911.ca.

HOW CAN YOU GET EMERGENCY HELP IF YOU DON'T HAVE A PHONE? If it is safe for you to go to a police station near you, you can ask the police for a "9-1-1 cell phone." Some police departments give out cell phones that can only dial 9-1-1. If you get a 9-1-1 cell phone, think about where you can keep it so that you can use it in an emergency and it will not be found by your abuser. Make sure to keep the battery charged.

HOW WILL YOU GET OUT OF YOUR HOME? You might want to think ahead of time about the easiest, fastest, and safest way for you to exit. If you have mobility limitations, think about which route will be easiest.

HOW WILL YOU GET TO A SAFE PLACE? Here are some options:

- Write down bus schedules, routes, and closest stops
- Save or borrow money for a taxi
- Write down the number of someone you know who will drive you to a safe place
- Make a copy of the keys to the family car.

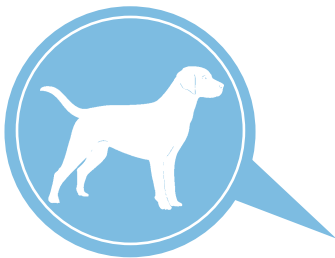
WHERE WILL YOU STAY? Perhaps you can stay with a friend or family member. You can call VictimLink at 1-800-563-0808 to find out how to get to a transition house or other temporary safe housing. A transition house is a safe place to go if you have been abused. Usually it is a regular house. The locations of transition houses are not made public so that the women staying there cannot be found. You can find them in many cities and towns across BC. Even if you live in a rural area and there are no transition houses nearby, there might be a safe home. A safe home is a private home that is part of a network that provides short-term shelter to women and children fleeing violence.

HOW WILL YOU GET THE HEALTH CARE YOU NEED? Write down all your medical conditions, medications, and doctors' names. If you are receiving treatment, find out about other hospital programs where you can get that treatment. Keep extra medication in a safe place so you can take it with you when you leave.

Keep extra medication in a safe place so you can take it with you when you leave.



You might want to find someone who can care for your animal or find a friend who will let you stay with them and bring your animal. Most transition houses and shelters will not allow you to bring your pet with you.



HOW CAN YOU KEEP YOUR PLANS SECRET? Find a secret place to hide all of the information you are gathering.

If you are doing research on the internet about how to get safe, consider using a public computer (like at the library) where the history of your searches cannot be tracked by an abuser.

If you have already visited websites to get safety information and are worried that your abuser might find out by looking at the search history on your computer, go to the website google.com and type “how to clear your history” in the search bar, then follow those instructions.

If you are using your smartphone or computer to find and store safety information, try to use a security password that your abuser does not know. If you are using a computer that your abuser might also use, use an incognito or private browsing window so that the websites you have visited will not be stored. Here are instructions for private browsing on the most common web browsers:

- Internet Explorer: Press Ctrl+Shift+P keys together or select “InPrivate Browsing” from the Safety menu that you can open by clicking on Settings.
- Mozilla Firefox: Press Ctrl+Shift+P keys together or select “Start Private Browsing” from the Tools menu.
- Google Chrome: Press Ctrl+Shift+N keys together or select “New incognito window” from the menu at the top right with the icon that looks like three horizontal stripes.

WHO WILL TAKE CARE OF YOUR PET? You might want to find someone in the community who can care for your animal or find a friend who will let you stay with them and bring your animal. Most transition houses and shelters will not allow you to bring your pet with you.

HOW CAN YOU KEEP ITEMS THAT ARE SPECIAL TO YOU? It can be hard to leave things like photographs. You could give a friend a list of personal items and where they are located. Or you could drop off items at a friend’s home before you leave.

Every woman’s situation is unique. A transition house or another organization that helps women who have been hurt can help you make a safety plan that is right for you.

IDENTIFICATION (ID)

It can be helpful if you bring certain identification (ID) with you when you leave. Expired ID or photocopies of ID are usually better than nothing.

Here are some examples of ID to bring with you if you can:

- Passport for you and any children or grandchildren you are caring for
- Immigration papers
- Citizenship papers
- Social Insurance Card (SIN card) or a government letter with the SIN number on it
- Birth certificate for you and any children or grandchildren you are caring for
- Marriage certificate
- Picture identification, such as BCID, BC Services Card, or driver's license
- Medical Services Plan card for you and any children or grandchildren you are caring for
- Band documentation, such as Secure Certificate of Indian Status (status card). (For an explanation of Indian Status, see page 75.)

If you cannot bring your identification with you, and you qualify for income assistance or disability assistance, it is sometimes possible to get help to pay for new ID. For more information, see page 47.

If you cannot bring your identification with you, and you qualify for income assistance or disability assistance, it is sometimes possible to get help to pay for new ID.



OTHER DOCUMENTS

Consider bringing the following other documents if you have time and it is safe to do so. You might not have all of these documents. Some of them might not apply to your situation.

Legal documents such as:

- Representation agreement (for an explanation of representation agreements, see page 28)
- Power of attorney (for an explanation see pages 28 and 29)
- Court documents regarding maintenance, custody, guardianship, or protection.



You might not have all of these documents. Some of them might not apply to your situation.

Financial documents such as:

- Bank information (list of all accounts, holdings, and lines of credit in your name or your spouse's name)
- Bank account and credit card statements (60-day bank statements for all accounts)
- Financial records for investments and savings, such as bonds, RRSPs (Registered Retirement Savings Plans), RRIFs (Registered Retirement Income Funds), GICs (Guaranteed Investment Certificates), trust funds, and so forth
- Tax returns for the last three years (Canada Revenue Agency will provide these) and recent Notices of Assessment
- Pension stubs, including CPP (Canada Pension Plan – for an explanation, see page 55)
- Statements from income assistance, disability, or employment insurance benefits
- Documents relating to a company owned by you or your spouse
- Assessments of the value of your home or any other assets you and your spouse own.

Employment documents such as:

- Record of employment if you recently left a job
- Recent pay stubs
- Self-employment financial records.

Other important documents:

- ICBC (Insurance Corporation of BC) stubs, claim number, and contact names, if you have an open claim relating to a traffic accident
- WCB (Workers' Compensation Board) stubs, claim number and contact names, if you have an open claim relating to an injury or illness that was the result of your employment
- Life insurance policy
- Extended health plan policy.

PLANNING ACCESS TO YOUR MONEY

It can be helpful to plan access to your own money before you leave. Here are some options to consider:

- Open your own bank account and get your own credit card
- Withdraw some money from any joint bank accounts if it is safe to do so
- Hide emergency money in a safe place (for example, in a safety deposit box, or with a friend).

Even if you have signed a power of attorney, you probably still have the right to access money in your own accounts without asking the person you appointed. For information about how powers of attorney can be revoked (cancelled), see page 70.

SECTION 4

Your Decision-Making Rights



The law in British Columbia says that every woman is assumed to be mentally capable of making her own decisions. This does not change just because you get older.

The law in British Columbia says that every woman is assumed to be mentally capable of making her own decisions. This does not change just because you get older. This includes decisions about:

- Legal matters
- Where you live
- What kind of health care you receive
- What happens to your money or belongings
- Who you spend time with
- Whether you have intimate relations and with whom (sex or other physical contact).

Most people have noticed that their ability to think clearly and make decisions can vary. Sometimes people have difficulty thinking clearly if they have not eaten or slept properly, if they have missed taking their medications, or if they are dealing with a very difficult experience such as violence in a relationship. This is normal. The law recognizes that decision-making capacity can be different at different times. The fact that you are not able to make decisions sometimes does not mean that you lose all of your decision-making rights.

Sometimes people assume older women cannot make their own decisions. They think they know what is best for you. They may mean well, or they may be trying to control you or your money. They may pressure you to sign documents that give them power over some of your decisions. But you have a right to decide what happens in your life, with few exceptions.

- Your spouse and your adult children do not have a right to make decisions for you.
- If you are an immigrant, your sponsor does not have the right to make decisions for you.
- If you are ill or if you have a disability, your caregivers do not have a right to make your decisions.

There can be exceptions. For example, if you temporarily do not have capacity to make your own health care decisions, someone else might be given authority to make those decisions for you. Still, this person must make decisions based on what is best for you and what you have communicated about your wishes. There can also be exceptions under a law called the *Mental Health Act*. For more information, read the section on health care decisions on page 21.

If you find that people in your life do not respect your choices or listen to you, it might be a good idea to find a supportive person to help you stand up for your rights — a family member, friend, or advocate. You can read more about advocates in Section 6, Getting Legal Help.

In reality, we all make decisions by talking to people we love or trust. You have a right to ask for help making decisions — no matter how old you are.

In reality, we all make decisions by talking to people we love or trust. You have a right to ask for help making decisions — no matter how old you are.



Annie lives alone now. She misses her grandchildren so much. She practically raised them! Her daughter Melissa will not let Annie see the kids anymore now that the Ministry has returned them to Melissa's care.

Melissa was so angry when the Ministry put her kids in care with Annie, but it was the only way Annie could

help keep the family together each time her daughter got treatment for her drinking problem.

Annie's sons only come over once a month: the day her pension cheque arrives. They pressure her to buy them things with her pension money. This means that Annie has to rely on food banks for herself, but at least she gets a little time with the kids and can help them get what they need. Last week her oldest son came over with a document for her to sign. He said things would be easier if they got a joint bank account because he could get money from her pension cheque "without having to visit her."

When Annie's friend hears about the joint bank account idea, she is upset. "Your son shouldn't be making decisions about what you do with your money! It's yours!" she says. "It is great to help family, but it sounds like they're trying to control what you do." With the support of her friend, Annie says no to her son.

SEXUAL ASSAULT AND CONSENT TO SEX

Every woman has the right to consent to or refuse any kind of sexual activity.

No one can consent to sex for you, including your spouse, your partner, or any person you have had a sexual relationship with in the past.

You have the right to say no:

- No matter how old you are
- Whether or not you have any disability or disease
- No matter who wants sexual contact with you – even if you are married to, or in a relationship with, that person.



Any kind of sexual contact without your permission is sexual assault and is a criminal act.

You can change your mind at any point after saying yes. For example, you could say, "I don't feel like it right now," "Let's not go any further," or "Can we stop and do something else?" - anything that shows that you do not want to continue.

Any kind of sexual contact without your permission is sexual assault and is a criminal act.

If someone has sexually assaulted you, including a spouse, you have the same legal rights as a younger woman:

- You can call the police
- You can ask for a protection order or peace bond (see Section 10 of this handbook)
- If the person who hurt you is your substitute decision-maker, you can get them replaced with someone you trust
- You can separate or get a divorce



Nadia

Nadia lives in a long-term care facility. She has early onset dementia. Her husband Anton has visited her since she moved there and they sometimes have sex in her room. Lately the facility staff notice that Nadia has been sad and appears upset after her husband's visits. After talking to Nadia, they approach Anton and ask him to take a break

from initiating sex. He is very upset, but Nadia seems happier now. The following month, Nadia's daughter has a meeting with the director of care. She says her parents have a loving relationship and her father has been depressed. She tells them to stay out of their private lives. The director of care says that Nadia has the right to refuse sex, and her behaviour suggests she does not want to have sex with her husband right now.

- You can ask for help to pay for counselling or other supports through the Crime Victim Assistance Program. Call VictimLink at 1-800-563-0808 to get connected with a Victim Services Worker who can help you to apply for the Crime Victim Assistance Program.

You can also use services like medical treatment, emotional support, or counselling. Many organizations that provide this kind of help in BC are listed in the Resources section at the back of this handbook.

Getting older does not affect your right to decide whether or not to have sex. You can choose to have sex even if you have a mental illness, cognitive disability, or brain disease, unless you cannot understand what is going on or you cannot clearly communicate that you consent (freely agree) to have sex. If you have a disease or disability that affects your memory or thinking, such as dementia, a person who wants to be sexual with you needs to be extra careful to make sure that you understand what is going on and who they are, and that you want to be involved in a sexual activity.

Others do not have the right to stop you from having sex if you and your partner consent. Some people have difficulty with the idea that older women lead sexually active lives or experience sexual desire. This does not give them the right to control you.



Organizations that help sexual assault survivors are listed in the Resources section at the back of this handbook.

HEALTH CARE DECISIONS

Every woman has the right to make her own health decisions. There are a few exceptions to this rule:

- If you have a disease or disability that has affected your memory and understanding to the point that you cannot make your own decisions, a person in your life such as a family member might apply to the court to become your guardian. This guardian is called a committee (pronounced com-mit-TEE) and makes personal and health care decisions for you.
- If you are in a health care facility and are unable to make decisions, the health care provider can get consent from someone else, generally a family member. The person who makes health care decisions for you when you are unable to give consent yourself is called a temporary substitute decision-maker. The health care provider should not get consent from someone:
 - You have not talked to in the last year
 - You are in a conflict with, or
 - Who has committed a crime against you.

- In emergencies, if you are unconscious or impaired by drugs or alcohol, a health provider may provide health care to save your life, prevent serious harm, or treat severe pain.

You can appoint a person, called a representative, to:

- Make health care and personal care decisions for you
- Help you make health care and personal care decisions
- Make your health care and personal care decisions only in the event that you become too ill or disabled to make these decisions on your own.

The legal document that allows you to name a representative is called a representation agreement. You can read more about representation agreements on page 28.

The legal document that allows you to name a representative is called a representation agreement. You can read more about representation agreements on page 28.

Your representative cannot override your health care choices, except in rare circumstances.



Esther wakes up in the hospital. She remembers that her son pushed her during an argument, and she fell and broke her hip.

While she is in the hospital they discover a tumour. She has cancer. The doctor suggests radiation. Her daughter, who is in the room, says yes, but Esther is not sure. She understands the pros and cons of radiation, and she wants to see her traditional Chinese medicine (TCM) doctor and get his opinion before deciding. Her daughter is upset and angry.

Eventually the doctor asks the daughter to leave the room and a nurse helps Esther phone her TCM doctor. They arrange for him to visit her at the hospital. Esther makes her decision after talking to her TCM and gives her answer to the doctor at the hospital. Esther is mentally capable, and no one in her family has the right to make her health decisions for her.

IF YOU HAVE DEMENTIA

- Dementia is a medical condition caused by brain disease or injury. Dementia can affect memory, personality, and reasoning.
- Every person's experience of dementia is unique. Some women with dementia can make all their own decisions.
- You might need help to make your decisions — most people do!
- You may have times of day when you feel your mind is clearer and you are better able to make good decisions for yourself.
- You might have a substitute decision-maker because you are not mentally capable of making all or some decisions. You can read more about substitute decision-makers in the next pages.
- You might have a substitute decision-maker for some decisions but not for others.
- You have a right to talk to your substitute decision-maker about your wishes or preferences. They have a legal duty to consider your views.



Callie has Alzheimer's. Before her diagnosis, she created a power of attorney, a legal document to allow her son to make financial decisions on her behalf.

Callie is still capable of making decisions about where she lives and who she has relationships with. She also makes all her own health and personal care decisions.

Her partner Robin has been treating her badly in recent months. Robin insults Callie's appearance and puts her down for being transgender, and has been trying to stop her from seeing some of her friends. Callie is considering a separation and has decided to move out of their shared condo.

Callie has the right to make this decision. She talks to her son, and he helps her to find a new home. He also connects her with a local LGBTQ (lesbian, gay, bisexual, transgender, and queer) organization where Callie can meet other older adults who are transgender.

Callie is starting to think about her future care needs and wants to find an inclusive residential facility or a personal care worker who will understand her health and personal care needs. It is important to find somebody who will respect her gender identity and her wishes about gender presentation in the future if she is not able to dress herself or do other personal care tasks.

Health Decisions and the *Mental Health Act*

In some situations, a law called the *Mental Health Act* makes it possible for a person to be given medical treatment and/or kept in a health facility against their wishes. This can only happen if a doctor signs a special certificate saying that, because of a mental health issue, the person:

- Needs treatment in the health facility, and
- Needs to be in the health facility to protect their own health or safety, or the safety of others.

If one doctor completes a certificate, the person can be kept in the health facility for a maximum of 48 hours (two days). A person can be kept in the health facility for a longer period of time only if two doctors complete a certificate.

When a certificate has been signed to keep a person in a health facility under the *Mental Health Act*, it is common to say that person has been “certified.”

If you have been certified and you believe that this is unfair, you can ask your doctor to de-certify you (end the requirement for you to stay in the health facility or to receive treatment). If your doctor says no, you can ask for a panel to review your case. To request a review panel, you or someone else can ask the health care staff (usually nurses) for an Application for Review Panel Hearing, also called “Form 7.” Once you have completed the form, the health care staff can send it in for you.

Community Legal Assistance Society (CLAS) provides legal assistance to people who have been certified under the *Mental Health Act*. For more information, see the Resources section at the back of this handbook.

SUBSTITUTE DECISION-MAKERS

Substitute decision-makers are people who have the legal authority to make certain kinds of decisions on behalf of another person. These decisions can deal with:

- Health
- Finances
- Legal matters
- Personal care.

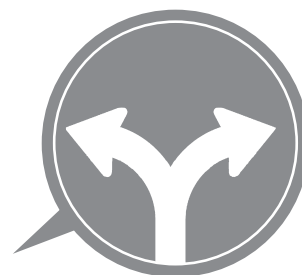
In BC there are many different kinds of substitute decision-maker relationships. They are each created through different legal processes.

- You can name someone your substitute decision-maker in a legal document called a power of attorney or a representation agreement.
- The court might decide you need a guardian, called a committee, if you cannot make your own decisions. A person must apply to the court to become your committee. The committee's role is to help protect you or your assets. The court should consider your best interests when choosing the committee.
- A certificate of incapability may be issued and the Public Guardian and Trustee will become your statutory property guardian and be responsible for managing your financial affairs. For more information about the Public Guardian and Trustee, see page 94 of the Resources section.

A substitute decision-maker can be:

- A person (often a spouse, an adult child, a trusted friend, or a professional advisor)
- A corporate trustee (a trust company or an authorized agency such as the Bloom Group – described on page 91 of the Resources section)
- The Public Guardian and Trustee, who is responsible for protecting the legal, financial, personal, and health care interests of adults who need assistance in decision-making in BC.

Many people choose a family member, their spouse, or a friend as their substitute decision-maker. You can choose anyone who is at least 19 years old and understands the responsibilities they would have as your substitute decision-maker. It is important to choose somebody you trust and to talk to that person about your wishes and what you want them to do.



YOU CHOOSE!

You decide if you want to create a representation agreement or a power of attorney. You decide who you appoint and what powers they get. The specific powers are written into the representation agreement or power of attorney. No one should force you to sign a power of attorney or representative agreement. That is a crime.

Regardless of what kind of substitute decision-maker you have, you have the right to:

- Tell your substitute decision-maker your wishes. Your substitute decision-maker is required by law to find out your preferences and consider them.
- Have decisions made in your best interests. Your substitute decision-maker cannot use your money for themselves.
- (In most instances) remove your substitute decision-maker if you think they are not doing a good job or not respecting your rights.

If you have a substitute decision-maker, you have rights. Your substitute decision-maker has a duty to consider your wishes and make decisions in your best interests. You have the right to take action if you think your substitute decision-maker is not doing a good job or is not respecting your rights.

If a substitute decision-maker is making decisions about something not included in their powers, they are violating your rights and might be breaking the law. You can get help from a lawyer, an advocate, or the Public Guardian and Trustee. You may be able to revoke (cancel) the power of attorney or representation agreement and get a substitute decision-maker you trust.

All substitute decision-makers must:

- **Consult you before making a decision whenever possible**
- **Follow your instructions or wishes that they know about or are able to find out, and**
- **Act in your best interests.**



Manjeet and her husband have been married for 55 years. Their two adult children have been given power of attorney for Manjeet's financial decisions. Since Manjeet has never earned her own income or dealt with finances and speaks only a little English, she found it easier to let her children deal with things like her income tax and bill payments. Her children are both

very responsible, and she trusts them. After much thinking, Manjeet has decided she wants to separate from her husband. She wants to separate from him for reasons too private to share with her children. The family is shocked and upset. Her children try to prevent the separation. They call her lawyer. They call her family doctor. But Manjeet understands what she is doing, and she has the right to get a separation. The fact that her children have power of attorney to manage her financial affairs does not give them the right to make other types of decisions about her life. Manjeet's granddaughter Mira supports her in her decision. Mira helps her find her own apartment and apply for part of her husband's pension.

Powers of a Substitute Decision-Maker

The powers of a substitute decision-maker are set out in the law. The agreement or court order that creates the substitute decision-maker relationship might also include additional powers or restrict powers.

Substitute decision-makers can be powerful. Here are some examples of powers substitute decision-makers can have and decisions they can make:

- Receiving, depositing, and spending your pension cheques
- Consenting to some forms of health care treatment, including surgery
- In certain special types of substitute decision-maker relationships, deciding:
 - Where you can live, including decisions about entering into a care facility
 - Whether you are allowed to work or enroll in school
 - Whether you can have contact with certain people, including someone who may be either abusive or supportive
 - Whether you can have a driver's license
 - Whether physical or chemical restraints can be used on you in a care facility.

Representation agreements and powers of attorney are two types of legal documents that create substitute decision-maker relationships. Some information about them are on the following pages.



Florence gave her son power of attorney so that he could make some financial and legal decisions on her behalf. She lives in his home in a small basement room. Her son and his wife moved her into the basement when the grandchildren started university and she was no longer needed to care for them.

Florence broke her hip last month falling down the stairs and now hardly leaves her basement room. She is supposed to receive physiotherapy, but her son does not want to pay for the appointments. Her son and his wife work all day, and she has no access to food when they are away. Her hip is not healing well, and she is in pain all day because her son is trying to save money on pain medication. Instead of spending Florence's money on things she needs, he is keeping it for himself.

When the hospital social worker makes a visit, concerns are raised about abuse and neglect. Florence is reluctant to leave her home, but she knows she is not safe with her son and daughter-in-law. She recognizes that her son is not properly carrying out his responsibilities under the power of attorney and that she has the right to choose somebody else for this role, somebody she trusts.

REPRESENTATION AGREEMENTS

- A representative is someone you appoint to make decisions for you, or to help you with decisions.
- Your representative gets their powers from a document called a representation agreement.
- Representation agreements can cover health care, legal decisions, routine management of finances, and/or personal care, including decisions about admission to a care home. They cannot cover decisions that involve selling property or putting you in debt.
- You can often sign a representation agreement even if you have dementia or a mental capacity issue. Factors considered include whether or not you can:
 - Communicate a desire for a representation agreement
 - Show choices and preferences
 - Understand that a representation agreement allows the representative to make decisions for you
 - Have a trusting relationship with the person you want to appoint.
- The representative only has the powers set out in the agreement.
- If you appoint a representative to manage your financial affairs, you may need to appoint a monitor to oversee (supervise) the representative. Or you can appoint two representatives who must act together. These rules do not apply if the representative is your spouse, a trust company, a credit union, or the Public Guardian and Trustee (for information on the Public Guardian and Trustee, see page 94 of the Resources section).
- You can revoke the agreement (meaning take away the representative's powers) at any time, as long as you understand what you are doing.

If a substitute decision-maker is making decisions about something not included in their powers, they are violating your rights and might be breaking the law.

Power of Attorney

- A power of attorney is a legal document that gives someone else authority to make legal and/or financial decisions on your behalf.
- You appoint an attorney of your choice in the power of attorney document. In this situation, "attorney" does not mean "lawyer." An attorney is any person you name in the power of attorney document to make legal or financial decisions for you. It could be anyone you trust.

- To make a power of attorney the law requires that you understand what the document does and the possible results of signing it.

You can create a power of attorney or representative agreement:

- As a convenience — maybe you want someone to handle some decisions or financial activities for you
- To plan for the future — to name who you want to make decisions for you if you stop being able to make your own decisions due to injury or illness.

As long as you are considered legally capable, you can still make your own decisions. A person who has power of attorney can also make certain decisions for you but should only do so with your permission. If you have mental capacity, you can also take away your substitute decision-maker's authority and replace them with someone else.

Substitute Decision-Makers and Abuse

Substitute decision-makers are supposed to help protect you and your money. Sometimes substitute decision-makers use their powers to hurt or steal from the people they are supposed to help.

Misuse of substitute decision-maker authority can be a crime:

- Using substitute decision-maker powers to steal a woman's money
- Pressuring or forcing a woman into signing a representation agreement or power of attorney
- Neglecting a women's health care in cases where health care decisions are part of the substitute decision-maker duties.

The Resources section at the back of this handbook lists sources of support if a substitute decision-maker is abusing you.

NEXT STEPS

WHAT WOULD HAPPEN IF I LEFT? Maybe you are starting to think about leaving a relationship where you are being harmed and finding a safer place to live. But you might wonder what would happen if you made that choice. Would your legal status in Canada change? Could you be deported? The next section provides legal information to help answer these questions.



SECTION 5

Your Rights if You are an Immigrant Woman



You may be worried about what will happen to your immigration status if you leave a situation where you do not feel safe.

If you came to Canada as an immigrant, you may be worried about what will happen to your immigration status if you leave a situation where you do not feel safe. In most cases, the person who is hurting you cannot get you deported, even if they are your sponsor. Sometimes a person who is hurting you might give you incorrect information about your immigration status and whether you can be deported. You can get correct information by contacting Immigration, Refugees and Citizenship Canada (formerly Citizenship and Immigration Canada) at 1-888-242-2100 or by going to the website at www.cic.gc.ca.

To understand your rights, it is important to know your immigration status:

- Are you a **Canadian citizen**? If yes, then you have all the rights of a person born in Canada.
- Are you a **permanent resident** (also called a **landed immigrant**)? If yes, then you have almost all the same rights as a person born in Canada. You can only be deported in rare situations, for example:
 - You are convicted of a crime
 - You have lied about information in your application to the Canadian government
 - You are out of Canada for longer periods of time than allowed for your category of immigrants.
- Are you a **convention refugee**, or here on a temporary visa or work permit? If yes, then the person hurting you has no legal ability to affect your immigration status.

- Do you have **no immigration status**? You should talk to a lawyer to find out your rights if you have no immigration status. These are some situations where you might have no immigration status:
 - Your sponsor has not completed the application process
 - Your spouse or other family member applied for refugee status and listed you as a dependent
 - You have stayed in Canada longer than the time allowed by your temporary visa.

If the person who is hurting you is a permanent resident and is found guilty of a crime, that guilty person could be deported.

Are you considering leaving Canada in order to get away from someone who is hurting you? Leaving Canada can impact your status. Immigration Canada has rules about how long permanent residents can be outside Canada.

Your sponsor does not have the power to have you deported. Only Immigration, Refugees and Citizenship Canada or the Immigration and Refugee Board have the power to make this decision.

PERMANENT RESIDENCY AND SPONSORSHIP

If you immigrate to Canada in the family class category, a family member, such as your spouse or child, will have 'sponsored' you. Sponsorship means that your family member has signed an agreement with the federal government to financially support you for a specific number of years, usually 3 or 10 years. During this time, you are not eligible for certain publicly funded services, and your sponsor is supposed to provide food, clothing, shelter, and medical care. For example, you are entitled to MSP (Medical Services Plan of BC) during the period of your sponsorship agreement, but your sponsor is responsible for paying your premiums (fees required for MSP).

Most sponsored immigrants get their permanent resident status when they arrive in Canada.

If you came to Canada after October 25, 2012, you may be a conditional permanent resident if:

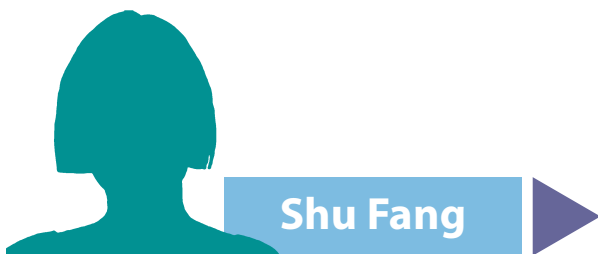
- Your sponsor is your husband, wife, or common-law partner, and
- At the time of the sponsorship application:
 - You had no children, and
 - You had been married or in a marriage-like relationship for less than two years.

Conditional residents get permanent resident status after being in Canada for two years. The government is currently reviewing conditional status. It is a good idea to get legal assistance if you have questions.

Your sponsor does not have the power to have you deported. Only Immigration, Refugees and Citizenship Canada or the Immigration and Refugee Board have the power to make this decision.

If you are a conditional resident, you will have to prove to Immigration, Refugees and Citizenship Canada that you have experienced abuse or neglect in order to avoid deportation. Here are some examples of evidence that can help prove abuse:

- Notes about what happened in the relationship
- Letter of support from a shelter or other people who have helped you
- Letter from a family member
- Police report
- Medical report or doctor's letter
- Court documents



Shu Fang came to Canada when she was 62, eight years ago. Her son sponsored her so she could take care of the grandchildren while he and his wife worked full-time. Lately her health has gotten worse. She needs medication for her heart, but her son says it is too expensive. She feels that the family sees her as a burden and does not respect her. She is afraid they will

send her back to China now that her grandkids are teenagers and can take care of themselves.

When Shu Fang talks to an advocate, she learns that she is not at risk of being deported because she is a permanent resident. Her son does not have the power to send her back to China. But the advocate also tells her that because her son's sponsorship agreement is still in effect, if she leaves her son's home now and needs to use income assistance or other government benefits, her son could have to pay for those benefits and might not be able to sponsor people in the future.

Shu Fang finds it hard to decide what to do next. She thinks maybe she would like to move out on her own, but she would also miss her family and does not want to cause problems for her son. A friend brings Shu Fang to a drop-in group at a seniors' centre and, after talking with women in the group, Shu Fang realizes that others face similar problems. She begins attending the drop-in group often. With support from the friends she makes there, Shu Fang starts thinking about moving out on her own. She feels she might be ready to make that change once her sponsorship period is over.

- Photographs
- Email communication
- Voicemail messages
- Statements from anyone who saw your sponsor hurt you.

If you are being hurt by your sponsor, you have a right to leave. You may qualify for income assistance and other government services. You may want to get the help of an advocate. To find an advocate, you can call VictimLink at 1-800-563-0808 and get information in many different languages.

SUPPORTING YOURSELF IF YOU LEAVE YOUR SPONSOR

If you leave your sponsor because you are not safe or someone is hurting you, you may be able to get government financial assistance.

Income Assistance (Welfare)

If your sponsor cannot or will not support you, then you can apply for welfare, now called income assistance. Income assistance is financial help from the government for people who:

- Can't work
- Are out of work
- Are waiting for other income, or
- Urgently need food, shelter, or medical care.



See Section 7, Financial Support, for information about how to apply online. You may want to find an advocate to help you with the application. Advocates are discussed in Section 6, Getting Legal Help.

Old Age Security (OAS)

Old Age Security (OAS) is a monthly pension payment from the government. To receive OAS, you must:

- Be age 65 or older
- Have been in Canada for at least 10 years, and
- Be a Canadian citizen or permanent resident, or be in Canada on a Minister's permit.

Even if you haven't lived in Canada for at least 10 years, there is a chance you might qualify for OAS if a country you have lived in has a social security agreement with Canada. For more details, see Section 8, Applying for a Pension.

The amount of your pension will depend on how long you have been in Canada. You will get the full pension if you have been in Canada for 40 years after the age of 18. Otherwise, you will get a partial pension.

See Section 8, Applying for a Pension, for more on OAS and how to apply for it.

Guaranteed Income Supplement (GIS)

The GIS is an additional benefit for low-income seniors who qualify for OAS. See Section 8 for more information.

Medical Services Plan (MSP)

If you have been a Canadian citizen or permanent resident for 12 months, you may apply for MSP premium assistance. If your income has been very low over the past year, you may not have to pay anything. You apply for premium assistance online at: www2.gov.bc.ca/assets/gov/health/forms/119fil.pdf. An advocate can help you with the application.

Getting Legal Help

If you have a legal problem, then you may want to find someone to help you. This section explains some options.

Lawyers can provide legal advice. Giving legal advice means applying the law to your situation and making suggestions about what you should do. Other people and organizations may be available to provide free legal assistance. Legal assistance can include many different types of help, like helping you to fill out forms, going to court or to the police station with you, or helping you to appeal (challenge the decision) if you are denied important benefits.

Here are some different types of legal help.

- **LEGAL AID** means different kinds of free legal services. In BC, Legal Services Society (LSS) is the organization that provides legal aid. Services include legal information, legal advice, mediation, and legal representation.
- **LEGAL INFORMATION** is general information about the law, your rights, and your options. In some communities, LSS legal information outreach workers can help you. You can find more information about LSS legal information outreach workers on page 89 in the Resources section at the back of this handbook.
- **LEGAL ADVICE** is general short-term assistance: one or several phone calls or meetings with a lawyer. If you have a low income, you can get legal advice from:
 - **FAMILY DUTY COUNSEL:** These services help lower-income people who are representing themselves in court in family law cases. There is a maximum amount of time that these lawyers can spend helping you. You can find them at some courthouses.



Giving legal advice means applying the law to your situation and making suggestions about what you should do.

For a list of locations where you can find Family Duty Counsel, go to this web page: legalaid.bc.ca/legal_aid/familyDutyCounsel.php

- **FAMILY ADVICE LAWYER:** This type of legal aid is only for low-income parents going through separation or divorce. You can find Family Advice Lawyers at Justice Access Centres in Vancouver, Nanaimo, and Victoria (for contact information, please see the Resources section on page 89). If you live in a different community, call Service BC at 1-800-663-7867 to find out whether there is a Family Advice Lawyer near you.
- **FAMILY LAWLINE:** You can get free legal advice over the phone from a family lawyer regarding a family law issue. You must first call the LSS Call Centre at 1-866-577-2525 to find out whether you meet the requirements to use Family LawLine.
- **MEDIATION** is professional assistance to solve your family law problem by helping the people involved arrive at an agreement together. Be very cautious about entering into mediation with somebody who has hurt you. A person who has not respected you in the past is unlikely to respect you during mediation. More information about mediation can be found on page 42.
- **LEGAL REPRESENTATION** means a lawyer to take your case and represent you in court. This help is only available from LSS for serious family law problems, child protection matters, mental health hearings, certain immigration problems, and criminal charges. Serious family law problems include but are not limited to:
 - When you need a court order right away to protect your safety or the safety of children you are caring for
 - Family law issues relating to child custody and denial of parenting time
 - When you cannot represent yourself in court because of emotional abuse, trauma, or mental illness.



Emily lives with her daughter Kelsie, her son-in-law Max, and her grandchildren. Max is a heavy drinker. He hits Kelsie and sometimes also the kids. Emily often hides the kids in her room or takes them out of the house when her son-in-law is drinking. Emily has been hurt many times by Max. She wants to leave but is afraid of what will happen to the kids if she is not

there to protect them. She has been trying to persuade Kelsie to leave for years. One morning Emily goes to a transition house with all three kids. She applies for a legal aid lawyer to help her get a protection order to keep Max away from her and the kids.

LEGAL AID

Are you eligible for representation from legal aid?

Eligibility depends on:

- Your legal problem, and
- Your income and property — how much money you can access to hire a lawyer.

Legal aid representation is only available to people with low incomes. When you apply you must give proof of your income, expenses, and other things you own, such as property or vehicles (cars or trucks).

In general, if you fear for your safety or for the safety of children you care for, you may be able to get legal aid representation to assist with issues such as custody, guardianship, and protection orders. You will also be able to get legal aid if the Ministry of Children and Family Development has started an investigation about a child or children in your custody.

Situations where you might be entitled to legal aid representation:

- Your spouse or partner is hurting you and you fear for your safety. Legal aid can provide you with a lawyer so you can apply for a protection order (formerly called a restraining order) to help keep you safe from the abusive person. For more information about protection orders, see Section 10.
- You are a caregiver for a grandchild and you believe the child is being harmed or at risk of being harmed by the parents or other legal guardian(s). Maybe the child is experiencing abuse or neglect. Neglect means that the child's basic needs are not being met by the person(s) responsible for providing care. You may be able to get a lawyer to apply for a protection order or for custody.
- You have custody or guardianship of one or more grandchildren and one of the parents or another family member is hurting you and interfering with your responsibilities to care for the grandchildren. You may be able to get a lawyer to help you enforce your rights.

You may be eligible for legal aid representation even if there has been no physical or sexual assault, crime, or police report. If you tell the legal aid staff your story, they will consider whether you meet legal aid criteria. If you are afraid someone will hurt you, it is important to share this information with staff.

In general, if you fear for your safety or for the safety of children you care for, you may be able to get legal aid representation to assist with issues such as custody, guardianship, and protection orders.

How to Apply for Legal Aid

- Phone the LSS Call Centre (the phone numbers are on page 88 in the Resources section at the back of this handbook)
- Go to a courthouse, or
- Go to a legal aid office. Not all of these are offices belonging to LSS; some are private law offices that have a contract with LSS to act as legal aid offices. See a list of the 33 legal aid offices in BC at www.legalaid.bc.ca/legal_aid/legalAidOffices.php

Emergency Referrals for Legal Aid

In some special situations, you might be able to get extra help from a lawyer through legal aid. This special help is called an emergency referral. Here are some situations that might meet the requirements for an emergency referral:



- Your safety is at risk — you are in physical danger.
- Your children or grandchildren's safety is at risk.
- You are the primary caregiver of your grandchildren or children, and:
 - Someone is preventing you from seeing them, or
 - Someone is threatening to remove them from BC.

You might be able to get an emergency referral even if you do not have legal custody of the children as long as you are the person who mostly takes care of them.

With an emergency referral, the lawyer may spend up to 25 hours doing specific types of work, such as reviewing your case, giving you legal advice, or going to court.

The lawyer may also be able to work on your case for a few extra hours if you are going to a hearing in Supreme Court or going through mediation.

In some special situations where there are ongoing issues, the lawyer can ask for more hours to work on your case.

Appealing a Denial of Legal Aid

If you are told that you do not qualify for a legal aid lawyer, you can ask for a review of this decision. You need to respond quickly. You should ask LSS why they have refused your application. LSS will not consider any requests received after 30 days from the date of the decision.

Requests for reviews must:

- Be in writing
- Give the reasons you disagree with the decision, and
- Include copies of supporting documentation.

You can ask an advocate to help you with your appeal. You can find information on legal advocates on the following pages.

The decision may take several weeks. You will be notified of the decision by mail.

An advocate may be able to assist you if you cannot get legal aid. An advocate can also work with you and your lawyer to help you use the lawyer's time well.

LEGAL ADVOCATES

A legal advocate is a person who has knowledge about and experience working in certain areas of law (for example, child protection, disability benefits, or housing). An advocate may or may not also be a lawyer. Some advocates can help with family law and abuse issues and some cannot. Some advocates provide services similar to legal advice and some act more as a support person, depending on their training and experience. Advocates can provide free legal information and are often connected to a non-profit organization such as a women's centre, mental health agency, or seniors' centre.

Depending on their particular skills, an advocate can:

- Explain how the legal or court system works
- Help you find a lawyer
- Help you understand your options
- Assist you to work effectively with your lawyer or social worker
- Support you to make difficult decisions
- Help you locate and present information
- File documents with the government or a tribunal

- Represent you at a tribunal hearing
- Affirm affidavits (affidavits are documents containing facts that you must swear to be true)
- Assist you to access other help you might need, like counselling or income assistance
- Go with you to an important meeting or court hearing
- Take notes at a hearing or meeting to help you remember or understand what was discussed and decided
- Help you to identify evidence or witnesses to assist with your case
- Assist you to write letters or complete documents and forms
- Make phone calls on your behalf
- Help you file a complaint with the police.

An advocate may be able to assist you if you cannot get legal aid.

To find an advocate, go to the website www.povnet.org.

The following types of agencies may also have legal advocates or be able to help you find one:

- Women's centre
- Advocacy centre
- Anti-poverty group
- Aboriginal Friendship Centre or Band office
- Multicultural or settlement agency



Lillian's boyfriend Larry hits her and throws her out of the house. Someone on the street finds her and calls the police. Larry is arrested and charged. He is released the next morning and ordered to stay away from Lillian until his court date.

Lillian is in the hospital a few days. While she is there, the hospital social worker introduces her to Kelly, who is a victim service worker. Kelly listens to Lillian's story. Kelly goes with her to every court date, to her meeting with the government lawyer, and to an appointment with the police. Kelly helps Lillian fill out forms and find a support group. Kelly is very kind and great at explaining how the legal system works. After every meeting they talk about what was discussed so that Lillian understands what is happening. After the trial, Kelly helps Lillian explain why she needs a peace bond, a court order requiring Larry to stay away from her.

- Neighbourhood house or community centre
- Victim services program
- Sexual assault centre or transition house
- Mental health services or community health organization
- Seniors centre
- Your local legal aid office.

VICTIM SERVICE WORKERS

There are more than 160 victim service programs across BC. Community-based programs are run by community organizations and mostly assist victims of family violence and sexual violence. Police-based programs provide services to victims of all types of crime. Victim service workers are specially trained to assist victims. Victim services are free.

Victim service workers provide practical and emotional support. Here are some examples of ways they can help:

- Supporting you when you talk to the police or to Crown counsel (the lawyer prosecuting the case)
- Sharing information about the criminal justice system and the court process
- Helping you to get ready for court and then going with you to court
- Helping you to prepare a Victim Impact Statement (a statement explaining the harms you have experienced as a result of the crime)
- Providing information about:
 - The status of your court case
 - Whether the person who hurt you is in jail
 - Peace bonds or protection orders (see Section 10 for information about peace bonds and protection orders)
- Making sure that your peace bond or protection order is in the Protection Order Registry so that police can access it
- Helping you to apply for financial assistance or benefits
- Telling you about other helpful programs and services.

Victim service workers are specially trained to assist victims and can provide information about the justice system, practical help, emotional support, and referrals to other programs. Victim services are free.

MEDIATION

The role of a mediator is to meet with everyone involved in a dispute to help them come to an agreement. A mediator is a trained professional with skills in communication and problem-solving.

Mediation may not be the right approach where a woman has been hurt by the other person involved in the legal conflict. The process will not work if a woman does not feel safe.

To make sure that mediation is a safe choice, a good mediator will look into whether there is a history of abuse between people before starting to work with them. You may ask to speak with the mediator alone to explain your concerns. You may also be able to explore a mediation style where you and the person who has been hurting you are in separate rooms.

Unless mediation has been ordered by a judge, you have the right to say no to mediation if you do not feel safe or comfortable with this approach.

Unless mediation has been ordered by a judge, you have the right to say no to mediation if you do not feel safe or comfortable with this approach.



Vera and her partner Karen separated last year. Throughout their 30-year relationship, Karen was always in control. She made all

the decisions about where they lived, what they ate, who they spent time with, and how Vera used her free time. Karen was always very critical of Vera and used to put her down in front of other people and make her feel stupid.

Vera is not comfortable being around Karen. Just being around her reminds her about how bad she used to feel every day, and it is very hard for her to disagree with Karen about anything. Someone at the Justice Access Centre suggested they try mediation to come to an agreement about how to divide their property and retirement savings.

Vera has not been able to sleep ever since the idea of mediation was raised because she is afraid of being around Karen. The mediator recommended by Karen's lawyer calls Vera to set up an interview. At the end of the interview, the mediator says she cannot mediate for them. She says it sounds like Vera would not feel safe in the same room as Karen and would not be able to speak freely. She thinks mediation is a poor choice. Vera is relieved.

TIPS ON FINDING A LAWYER

If you need a lawyer to help you with your legal problem, it can be hard to know where to start. Here are some ideas:

- Talk to legal advocates in your community. Find out if they have any experience working with a lawyer you are considering.
- Ask any lawyer you are considering if they have any experience with the kind of legal issue you are dealing with and if they are knowledgeable about violence against women.
- Get recommendations from friends and family whose judgment you trust.
- Ask for suggestions from people you know through community organizations, clubs, and support groups.
- Find out if the lawyer has a relationship with local agencies that work with seniors or women who have experienced violence. Lawyers may be willing to tell you where they volunteer their time in the community or may reveal this information on their websites.
- If you are staying with a safe house or transition house, ask staff for recommendations.
- When you meet with a lawyer for the first time, bring a list of questions.
- Consult another lawyer you know. For example, the lawyer who drafted your will may be able to recommend a lawyer who works in the area of family law.
- Consider non-legal skills, such as language ability or a background in mediation or counselling, which may be helpful in your case. For example, if Punjabi is your first language, you may find communication easier if your lawyer speaks both English and Punjabi.
- The Lawyer Referral Service can connect you with a lawyer who works with the type of legal issues you have. This lawyer can give you a 30-minute consultation for \$25 plus tax. For more information, see the Resources section at the back of this handbook under “Legal Support.”

You have a right to be treated with respect and without discrimination. Trust your instincts. You do not have to hire a lawyer you are not comfortable with. If the lawyer talks down to you because you are a woman, an immigrant, an Indigenous woman, or an older person, you can find someone better.



**Trust your instincts.
You do not have
to hire a lawyer
you are not
comfortable with.**

HELPFUL ORGANIZATIONS

MINISTRY OF JUSTICE – JUSTICE ACCESS CENTRES

There are Justice Access Centres in Nanaimo, Vancouver, and Victoria. Contact information is on page 89 in the Resources section at the back of this handbook.

The Justice Access Centres offer information, services, and referrals to help people solve legal problems. This can include legal advice in some situations.



BC CENTRE FOR ELDER ADVOCACY AND SUPPORT (BC CEAS)

The BC Centre for Elder Advocacy and Support is a non-profit organization that provides information, referrals, resources, and advocacy for adults aged 55+.

You can access the BCCEAS Victim Services Program by calling the Seniors Abuse & Information Line at 604-437-1940 or toll free 1-866-437-1940.

You might also be able to access free legal advice or representation to deal with some or all of your legal issues through the BCCEAS Elder Law Clinic.

Other helpful organizations are listed in the Resources section at the back of this handbook.

Financial Support: Income Assistance

If you do not have an income, you may be thinking that it will be very difficult to leave your home. One option is that you may be able to get welfare, now called income assistance.

Income assistance is financial support from the government for people who meet one or more of these requirements:

- Out of work or earning very little
- Waiting for other income
- Unable to work, or
- In immediate need of food, shelter, or urgent medical attention.

Only people who meet the requirements above can get income assistance or disability benefits.

You may receive income assistance even after age 65 if you are not receiving your pension yet or if you are entitled to only a very small amount of Old Age Security (OAS). OAS is a monthly payment available to most Canadians over 65. For more information, see Section 8: Applying for a Pension.

Income assistance can be a good option if you have applied for Canada Pension Plan (CPP), OAS, or federal child and family benefits for dependents and are waiting for your application to be approved. If you apply for income assistance while you are waiting for other benefits, you may be asked to sign an agreement that you will repay the income assistance you receive.

Income assistance can also be helpful if you are going through a separation or divorce and still waiting for property to be sold and divided, or for spousal support to be decided.

If you are going through a divorce or separation of a common-law relationship, income assistance (welfare) can be helpful while waiting for property to be divided or for spousal support to be decided.

WHAT HELP DOES INCOME ASSISTANCE PROVIDE?

Income assistance rates are very low. The monthly amount you can receive depends on many factors.

If you are eligible for income assistance, the government may also pay additional benefits in some situations, such as:

- Moving or temporary storage costs, including utility deposits
- Security deposits or co-op share charges for housing (note that this is generally repayable to the Ministry, similar to a loan)
- Crisis supplement for additional unexpected items of need (for example, if you had to escape violence in your home on an emergency basis without bringing things like bedding and clothing)
- Medical Services Plan (MSP) premiums (the amount you must pay for basic health care services in BC)
- Pharmacare
- Coverage for travel to medical appointments
- Specific extended health benefits that are not covered under MSP, such as equipment, supplies, and services (like dental care, vision care, or physiotherapy)
- Substance abuse treatment costs
- Cost of replacing or applying for essential identification (ID), and
- Funeral costs.

To get money or any of the above benefits, you will have to provide proof of need and cost. Many of the benefits listed above require you to prove that you need them and that you cannot afford them. Some benefits require proof of the costs of any purchases you plan to make. Some benefits must be pre-approved before you purchase anything.

All of the benefits listed above have different eligibility requirements. Some of them have applications separate from the application for income assistance, and others do not.

To find out more, call the information line for the Ministry of Social Development and Social Innovation at 1-866-866-0800 or talk to an advocate. It is common to have to wait to talk to someone if you phone the Ministry.

- If you are approved for **Persons with Disabilities** (PWD) or Persons with Persistent Multiple Barriers (PPMB) status, you get a higher monthly amount. Both require a separate application process. Disability Alliance BC has an advocacy program to help with applications for disability benefits. Contact information is on page 93 of the Resources section.
- If you are **living on reserve**, income assistance benefits will probably be accessed through your Band. These benefits will be similar to, but may not be exactly the same as, the income assistance benefits described above.
- If you are **caring for one or more grandchildren**, you might qualify for some other financial support. For more information, see Section 11: Keeping Grandchildren Safe, on page 68.

WHAT IF YOU DON'T HAVE IMPORTANT DOCUMENTS?

You will need identification (ID) to apply for income assistance and many other services. But maybe you had to leave home very quickly without taking your ID and important documents with you.

You can replace your ID. You might not have or need all of the types of ID listed below.

If you have lost your **social insurance number**, call Service Canada toll-free at 1-800-622-6232 (TTY 1-800-926-9015).

If you have lost your **passport**, call Passport Canada toll-free at 1-800-567-6868 (TTY 1-866-255-7655).

If you have lost your **immigration documents** (including your permanent resident card), call Immigration, Refugees and Citizenship Canada toll-free at 1-888-242-2100 (TTY 1-888-576-8502).

If you have lost your recent **income tax records**, contact the Canada Revenue Agency (CRA) at 1-800-959-8281.

If you have lost personal documents issued by your province, like your **driver's license, health card**, or **birth certificate**, contact your provincial government. In British Columbia:

- Victoria 250-387-6181 (TTY 1-800-661-8773)
- Vancouver 604-660-2421 (TTY 604-775-0303)
- Elsewhere in BC 1-800-663-7867 (TTY 1-800-661-8773)

If you are an Indigenous woman who is also recognized by the government as a Status Indian and you have lost your **status card** (Secure Certificate of Indian Status), contact your Band office or the Aboriginal Affairs and Northern Development BC regional office toll-free at 1-800-567-9604 (TTY 1-866-553-0554).

Income assistance rates are divided into a support portion and a shelter portion. To get the shelter portion you must provide proof of your housing costs, such as rent and utilities. The shelter portion is the maximum amount you can get from income assistance to help pay for housing, even if your actual housing costs are higher.

SHELTER COSTS

- If you are staying in an emergency shelter or transition house, you may only be able to get the support allowance part of income assistance, unless the transition house charges a shelter fee.
- If you are staying in a special care facility (residential care, assisted living, mental health, or addictions recovery), you may be entitled to receive a comfort allowance of \$95 and not the full income assistance amount. The government will pay the user fee to the care facility and the comfort allowance directly to you.
- The government may pay the shelter component while you are temporarily in hospital so that you do not lose your housing.

HOW TO APPLY FOR INCOME ASSISTANCE

Generally you apply for income assistance online at www.iaselfserve.gov.bc.ca. The online application asks a lot of questions, and you might want to ask someone to help you complete it.

If you are escaping any kind of violence, including emotional abuse, intimidation, or stalking, you should tick the box that says you are fleeing abuse. You do not have to prove abuse. Your word is enough. The government has a policy to make faster decisions on income assistance applications from people fleeing abuse and to try to make sure their immediate safety needs are met.

In urgent situations a worker may arrange “in-kind” goods or services for essential food and shelter. A worker should assess immediate needs based on the Ministry’s policy. Assistance could include food vouchers for restaurants or grocery stores, bus tickets, or vouchers for shelter in a hotel.

If you are living on reserve, you can ask your Band office how to apply for income assistance. Usually the Band Council deals with income assistance, but sometimes the Tribal Council or another organization on reserve does this. The staff who help people to get income assistance on reserve are called Social Development Workers.

If you have trouble applying for income assistance, an advocate may be able to help you. You can read more on advocates in Section 6, Getting Legal Help.

Getting income assistance after separation

If you were receiving income assistance with your ex-spouse, you will have to contact your worker about your change in living circumstances. A separate file in your name will need to be opened. You might need to prove the costs of your new housing. You can tell your worker that you are fleeing an abusive relationship in order to get an interview more quickly.

If you are divorced or separated, the worker will usually ask you to try to get spousal support from your ex. The Ministry may ask you to sign a document giving them the power to try to get a court order or agreement for support on your behalf (called an Assignment of Maintenance Rights form). The government's policy says you do not have to try to get support, especially if you have left a relationship where someone was hurting you, or if you are afraid of your ex. The choice is yours. You may wish to get legal advice before you make a decision. The amount of any spousal support you receive will be deducted from your income assistance payments.

Income assistance and child support

Maybe you are taking care of grandchildren and there are no formal arrangements through the Ministry of Children and Family Development or child support arrangements with the parents. In this situation, the government may ask you to try to get child support or to give the government the right to collect child support for you. As with spousal support, the choice is yours; you cannot be required to go after child support in order to get income assistance.

If you are escaping any kind of violence, including emotional abuse, intimidation, or stalking, you should tick the box that says you are fleeing abuse. You do not have to prove abuse.



Mabel wakes up in the hospital with a concussion, and she knows she can't go home again. It is just not safe.

Mabel has only the clothes she is wearing. Although the hospital social worker says she can arrange for a police

escort to collect some of her belongings, Mabel is too scared to go back home.

The social worker helps Mabel apply for income assistance (welfare). She gets a small allowance while she is staying in the transition house, and a crisis supplement to get some clothes and apply for new ID. Mabel feels better when she is able to take care of these basic needs and start thinking about what to do next.

HOW TO GET YOUR MONTHLY INCOME ASSISTANCE CHEQUES

You can get your income assistance cheques by regular mail, by direct deposit (if you have a bank account), or by picking them up at the income assistance office in person. You will need to give the government a mailing address as soon as possible, even if your cheques are being deposited directly into the bank or credit union for you.

If you do not yet have permanent housing arranged, you may be able to get your cheques or other notices sent to:

- A transition or safe house where you are staying (always ask first: some transition houses do not allow anyone to reveal their location because they want to keep the people staying there as safe as possible)
- A hospital
- A local community agency (some drop-in centres will let you use their mailing address; again, always ask first to make sure this is all right).

WHAT IF YOU ARE DENIED ASSISTANCE?

You can challenge that decision. If you are denied assistance you should find an advocate to help you, ask about deadlines for appealing (challenging) the decision, ask for the reasons in writing, and ask to be considered for hardship assistance or appeal benefits. Information about hardship assistance is in the section below.

If you are living on reserve, you can challenge a decision not to give you income assistance benefits by asking your Band Social Development Worker for a "Request for Administrative Review Form." It can be a good idea to get help with the form from a legal advocate.

It is important to act quickly because your time to challenge the decision (called filing a reconsideration request) is limited.

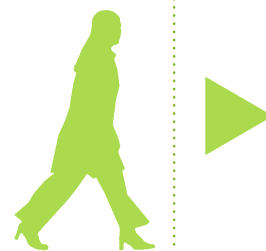
For more information about income assistance, see the Legal Services Society publication, *Your Welfare Rights: A Guide to BC Employment and Assistance*. This is a very helpful and detailed guide for you or anyone helping you to apply for income assistance or file reconsideration request.

HARDSHIP ASSISTANCE

If you are not eligible for income assistance, you might be able to get a special type of financial support called hardship assistance. If you are approved for hardship assistance, the government will usually give it to you one month at a time. Hardship assistance is temporary and usually must be repaid to the government, depending on the situation. Your eligibility may need to be checked again every month.

NEXT STEPS

YOU HAVE COME A LONG WAY. You have already taken steps to meet your immediate financial needs and have looked into your legal options and rights. So, you might now feel ready to apply for government pensions or subsidized housing. These processes can take a while, so it might help to start them soon. The next sections set out some steps you might take.



SECTION 8

Applying for a Pension

You can receive the Old Age Security pension even if you have never worked or are still working.

OLD AGE SECURITY

The Old Age Security (OAS) pension is a monthly payment available to most people 65 years of age and older who meet the Canadian legal status and residence requirements. Your history of paid work does not affect whether you can get OAS. You can receive the OAS pension even if you have never worked or are still working.

If you are living in Canada when you apply for OAS, you must:

- Be 65 years old or older
- Be a Canadian citizen, permanent resident or on a Minister's permit at the time Service Canada approves your OAS pension application, and
- Have resided in Canada for at least 10 years after turning 18.

If you are living outside Canada when you apply for OAS, you must:

- Be 65 years old or older
- Have been a Canadian citizen or a legal resident of Canada on the day before you left Canada, and
- Have resided in Canada for at least 20 years after turning 18.

If neither of the above situations applies to you, you may still qualify for OAS from another country, from Canada, or from both countries if you have:

- Lived in one of the countries with which Canada has established a social security agreement, or
- Contributed to the social security system of one of the countries with which Canada has established a social security agreement.

As of July 2013, you can delay your OAS pension for up to 60 months (five years) after the date you become eligible in exchange for a higher monthly amount.

The amount of your OAS pension will depend on how long you have lived in Canada after the age of 18.

How and When to Apply for Old Age Security

Service Canada often contacts people the month after they turn 64 years old. They will tell you if you are automatically enrolled for OAS or need to complete the application form. If Service Canada does not contact you after you turn 64, you need to contact Service Canada in order to apply for OAS. Here are some options:

- Do you want to start receiving your pension at age 65? Apply right away. If you are already 65 or older, you should apply as soon as possible so you don't lose any payments. Service Canada may be able to give you missed payments for up to a maximum of 11 months from the date they receive the application.
- Do you want to delay receiving your OAS pension? Then you don't need to do anything until close to the time when you want your OAS pension to start. Apply up to 11 months before the date you want to start receiving your OAS pension.
- Are you unable to apply due to a medical condition and needing someone to apply on your behalf? Are you applying later than you wanted due to a medical condition? Ask Service Canada for a Declaration of Incapacity form. This may allow you to receive your pension with an earlier start date.
- Are you in jail? Apply for your pension anyway. Your payments will start once you get out of jail.

To apply, complete and mail the Application for the Old Age Security pension form (ISP-3000). You can get this application form from Service Canada.

If you change bank accounts, you need to provide Service Canada with new direct deposit information. If your power of attorney or representative for finance changes, you need to tell Service Canada.



If you change your address, you need to contact Service Canada with your new address.

GUARANTEED INCOME SUPPLEMENT

The Guaranteed Income Supplement (GIS) provides a monthly non-taxable benefit to Old Age Security (OAS) recipients who have a low income and are living in Canada.

To receive the GIS you must meet all of the following requirements:

- You are a legal resident of Canada
- You are receiving an OAS pension, and
- You (or in the case of a couple, you and your spouse) have income below a specific level.

Eligibility for the GIS is reviewed every year. If you still qualify, the benefit will be automatically renewed as long as you file your taxes on time each year. If you do not file your taxes on time, you can get a GIS renewal form in the mail from Service Canada. The amount of GIS you receive depends on your marital status and your previous year's income (or in the case of a couple, your combined income).

If you were assessed for the GIS when you were in a relationship with a spouse, it is important to contact Service Canada when you stop living with your spouse. Service Canada will check your eligibility again and may increase your GIS benefits.

GIS and Immigration

If you are a sponsored immigrant, you are not eligible to receive the GIS during your sponsorship period unless:

1. You have lived in Canada for 10 years after the age of 18, or
2. Your sponsorship agreement ends because the sponsor:
 - Suffers personal bankruptcy
 - Is imprisoned for more than six months
 - Is convicted of a crime involving hurting you, or
 - Dies.

If you are an immigrant but were not sponsored by anyone, you may or may not be eligible to receive the GIS. Your eligibility depends on the number of years you have resided in Canada and your other income.

CANADA PENSION PLAN

There are three kinds of Canada Pension Plan (CPP) benefits:

- Retirement benefits
- Disability benefits
- Survivor benefits (based on your spouse's entitlement).

Eligibility for CPP is based on pensionable earnings. This means that you must work to be able to receive CPP when you are older. The amount of your monthly pension will depend on your paid work history and the contributions paid into the plan by you and your employers. CPP benefits do not depend on your current income.

The standard age to begin receiving a CPP retirement pension is age 65. You can start receiving your pension as early as age 60. Starting your pension earlier than age 65 will reduce your monthly payments.

CPP benefits are taxable. Receiving CPP might impact other pensions you receive.

How to Apply for CPP

You need to fill out a form. You can apply online or pick up an application form at the nearest Service Canada office.

To apply, you must be at least a month past your 59th birthday, and have made at least one valid contribution to the CPP.

Amount of CPP Pension

The amount of your pension depends on your work history and when you start receiving your pension. In general, the higher your wage and the more months you have worked, the higher your pension. There is no financial benefit in delaying taking the pension after age 70.

A certain number of months with the lowest earnings may be automatically dropped from the CPP retirement pension calculation.

Where can low-income older women get help to manage pensions and money?

If you live in the Lower Mainland of BC and have physical or mental barriers that make it hard for you to deal with your finances, the Bloom Group (see page 91) provides some low-cost services that could be helpful. They assist clients with applying for all possible sources of income, dealing with pensions, paying bills on time, filing taxes, and more. Many older adults who are concerned about financial abuse find these services useful. See the Resources section at the back of this handbook under "Supports for People with Low Incomes." Some seniors' centres also offer support with filing taxes and basic money management.

Applying for the CPP Child-Rearing Provision

If you had no earnings or low earnings some years because you were the primary caregiver for your children who were under the age of 7, you can apply to have those years excluded from the calculation of your CPP. This can make your CPP monthly pension go up. The option to have your low-earning years left out of your CPP calculation is called the CPP Child-Rearing Provision. To apply for the CPP Child-Rearing Provision for your retirement benefits, you must complete a special section of the pension application form (section 11A). You can apply for the provision even after you have already started receiving your pension.

You must provide one of the following for each child:

- The child's name, date of birth, and Social Insurance Number, or
- The child's birth certificate (the original or a certified true copy).

You may also be required to provide proof of the date of entry into Canada if you have children born outside Canada.

CPP Credit Splitting (Divorced or Separated)

If you earned less than your spouse during your marriage or common-law relationship, you may be able to increase the amount of your monthly pension by applying for credit splitting. Under credit splitting, the CPP contributions you and your spouse or common-law partner made during the time you lived together can be equally divided after a divorce or separation. In certain situations, credits can be divided even if one spouse or common-law partner did not make contributions to the CPP.



Bonnie is 65. A few years ago, she left her abusive husband and moved back to her home community on reserve. For most of her adult life, she lived off-reserve with her ex and their kids and worked at an accounting firm, although she took several years off from her paid employment to care for her kids when they were small.

She has just retired and is looking for ways to increase her income, as her CPP payments are low and it can sometimes be a struggle to manage all of her expenses.

Bonnie talks to Phil, an advocate at the Aboriginal Friendship Centre who knows a lot about issues facing elders. He asks her some questions about her pension situation and realizes that she might qualify for the child-rearing provision, which would change the calculation of her pension benefits. Together, they fill out the forms to apply for this.

To apply for CPP credit splitting, you must complete the CPP Credit Split form (ISP1901) and mail the form to Service Canada. Contact Service Canada to find out your deadline for applying.

CPP Disability Benefits

You may be able to get CPP disability benefits if you made contributions to CPP and are disabled and cannot work at any job on a regular basis.

To qualify for a CPP disability benefit, you must:

- Have a severe and prolonged disability (not a temporary condition)
- Be under the age of 65, and
- Meet the CPP contribution requirements.

You must apply in writing using the application form (ISP 1151). The CPP disability benefits kit can be found online. Mail the completed forms to Service Canada. Working with an advocate to complete the paperwork can be very helpful.

Disability Alliance BC has advocates who may be able to assist with applying for CPP disability benefits. If you are denied CPP disability benefits, these advocates can also help you to appeal that decision. For more information about Disability Alliance BC, see page 93 of the Resources section.

CPP Child of Disabled Contributors Benefit: Do you have custody of grandchildren? If you are receiving disability benefits through CPP, you may be eligible for a child benefit in respect of each of the children or grandchildren in your custody. Children must be under 18 or between 18–25 and attending school full-time. Under current government policy, this benefit ends when you turn 65 and switch to retirement benefits. You may also receive this benefit if you adopt your grandchildren.

CPP Survivor Benefits

If your spouse has died but contributed to CPP, you may be eligible for a monthly survivor's benefit. This may be true even if you separated from your spouse before he or she died or if you have remarried.

Do you have custody of grandchildren? If you are receiving disability benefits through CPP, you may be eligible for a child benefit in respect of each of the children or grandchildren in your custody.



SECTION 9

Applying for Housing Supports



SHELTER AID FOR ELDERLY RENTERS (SAFER)

You may be able to apply for a program called SAFER (Shelter Aid for Elderly Renters) through BC Housing. SAFER provides a monthly payment to help with your rent.

To be eligible for SAFER, you must meet all of these requirements:

- You are at least 60 years old
- You have lived in BC for the full 12 months immediately before you apply
- Your income is below a certain level
- You spend more than 30% of your gross (before tax) monthly household income on rent, including the cost of a pad rental for a manufactured home (trailer) that you own and live in
- You and your spouse (if you have one) both meet these citizenship requirements:
 - You are a Canadian citizen, permanent resident, or refugee claimant
 - You are not currently being sponsored to come to Canada.

People receiving income assistance or disability benefits are not eligible for SAFER.

SAFER cannot help you pay for:

- Rent in subsidized housing
- Rent or fees in an extended care facility
- A mortgage
- Fees for a housing co-op.

SAFER is not an immediate solution for rental costs. It can take months for the application to be processed. The average wait time is eight weeks. If your application is approved, you might get payments covering the time after you applied when you were waiting for your application to be processed.

You must apply for SAFER through BC Housing. For the contact information, see BC Housing in the Resources section of this handbook on page 91.

A NOTE ABOUT TEMPORARY HOUSING

If you live in or near Vancouver, you may be eligible for Seniors Services Society's Temporary Housing Program. They offer immediate temporary housing to seniors who are homeless or at risk of becoming homeless. Their contact information is in the Resources section at the back of this handbook under "Subsidized and Emergency Housing." To use this program you must be over 55 years of age and able to live on your own. Housing is available in private apartments. The financial assistance you get depends on your income.



If you live in the Metro Vancouver, Fraser Valley, Squamish-Lillooet, or Sunshine Coast Regional Districts, you can phone or text 2-1-1 for information about community and government services, including shelters and transition houses. 2-1-1 is multilingual and confidential.

Anywhere in BC, you can also call VictimLink at 1-800-563-0808 for information about safe places to stay after escaping violence.

Unfortunately, processing applications for many housing supports can take a long time. There are not a lot of housing support services that you can access right away.

SUBSIDIZED HOUSING

Subsidized housing is housing offered at reduced cost for people who have low or no incomes. Rent is generally based on your income. There are often fixed rates if you are receiving income assistance or disability benefits. There are a number of organizations that provide subsidized housing in BC. BC Housing is only one of them.

It can take years to get into subsidized housing. Applying for subsidized housing is part of a long-term housing plan. It is not a way to get housing right away or in an emergency.

Types of subsidized housing include:

- **PUBLIC HOUSING:** Owned and managed by BC Housing, a provincial Crown agency. BC Housing chooses the people who will live in its buildings. BC Housing acts as the landlord.
- **NON-PROFIT HOUSING:** Owned and managed by non-profit housing societies. The housing provider selects the people who will live in its buildings and acts as the landlord. The housing society sets its own policies.
- **HOUSING CO-OPERATIVES:** Managed by the members who live there. Members are responsible for choosing new members to live there.

How to Apply for Subsidized Housing

BC HOUSING REGISTRY: You can find many of the addresses of BC subsidized housing through the Housing Registry: www.bchousing.org/Partners/Housing_Registry. Unfortunately, there is no single application that will work for all subsidized housing in BC. You might have to apply separately for different housing options.

BC Housing gives priority to women fleeing abuse, frail seniors, and others who meet their categories of people in need. If you want to get extra consideration for homelessness, a serious health condition affected by current housing, or fleeing domestic violence, you may complete a Supplemental Application Form. This is available on the BC Housing website, which is included in the Resources section in the back of this handbook on page 91.

NEXT SECTIONS

WHAT LEGAL OPTIONS CAN HELP KEEP YOU SAFE FROM SOMEONE WHO HURT YOU? If you are concerned that your abuser might try to harm you, somebody you care about, or your property, you can take action now to increase your physical and financial safety. The next sections provide legal information to help take these steps.



Protection Orders and Peace Bonds

Protection orders and peace bonds are court orders that can be used to help keep you safe from someone who might hurt you.

These are legal documents that list certain conditions a person must follow, such as:

- Staying away from you
- Staying away from your children or grandchildren
- Not communicating with you
- Staying away from places where you or other family members go, including a school, a business, or a home – even if the person you fear owns the home
- Attending counselling or taking an anger management course
- Not having any weapons, such as guns.

Violating a protection order or peace bond is a criminal act. You can call the police to help make someone obey a protection order or peace bond, or to get that person removed from your home.

In BC, **peace bonds** and family law **protection orders** are two ways to get protection from a person you fear:

- A **peace bond** is ordered by a judge or justice of the peace in criminal court.
- A family law **protection order** is ordered a judge or master (judicial officer) in family court.

Both are enforced by the police or RCMP. You can get a protection order or peace bond whether or not anyone has been charged with a crime.

In BC, peace bonds and family law protection orders are two ways to get protection from a person you are afraid of.



There are important differences between the two different types of orders. They are summarized in the table on page 66.

PEACE BONDS

A peace bond is a legal document that can be used to help protect you from anyone you fear. A peace bond may be given when you have reason to fear that someone will physically hurt you or someone else, such as a child or spouse, or damage your property.

A peace bond is a protection order made under the Criminal Code of Canada. It is ordered by a judge or justice of the peace. A peace bond is valid across Canada.

Unlike a family law protection order, a peace bond can be used to protect you from anyone, including someone you dated but never married. A peace bond can also be used to help protect your property. Under some circumstances a peace bond can include a condition that a person must not drink alcohol or use drugs.

A peace bond can last up to a year. If it is about to end, you must speak to the police again, and a judge will decide whether there is still a good reason to be afraid. If so, the peace bond might be renewed for another year. It is a good idea to pay attention to the expiry date of the peace bond so that you can plan to talk to the police before the peace bond runs out.

How to Get a Peace Bond

To request a peace bond you should call the police or the RCMP. Explain to them why you need a peace bond. You want the police to understand that you are in danger and are afraid that you or someone else will be hurt. An advocate can help you request a peace bond.

Some things that can help justify a peace bond to a police officer:

- Documentation of past incidents of violent behavior or threats
- Statements by people who saw the behaviour (witnesses)
- Recordings of threatening phone messages
- Copies of threatening letters or notes
- Information about any steps you have taken to try to be safe from the person you fear, such as moving, changing your phone number, or changing the places you go and your activities.

Going to Court for a Peace Bond

Sometimes getting a peace bond will require you to go to court. In some instances, you will have to be in the same room as the person you fear. You may want to find an advocate or victim services worker to help you prepare and to go to the hearing with you.

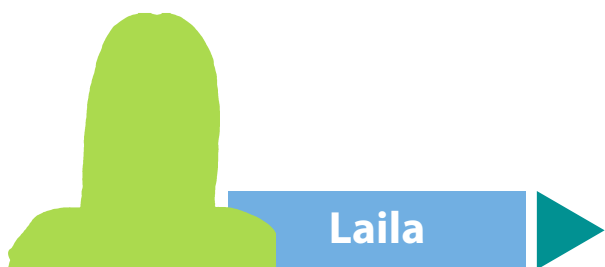
If the police recommend a peace bond, the person you fear will be asked to attend court to respond to the peace bond application. The police will arrest the person if the court believes you or others are in serious danger. If the person agrees to the peace bond, there will not be a court hearing.

If the person you fear does not agree to the peace bond, there will be a court hearing. You will have to go to court and explain why you want a peace bond. You will be asked to meet with the lawyer who works for the government (called Crown counsel). It is their job to explain why a peace bond is necessary. They will talk to you first.

If the police officer doesn't think a peace bond is required and you still want the peace bond, you will have to go to the courthouse yourself and speak to a justice of the peace. You will be given documents to fill out. After that you will have to swear or affirm your documents before a justice of the peace. When you swear or affirm your documents, you are making a promise that what you have said in your documents is true.

You can choose to let your peace bond application drop at any time. If you decide not to move forward with your application, you will not have to go to court to explain why you need protection, but you also will not be able to get a peace bond.

AT THE HEARING: If there is a hearing about the peace bond, the person you fear will have a right to ask you questions in court about why a peace bond is needed. This can be scary. If you are so frightened of the person who hurt you that you do not think you will be able to answer questions properly or honestly, then you can ask the judge or Crown counsel if they can assign a lawyer to ask the questions instead. You should make this request at the beginning of the hearing.



Laila is 80 years old. She migrated from Afghanistan four years ago. She lives with her daughter and son-in-law. Her son-in-law is always yelling at everyone in the house, and he hits her daughter often. It is very painful to watch how he treats her daughter.

At home, Laila is always afraid. Her son-in-law has never hit her, but he is a large man and she knows he will hurt people when he is angry. When Laila tries to protect her daughter, her son-in-law threatens to beat her up.

A woman at the settlement office hears Laila's story and offers to help her find a room in a transition house and get a peace bond. Laila's daughter is not willing to leave her husband. Laila does not want to leave her daughter behind, but she decides she must leave in order to keep herself safe. Once the peace bond is in place and she has a new place to live, she starts to feel safer.

PROTECTION ORDERS

A protection order is a court order under the BC *Family Law Act*. A court may grant a protection order if they believe there is a risk of “family violence.” The law defines family violence broadly to include many different kinds of harm, including:

- Physically hurting you
- Threatening you
- Following you
- Hurting a family member or pet
- Damaging your property
- Unreasonably restricting your personal or financial freedom.

Under the *Family Law Act*, you can apply for a protection order to help keep you safe from any of the following people:

- Your spouse (even if you have divorced or separated)
- A person you currently live with or once lived with in a marriage-like relationship (even if you have separated, and no matter how long you spent living together)
- The other parent or guardian of your child (even if you never lived together or were never married)



Ursula lives with her daughter Ruth and her grandchildren. Ruth is separated from her ex-husband Ethan, who used to hit Ruth and threatened to hurt her many times during the marriage.

Ursula and Ruth are both afraid of Ethan. If anything, Ursula has become more afraid of Ethan since he left, because he blames Ursula for the separation.

Early this year Ruth got a protection order that is still in place now. Since then Ethan has had to stay away from the house. Recently Ethan got a family law order saying he has weekly visits with the grandchildren. One day when he comes to the house, he grabs Ursula's arm and tells her he will get back at her for “destroying his family.” After he leaves she calls the police and Ethan is charged with not following the protection order as well as with assault. Since then, he picks the children up at a community centre and Ursula feels much safer.

- Any person who is related to and lives with any of the people listed above
- Any person who is related to you and lives with you (for example, an adult child who lives with you).

A protection order is valid across BC. If you move to another province or territory you should call the police or RCMP to see if they will enforce the order. If not, you will have to register the order in a court near where you have moved, or apply for a new order.

The order will last for one year unless the judge sets a different expiry date. When your protection order expires, you can apply for a new one. It is a good idea to pay close attention to the expiry date of the order so that you can plan to apply to extend it without being rushed.

How to Get a Protection Order

To get a protection order, you or your lawyer must speak to a judge in BC Provincial or Supreme Court. It is free to apply for a protection order in Provincial Court. There is a fee to apply for a protection order in BC Supreme Court. If it is very difficult for you to pay this fee, you can apply to be excused from paying (to have the fee waived).

Generally, a notice will be sent to the person you fear asking them to come to the court hearing. If you think this advance warning will increase the danger you are in, then you can ask for an “order without notice.”

It is difficult to get an order without the assistance of a lawyer. If you qualify for a legal aid, you may be appointed a lawyer to help you get a protection order.

If you get a protection order, it is important to arrange for someone to serve (officially deliver) a copy of the protection order to the person you fear. Sometimes a court sheriff will serve the protection order if you request this from the court registry. You can also hire a professional called a process server to deliver the protection order. Be sure to ask for proof that the order was served, as proof of service can be important for enforcing the protection order.

If there are multiple orders under the *Family Law Act*, the protection order will override other orders. It is a good idea to bring other orders to the judge’s attention so that any conflicts between the protection order and the other orders can be dealt with. For example, if there is a protection order saying that the abusive person must stay away from you and there is also a family law order saying that you must meet with the abusive person to pick up and drop off children, talk to the judge about the fact that the two orders say different things.



It is difficult to get an order without the assistance of a lawyer. If you qualify for a legal aid, you may be appointed a lawyer to help you get a protection order.

PEACE BONDS and PROTECTIONS ORDERS — A COMPARISON

	PEACE BOND	PROTECTION ORDER
<i>How to get it?</i>	Call the police	Apply to a judge
<i>What are the criteria?</i>	You must have reason to fear for the physical safety of you or someone else, or to fear that your property will be destroyed or damaged	There must be a risk of family violence
<i>Are there fees?</i>	No fee	No fee if Provincial Court You can apply for the Supreme Court fee to be waived if you have minimal or no income
<i>Who can it protect you from?</i>	Anyone	A member of your family
<i>How is the person notified of the request for an order?</i>	He or she will be arrested or asked to appear in court	He or she will be asked to appear in court. You need to arrange for service of documents. If you think telling the person will increase your danger, you can ask for an "order without notice"
<i>Who can enforce it?</i>	The police or RCMP	The police or RCMP
<i>Do you need a lawyer?</i>	No	Strongly recommended
<i>Where is it valid?</i>	Across Canada	In BC

Once you have a Protection Order

The police and RCMP can enforce all protection orders. It is a crime to disobey the terms of a protection order. The person could be fined, sent to jail, or put on probation if they break the terms and conditions of a protection order. Or they may just be reminded to stay away from you.

It is a good idea to keep a copy of the protection order with you at all times. It may be helpful as well to give copies to people at places you go frequently if you think the person you fear might try to reach you there. These places could be:

- A church or place of worship
- A school where you pick up children regularly
- Your bank or credit union
- The homes of family members or friends.

While the protection order is in place, call the police if the person you fear breaks the terms and conditions of the order.

You should not contact the person you fear while there is a protection order in place unless this is specifically allowed in your order.



It is a crime to disobey the terms of a protection order. The person could be fined, sent to jail, or put on probation if they break the terms and conditions of a protection order.

Keeping Grandchildren Safe



Many grandmothers spend a lot of time caring for their grandchildren and protecting them from harm.

You may feel you cannot leave the person who is hurting you until you have a plan to keep children you care for safe. Many grandmothers spend a lot of time caring for their grandchildren and protecting them from harm.

The list below gives some options if your grandchildren are not safe. Not all of these options will apply to your situation. It can be important to get legal advice if you are thinking about taking any of the steps in this list.

- You can apply for legal aid. You might be able to get a lawyer to help you get custody or a protection order. See Section 6, Getting Legal Help.
- If you are seeking a protection order or peace bond to keep you safe from a person you fear, you can ask that your grandchildren be named in the order as well. Learn more in Section 10, Protection Orders and Peace Bonds.
- If the parents are getting a divorce, you can apply for custody. You will have to ask for the court's permission to apply for custody because you are not one of the people involved in the divorce case. Divorces are dealt with in Supreme Court.
- You can apply for guardianship, parental responsibilities, or contact time for any of your grandchildren. You can get involved in an existing family law case started by the parents or start your own case.
- You can contact the Ministry of Children and Family Development (see the Resources section at the back of this handbook for contact information). They have a legal duty to assess the situation when someone reports that a child's safety or well-being is at risk. They may remove the children from the home, and if you have appropriate housing they may put the children temporarily with you.

- If someone has already contacted the Ministry, you can ask to participate in the hearing. You can tell the social worker or judge if you would like the children to stay with you.
- If the Ministry has removed your grandchildren from their home because their parents are not able to take care of them right now, your grandchildren might be allowed to live with you temporarily with agreement from the parent(s). The parent(s) must arrange this by setting up an agreement under the Extended Family Program. There are time limits on how long your grandchildren can stay with you in this program, and not everybody is eligible. To find out more, contact the Grandparents Raising Grandchildren support line (see the Resources section on page 90).
- If the Ministry says your grandchildren cannot return to their parents, it might be possible for permanent custody to be transferred to you or another family member through a special section of the *Child, Family and Community Service Act* (CFCSA), the law that deals with child protection. If you may be getting custody of a grandchild through CFCSA, you might be able to get legal advice from LSS (Legal Aid). (See Resources section on page 88.)

Courts generally prefer to keep children with their parents if this is safe and possible. These are some examples of factors a court might consider in giving custody to a grandmother:

- Whether the child is being hurt or neglected
- Chronic drug or alcohol use by the parent(s)
- Instability of the parents' lifestyle and living situation
- Abandonment of the children
- Poor parenting skills
- Whether the grandmother is already taking care of the children and is unofficially the guardian.

Decisions of a judge must always be based on the best interests of the children.



Alice's daughter Leah has a drug problem. Alice spends a lot of time with her grandson Leo when his mother is at work or out partying at night. One day Leo tells Alice that his mom brings guys back to the apartment and he has seen them doing drugs together. Alice is really worried about Leo. Alice tries to talk to her daughter, but Leah yells at her and tells her to mind her own business. More and more often, Leah asks Alice for money. Leah says she wants to get things for Leo. Alice usually says yes. One day, when Alice says no, Leah says that if Alice does not give her the money, she will not let her see Leo ever again. Alice is scared and gives her the money.

Afterwards she talks to her friend and together they go see an advocate. The advocate helps Alice call child protection. Eventually the Ministry agrees that Leo can stay with Alice.

SECTION 12

Steps to Protect Yourself from Financial Abuse

If a person you have appointed in a power of attorney or representation agreement is hurting you, stealing from you, or not doing a good job, you may want to take away their powers.

REVOKING A POWER OF ATTORNEY OR REPRESENTATION AGREEMENT

Powers of attorney and representation agreements (introduced in Section 4) are legal documents that allow you to appoint someone to make certain types of decisions on your behalf. You may have given someone the ability to make decisions about your finances through one of these documents.

If a person you have appointed in a power of attorney or representation agreement is hurting you, stealing from you, or not doing a good job, you may want to take away their powers in order to protect your money and your property.

You can revoke (cancel) your power of attorney or representation agreement, create a new one, or choose not to have one anymore - as long as you have the mental capacity to make those decisions. In general, you are legally capable to make decisions if you understand what you are doing and the possible consequences. For example, you must understand that revoking the power of attorney or representation agreement means that the person you appointed can no longer make decisions for you and that you must make those decisions yourself or name a new person.

In order to revoke a power of attorney or representation agreement you must give written notice that the document is revoked. You must deliver this notice personally or by registered mail to all persons who were appointed (given powers) in the document. If you are revoking a representation agreement that names a monitor (a person to supervise the representative), notify the monitor too. Get proof that the notice was received if it is safe to do so.

Here are other important steps to revoke a power of attorney or representation agreement:

- Notify any people or agencies who may have dealings with the attorney or representative, or who may have copies of the power of attorney or representation agreement, that the authority has been taken away. Just a few examples of people and institutions to notify are family members, the bank or credit union, Revenue Canada, and Service Canada if you are receiving a pension. Keep a copy of the notice you sent and of any responses you received.
- Ask people to return any copies of the revoked document.
- Clearly write “revoked” or “cancelled” on all copies of your old power of attorney or representation agreement. Also note the date the document was revoked.
- If the power of attorney or representation agreement is registered with Nidus, tell them about the change. Nidus is a non-profit organization that operates a registry of representation agreements, powers of attorney, and other legal documents for personal planning. You can read about Nidus in the Resources section of this handbook on page 95.
- If the document deals with land, update the Land Title and Survey Authority. Information about the Land Title Office can be found on its website ltsa.ca and in the Resources section on page 94.
- Some specific steps for revocation may be set out in the power of attorney or representation agreement document itself. Find out whether your document requires any special steps in order to be revoked, and complete those steps.

Where can you get help to create a power of attorney or representation agreement?

A lawyer can help you to draft a power of attorney or representation agreement. But not everyone can afford to hire a lawyer. Here are some other sources of help:

- Notaries are legal professionals who can provide a range of services, including drafting powers of attorney and representation agreements. Notaries are often less expensive to hire than lawyers. To find a notary, go to the website www.notaries.bc.ca.
- Some organizations in the community can offer free help with writing powers of attorney and representation agreements, including the Law Students’ Legal Assistance Program (LSLAP), Thompson Rivers University Legal Clinic, and Access Pro Bono (representation agreements only). For more information, see the Resources section at the back of this handbook under Legal Support.

- Remember that informing people of the revocation is just as important as the revocation itself. If no one tells the bank that your power of attorney or representation agreement is revoked, then the bank might keep letting a person take money out of your account even though you have taken away that person's legal authority to do so.

Sometimes banks and credit unions have their own special forms to create powers of attorney for dealing with bank accounts and investments. Check whether there are any powers of attorney on file at your bank or credit union. They might need to be revoked too.

Other Situations That Can End a Power of Attorney or Representation Agreement

There are situations where all or part of your power of attorney or representation agreement might stop being valid even if you do not revoke it. In some cases, your power of attorney or representation agreement might be terminated if the person you appointed:

- Is your spouse and your marriage or marriage-like relationship ends
- Becomes incapable or dies
- Is bankrupt
- Is convicted of certain types of criminal offences.

Termination of powers of attorney and representation agreements can be legally complicated, so it is a good idea to get legal advice if you are not sure whether your document is still in effect.



Nasreen's son Amir has been power of attorney since her husband died over 10 years ago. When Nasreen turns 80, Amir says she should move in with him and his wife. They will sell her home, and the money from the sale can help pay for the grandchildren to go to university. Nasreen does not want to move, but Amir starts making plans to sell the house anyway.

He accuses her of being selfish in preventing her grandchildren from going to school. When Nasreen's daughter finds out what is going on she becomes very concerned. Her daughter helps her get Amir removed as power of attorney and offers to help out instead. Nasreen decides to stay in the home she has lived in for many years. Nasreen feels that her money and property are now safe, and she decides not to take legal action against her son for now.

Even if a power of attorney or representation agreement ends, it is still a good idea to follow the steps for revocation listed on page 70 and 71. Make sure the right people know that the decision-making authority has ended and that they must not keep taking direction from the former attorney or representative.

For more on powers of attorney and representation agreements, see Section 4 of this handbook.

What if you can't find your power of attorney or representation agreement?

You may think there is a power of attorney or representation agreement but not know where the document is. You may not remember what it says. Perhaps you lost your copy or the original. Maybe you gave the documents to someone you trust and don't remember who. Maybe someone is trying to stop you from finding all your legal documents.

Here are some tips on how to find your power of attorney or representation agreement if you feel safe looking for it:

- Contact Nidus. If you registered your agreement with them, they will have a copy on file or information about where to find a copy, depending on the information you provided when you registered. See page 95 in the Resources section for their phone number.
- Have you or anyone in your family ever hired a lawyer or notary? Contact them to see if they have a copy.
- Do you or anyone in your family have a safety deposit box, at home or at the bank or credit union, where you store important documents like passports? Check to see if a copy is in this box.
- Do you or anyone in your family have a file or drawer at home where you keep important documents or valuables? Look there.
- Do you have a bank or credit union account? See if the financial institution has a copy on file.
- Do you live in a care facility? See if they have a copy on file.
- Look in the freezer. Some people keep documents in a container in the freezer to protect them from fire.
- Are there family members you trust? One of them may have a copy of the document or know it is stored.
- Have you had the same family doctor for years? They may have a copy on file.



FINANCIAL RESTRAINING ORDERS

A financial restraining order is a court order that says a person is not permitted to do certain things with money or property. If you expect to be seeking division of property or financial assets, you should consider a financial restraining order to help prevent your ex-spouse from spending the money or selling the property before you divide it. You must apply for financial restraining orders in the BC Supreme Court.

If you are concerned that letting the other person know about the application will put you or your property at risk, you can request an order without notice (meaning that your ex-spouse will not be told that you are applying for a financial restraining order).

FREEZING REAL PROPERTY

Real property means land and buildings. For example, the house or apartment you live in, a vacation house, a building your spouse invested in — these are all forms of real property. Real property owned by your spouse may be considered family property and you may have a right to some of its value.

In order to prevent your ex from selling the property or land before you can get a court order or agreement regarding division of property, you may apply to freeze property. If you live on reserve, this information may not apply to you. To learn about your legal rights regarding your home on reserve, read the section below, “Homes on Reserve.”

In BC, freezing real property must be done by registering specific documents at the Land Title and Survey Authority (see page 94 of the Resources section). The Land Title and Survey Authority has two different ways of registering an interest in real property, which stops the property from being sold or transferred to someone else and may also prevent a person from borrowing more money against the property. Through the Land Title and Survey Authority, you may:

- File an entry under a law called the *Land (Spouse Protection) Act*. You can use this method only to protect the family home.
- File a document called a Certificate of Pending Litigation under the *BC Land Title Act*. You can do this only if you or your ex-spouse has started an action in BC Supreme Court and the action includes a claim about the property.

These are legal documents that must be filled out properly. The Land Title and Survey Authority is not able to provide legal advice. You may want to get advice from a lawyer or notary before filling out the forms.

HOMES ON RESERVE

What happens if you leave your marriage or common-law relationship and your family home is on reserve land that falls under the *Indian Act* (a law that deals with local First Nations governments, reserves, and Indian status)?

Some Bands have created their own laws to deal with family homes. You can contact your Band office to find out whether your Band has adopted its own laws about this.

If not, a law called the *Family Homes on Reserves and Matrimonial Interests or Rights Act* will apply as long as the spouses or common-law partners are living on reserve and at least one of them is a member of a First Nation or a Status Indian.

The *Family Homes on Reserves and Matrimonial Interests or Rights Act* covers protections and rights for people and families living on reserve, for example:

- The right to live in the family home
- Your rights after your spouse or common-law partner dies
- How the value of a home on reserve can be divided after the breakup of a marriage or common-law relationship.

Some Bands have created their own laws to deal with family homes. You can contact your Band office to find out whether your Band has adopted its own laws about this.

“STATUS INDIAN”

“Status Indian” is a term used by the government of Canada. This term has a specific legal meaning. A Status Indian is an Indigenous person who is recognized by the government as registered under the *Indian Act*. Being registered as a Status Indian under the *Indian Act* is also called having Indian status.

The *Indian Act* is a Canadian federal law that deals with certain matters relating to Indian status, Bands, and Indian reserves. This law is part of Canada’s history of colonization (taking lands belonging to Indigenous peoples and committing violence against Indigenous peoples). The *Indian Act* is still in force today. This law continues to impact the lives of Indigenous peoples.

This handbook uses the word “Indian” only when necessary to explain legal issues. Because the term “Indian” is connected to colonization, we avoid this term wherever possible. Instead, we use the word “Indigenous” to talk about the peoples who have lived for thousands of years on the land now called Canada.

Under the *Family Homes on Reserves and Matrimonial Interests or Rights Act*, two people are considered as common-law partners after living together in a marriage-like relationship for at least one year. This is different from the *Family Law Act*, which treats a couple as common-law after they have lived together for at least two years.

The *Family Homes on Reserves and Matrimonial Interests or Rights Act* gives a specific formula for dividing the value of a family home on reserve after separation or divorce.

The Act also allows a court to make an order to allow only one of the spouses to live in the family home for a certain period of time.

If you are not a member of a First Nation yourself but have been living on a reserve with a spouse or common-law partner, your rights under the *Family Homes on Reserves and Matrimonial Interests or Rights Act* may be limited. However, you do still have rights.

It is a good idea to get legal assistance to fully understand your rights if you have been living on reserve.

GETTING HELP FOR AN ADULT WHO NEEDS PROTECTION

If you are helping an adult who is experiencing financial abuse and is not capable of taking action to protect their money, consider contacting the Public Guardian and Trustee (PGT). The PGT can sometimes act quickly to protect the money or property of vulnerable adults. You can read more about the PGT on page 94 of the Resources section at the back of this handbook.

Property Division after Separation

If you leave a marriage or a common-law relationship, what happens to your money, your house, and your other property?

In BC, the same law about property division after separation applies to married couples and to couples who have lived together in a marriage-like relationship for at least **two years** (sometimes also called a common-law relationship).

It is very important to know that if you want a court order to divide the property and debt you shared with your ex-spouse, you have a limited time to take action. You must start an action in the BC Supreme Court within **two years** from the date of divorce or annulment (for married couples) or two years from the date of separation (for common-law couples). It is extremely important not to wait too long. If you miss the two-year period, you cannot make a claim under the *Family Law Act* for the division of property and debt, and you may find it difficult or impossible to get your fair share of family property.

You must go to the BC Supreme Court to get an order for property division. The processes at the BC Supreme Court are complicated and can be confusing. We strongly recommend you find a lawyer or legal advocate to help you with your application for property division. See Section 6, Getting Legal Help. The website Clicklaw also gives a great explanation of the process for starting a family law action in the BC Supreme Court: wiki.clicklaw.bc.ca/index.php/How_Do_I_Start_a_Family_Law_Action_in_the_Supreme_Court%3F

Here is some other important legal information about dividing family property in BC.

People who want to make a legal claim for property have a limited time to take action: **two years from the date of divorce or annulment (for married couples) or two years from the date of separation (for common-law couples). It is extremely important not to wait too long.**

HOW PROPERTY IS DIVIDED AFTER SEPARATION OR DIVORCE

There are basically two ways to divide property after separation or divorce:

1. You can apply to the Supreme Court of BC for a **court order** and a judge will make the decision about how to divide the property. Remember, you must do this within two years of divorcing (if you were married) or separating from your spouse (if you were a common-law couple).
2. You and your ex-spouse can come to an **agreement**. You can create a legal agreement without a lawyer, but legal advice is strongly recommended. Agreements can be very hard to set aside (cancel). Once you have given up legal rights, they may be gone. Before entering into an agreement, it is also very important to get complete information about your ex-spouse's assets, debts, and sources of income. The court can make an order requiring a person to disclose (reveal) their financial information for the purpose of property division.

Before entering into an agreement, it is also very important to get complete information about your ex-spouse's assets, debts, and sources of income.

THE BASIC RULE ABOUT DIVIDING FAMILY PROPERTY AND FAMILY DEBT

"Family property" and "family debt" are property and debt that a couple acquires during a spousal relationship. This applies to both married and common-law relationships.



Kaori married her husband Daichi when she was only 17. At the time she had almost no belongings other than her clothes. Kaori has been a stay-at-home caregiver her whole adult life. First she took care of her children. Then she cared for her husband's parents, who have both since passed away.

Kaori wants to leave Daichi, but she is worried about leaving because she thinks she will have no money. She has no personal bank account, and the house and Daichi's pension savings and investments are all in his name. When a family lawyer explains to her that she is entitled to family property, she starts to feel like she has more options. Eventually she is able to negotiate a large sum of money with the help of her lawyer. She invests that money in the bank.

In general, BC's family laws let spouses:

- Keep property or debt that they brought into the relationship, and
- Equally divide any property or debt that they acquired during the relationship (50/50). It doesn't matter which spouse is the legal owner of the property or who borrowed the money.

There are some important exclusions to family property that are explained on page 83.

Even though the assumed starting point in BC law is an equal division of family property and debt, there are some situations where family property and debt are not divided 50/50. An unequal division can be made by a court order or agreement. See page 84 for information about situations when the court might order an unequal division of family property and debt.

WHAT IS INCLUDED IN FAMILY PROPERTY

Family property is not just the family home. Family property is any property that you or your spouse acquired between the day you got married or started living together in a marriage-like relationship (whichever came earlier) and the day you separated. It can also include:

- Increases in the value of property that was brought into the relationship. For example, if a spouse had \$100,000 in guaranteed investment certificates (GICs) when a relationship started, and \$5,000 in interest accrued on the GICs during the relationship, that \$5,000 in interest might be family property. To give another example, if you or your ex-spouse owned a home worth \$350,000 when you got married and the value of the home grew to \$450,000 during the relationship, then the original \$350,000 would not be considered family property, but the \$100,000 increase could be. If the value of a house goes down, it doesn't affect family property.
- Any property purchased after the date of separation, if it was acquired using family property. For example, if either you or your ex-spouse sold the family home after separation and bought a new apartment, that apartment might be family property.
- Things of value either you or your spouse have an interest in. For example, if your spouse got shares in a business as part of a retirement package during your relationship, those shares might be family property.



Family law generally assumes that both spouses own family property equally. This means that each spouse has a right to an equal share in family property.

If you are living on reserve, BC laws about dividing or selling real property (houses or buildings) might not apply to you. To find out your rights, check with your Band. Some Bands have adopted their own laws to deal with family homes located on reserve. If your Band has not created its own laws about this, a law called the *Family Homes on Reserves and Matrimonial Interests or Rights Act* covers the division of real property on reserve after separation or divorce. This law applies in situations where a home on reserve is involved and at least one of the people in the relationship is a Status Indian or member of a First Nation. You can learn more about this law on page 75.

Different rules may apply to property located outside of BC, including whether you can divide the property and when you must apply to divide it. It is a good idea to get legal advice if some of the property owned by you or your spouse is outside of BC.

The law assumes that responsibility for family debt is shared equally between spouses in most cases.

FAMILY DEBT

Family debt is all debt incurred by you or your spouse from the date of marriage or the date you began living together (whichever is earlier) and the date you separated. Debt incurred after the date of separation is not part of family debt unless it was incurred to care for family property.

The law assumes that responsibility for family debt is shared equally between spouses in most cases. It doesn't matter who contributed to the family debt.

On the other hand, debt incurred by a spouse before the spouses married or began to live together belongs to that spouse alone.

As with family property, family debt can sometimes be divided unequally by a court order or agreement even though the assumed starting point is a 50/50 split.



Helen ended her relationship with her girlfriend Marie after being treated badly for years. She wrote her a dated letter saying she was leaving, moved out, and kept a copy of the letter for herself.

After they broke up, Marie borrowed a lot of money to start a new business. In court, Marie's lawyer argued that

the debt was family property, and so Helen should have to help repay this money.

Helen's lawyer was able to show Helen's letter to the judge as evidence of the separation date, so the judge decided Helen was not responsible for any of the new debt.

PENSION DIVISION

There are different types of pension plans and pension investments. They are each subject to different rules and laws, and some pension benefits may count as family property. This area of law is complicated. Legal advice about pension division is strongly recommended.

There are basically three kinds of pensions:

- Pensions earned through employment
- Public pension schemes administered by the Government of Canada, such as Canada Pension Plan (CPP), Old Age Security (GIS), and the Guaranteed Income Supplement (GIS)
- Investments such as Registered Retirement Savings Plans (RRSPs) and Registered Retirement Investment Funds (RRIFs)

BC family laws apply to most **pension benefits earned through employment in BC**. Pensions that come under BC law are considered family property if they were acquired during the relationship. This means that the basic rule of a 50/50 split of family property may apply to the pension benefits that accumulated during your relationship. You may be able to apply to the court for your share of these pension benefits.

If the pension benefits resulted from work outside of BC, then BC laws probably don't apply. Some pension plans related to federal employment don't come under BC law, such as pensions for RCMP members, federal government workers, or those in the Canadian forces. It is a good idea to get legal advice about the division of pensions earned through employment, as it can be difficult to tell whether or not they fall under BC law.

If your ex-spouse receives **CPP**, you can look into credit splitting. Credit splitting is discussed in Section 8, Applying for a Pension.

If your ex-spouse receives **OAS or GIS**, you cannot apply for any of this pension money. But if you tell the government that you are separated from your spouse, your GIS will be reassessed and the payments might go up. See the Resources section at the bank of this handbook for the contact information for Service Canada.

Investments such as RRSPs and RRIFs acquired during the relationship are generally family property. You may agree to divide the investments or ask the court to decide how to divide them. To divide RRSPs, you must generally make a direct transfer between RRSPs using a special form, and the division must follow the terms of a court order or agreement. There may be negative tax consequences if you do not follow these steps.

You may apply for a portion of your ex-spouse's pension in some circumstances.

The bank or credit union may charge fees or impose a financial penalty to divide up a plan. It is a good idea to get legal assistance with the division of pension investments.

Getting Information About Your Spouse's Employment Pension

If you know who your ex-spouse's employer is, you can contact the pension plan administrator to get details on your spouse's pension benefits, including whether they are subject to BC laws. You should fill out Form P1, "Claim and Request for Information and Notice" and send it to the administrator. You can get this form on the Legal Services Society (LSS) website at www.familylaw.lss.bc.ca/resources/court_forms.php. The employer should be able to provide the contact information for the pension plan administrator.

Once the administrator receives the notice, they will:

- Contact your spouse
- Provide you with the requested information about the benefit
- Get direction from your spouse about division of the benefits.

No court order or agreement about pension division is required for the administrator to accept the form or provide the information.



When Belkis decided to leave her husband Peter after years of psychological abuse, Peter became very angry. He smashed the windows of their car which Belkis normally used to drive to work. He also

destroyed many valuables by throwing objects around their apartment.

With the help of a legal advocate, Belkis thought about her options and decided to apply to the court for an order for the division of property. There was a lot of evidence to show that Peter had destroyed property on purpose, including a text message where he threatened to do that. The judge decided that a 50/50 division of family property would not be fair because Peter had destroyed a lot of things on purpose to hurt Belkis and leave her with less. She should get more than half of the remaining family property.

EXCLUSIONS FROM FAMILY PROPERTY

BC's family laws exclude from family property certain kinds of property acquired during the spouses' relationship. If property is excluded, it means that the law assumes that it remains the property of the spouse who owns it. However, the increase in value of the excluded property during the relationship becomes family property and is shared.

Excluded property could include, for example:

- Property acquired by a spouse before the relationship began
- Inheritances made to only one spouse
- Gifts given to only one spouse by someone outside the relationship
- Certain kinds of insurance proceeds and court awards.

The person who is claiming that property is not family property must prove this. Examples of proof are:

- Documents that show that property was purchased before the relationship
- Documents that show the value of the property both when the relationship started and when the relationship ended
- A will that shows that a piece of property was part of an inheritance.

In certain unusual situations, the court can divide excluded property:

- If there is property outside of BC that cannot be divided
- If the court believes that it would be very unfair not to divide excluded property considering the length of the spouses' relationship or one spouse's contributions to the excluded property.

SETTING A CLEAR SEPARATION DATE

When separation happens, you and your spouse generally become:

- Entitled to an equal half of all family property — regardless of how the property was owned before separation, and who purchased the property
- Responsible for one half of all family debt — regardless of who borrowed the money.

Therefore, making the separation date clear can be very important.

To protect your legal rights, it is often a good idea to record the separation date in writing.

Separation generally means physically living apart with the intention of ending the relationship. Separation can occur when one of you either moves out of the family home or announces and acts on a clear desire to end the relationship. If you cannot leave your family home and must continue to live with your spouse (assuming that staying in the family home is safe for you), you can still announce a separation and take clear steps to show your intention to end your relationship. For example, you can start sleeping in a different room and buying your own groceries.

To protect your legal rights, it is often a good idea to record the separation date in writing. The court will look for evidence that one spouse has communicated to the other a desire to separate permanently. If you are the one announcing the separation, it can be important to state clearly and in writing that the separation is permanent. One option is to write a letter with the date on it and keep a copy of it. Even a short email can be evidence. There is no requirement to make a formal legal document to announce the separation.

The other spouse does not have to agree to the date of separation. Only one spouse needs to have the intention to separate and act on the intention.

It is a good idea to get legal advice if you moved back in with your partner after you first separated (even if you live apart now). In certain situations, you might not be considered legally separated if you spent time living with your ex within a year of separating.

SHARING FAMILY PROPERTY UNEQUALLY

It is not necessary to divide family property and debt evenly when you separate. You can create your own legal agreement that sets out a different division. Be very cautious about agreeing to a particular division of property and debt without legal advice, as agreements are very hard to set aside (cancel).

There are also situations where the court might order an unequal division of family property and debt. Although the law assumes that family property and debt are shared equally in most cases, the court can order a different division if a 50/50 split would be “significantly unfair.” A high standard of evidence is required to show that a 50/50 split would be “significantly unfair.” In deciding whether an equal division would be “significantly unfair,” the court will consider:

- How long you were in a relationship
- Any agreement you have already made

- Whether you helped your spouse’s career or your spouse helped your career — for example, by paying for school or by taking care of children so the other could work
- How and why you or your spouse got into debt
- Whether you and your spouse are each able to pay a share of the family debt (if the debt is greater than the value of the family property)
- Whether you or your spouse did something after you separated that changed the value of the family property a lot
- Whether you or your spouse got rid of some of the family property, such as by selling it or giving it away
- Whether you or your spouse did something on purpose to reduce the value of the family property
- Tax impacts
- Any other factor the judge believes may result in unfairness.

Be very cautious about agreeing to a particular division of property and debt without legal advice, as agreements are very hard to set aside (cancel).

The court may also consider:

- The impact of the relationship on the financial situation of one spouse
- The ability of one spouse to earn an income
- Whether spousal support payments will be enough to create fairness.



Jasbir is 65 years old. She divorced her abusive husband. Because she feared him, she did not ask for a share of his pension when she first left her marriage.

Now, Jasbir is about to lose her job and is worried about how she will support herself.

She had planned to be working for at least another five years. Her ex lives a comfortable life with his private and government pensions. Jasbir’s friend encourages her to apply for pension division. Jasbir talks to a legal advocate and finds out that she still has time to apply for property division but must act quickly. She decides that she will take action before her time runs out to apply for her share of family property, including pensions.

FINANCIAL INFORMATION AND DISCLOSURE TO THE COURT

If you have started a file with the BC Supreme Court, both you and your ex-spouse must provide financial information. People sometimes refuse to provide their financial information. The court has a number of options if your spouse does not cooperate, such as:

- Making its own finding of what their income is
- Requiring them to pay money to the court as security
- Ordering them to pay a fine or some or all of your legal fees.

The court may set aside an agreement if you made it without full and accurate information about your spouse's financial situation.

BC SUPREME COURT and PROVINCIAL COURT

You might be wondering what going to court will be like. This depends a lot on the level of court that handles your case. In some cases, you can choose which court you go to. In other cases, you might not get a choice — for example, because there is only one court nearby or because only the BC Supreme Court can handle certain legal issues such as property division. A legal advocate or victim services worker can often help you to understand what to expect at court.

Here are a few important differences between Provincial Court and BC Supreme Court:

PROVINCIAL COURT	BC SUPREME COURT
Simpler rules in plain language	Some of the court rules are more complicated
No filing fees	Fees are charged for many of the steps that might be required, although it might sometimes be possible to waive the fees (make it so that the fees are not required) if you cannot afford them; talk to a legal advocate
People who don't have a lawyer may find it easier to access Provincial Court	People who don't have a lawyer may find it harder to access BC Supreme Court
More courthouses across BC	Fewer courthouses
Can deal with protection orders, spousal support, and child support	Can also deal with protection orders, spousal support, and child support
<u>Cannot</u> deal with divorce, division of property and debts, or financial restraining orders	<u>Can</u> deal with divorce, division of property and debts, and financial restraining orders

Resources

If you are in immediate danger, call 9-1-1.

If you need emergency help in a language other than English, say what language you speak when the 9-1-1 operator answers.

You can also call 9-1-1 on a TTY for deaf and hard-of-hearing people.

CRISIS SUPPORT

VICTIMLINK BC

Information, crisis support, and referrals for all victims of crime. 24-hour service in many different languages. VictimLink can help you find a shelter or transition house, a victim service worker or legal advocate, and many other types of help.

Toll-free: 1-800-563-0808

Text: 604-836-6381

TTY (teletypewriter for deaf and hard-of-hearing people): 604-875-0885; to call collect, please call the Telus Relay Service at 711

Email: VictimLinkBC@bc211.ca

Website: www.victimlinkbc.ca

SENIORS ABUSE AND INFORMATION LINE (SAIL)

A safe phone line for older adults to talk to someone about situations where they feel they are being abused or mistreated. SAIL can give you information about your rights and options. SAIL is offered by the BC Centre for Elder Advocacy and Support.

Phone: 1-866-437-1940 (Available 8 am to 8 pm daily except holidays; service with language interpretation available Monday to Friday, 9 am to 4 pm)

TTY (teletypewriter) for deaf and hard-of-hearing people: 1-855-306-1443

Resources were updated November 2015

WOMEN AGAINST VIOLENCE AGAINST WOMEN (WAWAW) RAPE CRISIS CENTRE

Help for women, including transgender women, who have experienced sexual assault. Sexual assault is when anybody does anything sexual to you that you don't want.

Toll-free 24/7 Crisis Line: 1-877-392-7583

Website: www.wavaw.ca

BATTERED WOMEN'S SUPPORT SERVICES SOCIETY (BWSS) CRISIS LINE

A phone line to help women who are experiencing abuse in relationships, including transgender women. Offers emotional support, information about resources in the community, safety planning, and information about legal options. The Crisis Line is open Monday to Friday 10 am to 5 pm and Wednesdays 10 am to 8 pm.

Phone: 604-687-1867

Website: www.bwss.org

NATIONAL INDIAN RESIDENTIAL SCHOOL CRISIS LINE

24-hour phone line offering emotional support and referrals to survivors of residential schools in Canada.

Toll-free phone: 1-866-925-4419

LEGAL SUPPORT

LEGAL SERVICES SOCIETY (LSS) – LEGAL AID

A range of free services for people with low incomes who need help with their family law, criminal law, or immigration law problems. Legal aid in BC is provided by Legal Services Society (LSS). You can apply for legal aid by phoning the LSS Call Centre at the phone numbers below or by going to your local legal aid office. LSS staff will ask you questions to decide whether you meet the requirements to access legal aid services. To find out what information you'll need to provide when applying for legal aid or to get a list of legal aid offices, visit the website listed below.

Vancouver: 604-408-2172

Elsewhere in BC (toll-free): 1-866-577-2525

Website: www.legalaid.bc.ca

APPEAL OF LEGAL AID DENIAL

If you have applied for legal aid and been refused, you can ask for the decision to be reviewed by filling out a "Legal Aid Representation Services – Refused" form. You can get this form from the intake worker who interviewed you. The completed form should be mailed or faxed to the following address:

Provincial Supervisor, Legal Aid Applications
#425-510 Burrard Street, Vancouver, BC, V6C 3A8
Fax: 604-682-0787

RISE WOMEN'S LEGAL CENTRE

A legal clinic that offers free and low-cost legal services for women in British Columbia (including transgender women), mostly in the area of family law. The clinic is staffed by upper-year law students who are closely supervised by lawyers. Rise Women's Legal Centre is open Monday to Friday, 9 am to 4 pm.

Phone: 604-451-7447

Address: #201-456 West Broadway, Vancouver

Website: womenslegalcentre.ca

BC CENTRE FOR ELDER ADVOCACY AND SUPPORT (BC CEAS)

A non-profit organization that helps to protect the rights of older adults. BC CEAS offers some legal services to people age 55+ who cannot get legal help elsewhere because of low income or other barriers. To get help from BC CEAS, phone their Seniors Advocacy and Information Line (SAIL) at 1-866-437-1940. Service in English is available from 8 am to 8 pm every day except holidays, and service with language interpretation is available Monday to Friday, 9 am to 4 pm.

Seniors Abuse and Information
Line: 1-866-437-1940

TTY (teletypewriter for deaf and hard-of-hearing people): 1-855-306-1443

Email: info@bcceas.ca

Website: www.bcceas.ca

ACCESS PRO BONO SOCIETY OF BC

Free (pro bono) legal services for low-income people, including assistance with representation agreements for people aged 55+. Please note that Access Pro Bono cannot prepare typed legal documentation or go into court on your behalf. To apply for free advice and help to prepare for court, call:

Lower Mainland: 604-878-7400

Elsewhere in BC: 1-877-762-6664

LAWYER REFERRAL SERVICE

Provides a consultation with a lawyer for up to 30 minutes for \$25 (plus tax). The operator will give you the name and telephone number of a lawyer near you who deals with the type of legal problem you have.

Vancouver: 604-687-3221

Elsewhere in BC: 1-800-663-1919

Email: lawyerreferral@cbabc.org

JUSTICE ACCESS CENTRES

Centres in Nanaimo, Vancouver and Victoria that provide information and services related to family and civil law issues. They may be helpful if you are dealing with issues with separation or divorce, income security, employment, housing, or debt.

Vancouver: 604-660-2084

Nanaimo: 250-741-5447

Victoria: 250-356-7012

COMMUNITY LEGAL ASSISTANCE SOCIETY (CLAS)

Assists low-income people with legal matters relating to housing security, income security, workers' rights, equality, and mental health.

Toll-free phone: 1-888-685.6222

Website: www.clasbc.net

MEDIATE BC

A non-profit organization that offers mediation information and services for individuals, families and organizations. For people going through separation or divorce, mediation services might be available for a fee that is based on your financial situation.

Phone: 604-684-1300, Toll-free: 1-877-656-1300

Website: www.mediatebc.com

LSS LEGAL INFORMATION OUTREACH WORKERS

In some communities, legal information outreach workers can provide you with legal information by phone or in person; help you find legal information and self-help resources; give you printed legal information; or refer you to community-based services or duty counsel to get legal advice.

Prince Rupert and area phone:

250-624-7701, or toll-free 1-800-787-2511

Terrace and area phone: 250-635-2133

Vancouver and area phone: 604-408-2172

POVNET LIST OF LEGAL ADVOCATES

Visit this website for a map of BC that allows you to search for legal advocates near you.

www.povnet.org/find-an-advocate/bc

PARENT SUPPORT BC – GRANDPARENTS RAISING GRANDCHILDREN PROGRAM

A toll-free phone line to assist grandparents and other relatives raising a family member's child. You can talk to an advocate with knowledge in family law and government services relating to caregiving. This program also offers legal information resources for grandparents raising grandchildren, available at the website listed below.

Toll-free phone: 1-855-474-9777

Email: GRGline@parentsupportbc.ca

Website: parentsupportbc.ca/for-grandparents

JUSTICE BC FAMILY JUSTICE INFORMATION AND SUPPORT

This website provides general information about family law in BC including information for people considering changes in their family relationships such as separation or divorce. This service does not provide or pay for legal advice.

Website: www.justicebc.ca

PEOPLE'S LAW SCHOOL

Free legal information booklets, fact sheets, and videos to help people deal with everyday matters. Some information is available in languages other than English.

Website: www.publiclegaled.bc.ca

Email: info@publiclegaled.bc.ca

Phone: 604-331-5400

UNIVERSITY OF VICTORIA LAW CENTRE

Provides legal advice, assistance, and representation to people living in and around Victoria, BC who cannot afford a lawyer. Specialized services are available for First Nations and Metis people.

Phone: 250-385-1221

Website: thelawcentre.ca

INDIGENOUS COMMUNITY LEGAL CLINIC

A clinic run by UBC's law school that provides legal advice, assistance, or representation to Indigenous people in the Lower Mainland of BC. Clients must self-identify as Indigenous and be unable to afford a lawyer.

Phone: 604-684-7334, Toll-free: 1-888-684-7874

Address: #101-148 Alexander Street, Vancouver, BC, V6A 1B5

LAW STUDENTS' LEGAL ADVICE PROGRAM (LSLAP)

Legal clinics run by law students in Metro Vancouver to assist low-income people with legal issues including immigration, residential tenancy, income assistance (welfare) appeals, public pensions, powers of attorney, and representation agreements.

Phone: 604-822-5791

Website: www.lslap.bc.ca

THOMPSON RIVERS UNIVERSITY LEGAL CLINIC

A legal clinic in Kamloops run by law students to provide assistance to low-income people. The clinic focuses on housing and tenancy issues and can also assist with drafting powers of attorney and representation agreements.

Phone to book an appointment: 778-471-8490

SUPPORTS FOR PEOPLE WITH LOW INCOMES

BC EMPLOYMENT AND ASSISTANCE (BCEA) – ALSO CALLED WELFARE

BCEA is another name for welfare or income assistance. If you are out of work or earning very little, waiting for other income, unable to work, or in immediate need of food, shelter or urgent medical attention, you might be able to receive some income assistance. It is necessary to apply and to show that you meet the requirements.

Phone: 1-866-866-0800

Website: www.eia.gov.bc.ca/publicat/bcea/BCEA.htm

THE BLOOM GROUP

Provides financial management services, shelters, and housing for low-income people living in the Lower Mainland.

Phone: 604-606-0300

Website: www.thebloomgroup.org

SUBSIDIZED AND EMERGENCY HOUSING

SENIOR SERVICES SOCIETY TEMPORARY HOUSING PROGRAM

Provides temporary shelter for homeless seniors and those at risk of becoming homeless in New Westminister and the Lower Mainland area of BC. Need is very high, and help is given in order of priority.

Phone: 604-520-6621

ABORIGINAL HOMELESS OUTREACH WORKER PROGRAM

If you are an Aboriginal person, you may be able to meet with a worker in your community who can help you find a safe place to stay and can connect you with housing and income supports and culturally appropriate services. Contacts for many communities in BC can be found here.

Website: www.bchousing.org/Options/Emergency_Housing/AHOP

BC HOUSING

BC Housing manages public subsidized housing in BC. It also offers a program called Shelter Aid for Elderly Renters (SAFER). SAFER helps make rents more affordable for BC seniors with low to moderate incomes by providing monthly cash payments to help with rent.

Vancouver: 604-433-2218

Elsewhere in BC: 1-800-257-7756

Website: www.bchousing.org

ATIRA WOMEN'S RESOURCE SOCIETY

Provides housing, advocacy and support to women, including women who are transgender.

Vancouver: 604-331-1407

Surrey: 604-531-9143

Email: info@atira.bc.ca

DOWNTOWN EASTSIDE WOMEN'S CENTRE RESOURCE GUIDE

A list of resources available around Vancouver including low-cost meals and shelters.

Website: dewc.ca/about/resource-guide

FINANCIAL SUPPORT FOR SURVIVORS OF VIOLENCE

CRIME VICTIM ASSISTANCE PROGRAM (AVAILABLE THROUGH VICTIMLINK BC)

If you are a victim, immediate family member, or a witness to a crime and you have been hurt physically or emotionally as a result of the crime, you might be able to get financial assistance to help with costs and your recovery. Assistance may be available even if the person who committed the crime has not been charged.

Toll-free: 1-800-563-0808. Text: 604-836-6381

Email: VictimLinkBC@bc211.ca

TTY (teletypewriter for deaf and hard-of-hearing people): 604-875-0885; to call collect, please call the Telus Relay Service at 711

Website: www.victimlinkbc.ca

IMMIGRATION

IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA

Forms and information related to all citizenship, refugee and immigration matters.

Toll-free: 1-888-242-2100 (Monday to Friday, 8 am to 4 pm)

Website: www.cic.gc.ca

MOSAIC LEGAL ADVOCACY PROGRAM

Free information and legal support to help newcomers deal with the legal system in Canada, with a focus on immigration law and poverty law. Services are available in different languages and with sensitivity to your culture.

Phone: 604-254-9626

Email: legaladvocacy@mosaicbc.com

Website: www.mosaicbc.com/settlement-services/general-support/legal-advocacy

PENSIONS

CANADA PENSION PLAN BENEFITS (CPP)

The CPP provides pensions and benefits when contributors retire, become disabled, or die. Almost all individuals who work in Canada contribute to the CPP.

Phone: 1-800-277-9914

www.servicecanada.gc.ca

Canada Pension Plan Credit Split Kit, to be used upon separation or divorce:

www.servicecanada.gc.ca/cgibin/search/eforms/index.cgi?app=profile&form=isp1901&lang=e

PENSION DIVISION FORMS AND OTHER EMPLOYMENT BENEFIT FORMS

Website: www.familylaw.lss.bc.ca

CHILD PROTECTION

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

If you believe that a child or youth is being abused or neglected and needs protection, you can call the Helpline for Children to report your concern to the Ministry.

Toll-free Helpline for Children: 310-1234 (a local telephone number anywhere in BC with no area code needed)

For emergencies outside office hours (8:30-4:30 pm, Monday to Friday):

Vancouver, the North Shore & Richmond: 604-660-4927

Lower Mainland from Burnaby & Delta in the west to Maple Ridge and Langley in the east: 604-660-8180

Other parts of BC (toll-free): 1-800-663-9122

Website: www2.gov.bc.ca/gov/content/safety/public-safety/protecting-children

ACCESSIBILITY AND HEALTH SUPPORTS

DISABILITY ALLIANCE BC

The Advocacy Access Program at Disability Alliance BC (formerly BC Coalition of People with Disabilities) is a place of support, information, and one-to-one assistance for people with all disabilities. Advocates assist people to apply for and appeal the denial of provincial and federal disability benefits.

Phone: 604-872-1278

Toll Free: 1-800-663-1278

TTY line (teletypewriter for deaf and hard-of-hearing people): 604-875-8835

Office hours: Monday to Friday
8:30 am to 4:30 pm

Website: disabilityalliancebc.org

HEALTHLINK BC

Non-emergency information on hospitals, clinics and other health care services as well as about health, mental health, and addictions treatment in BC.

Toll-free phone: 8-1-1

TTY (for deaf and hard-of-hearing people): 7-1-1

TEXT WITH 9-1-1 SERVICE

If you are deaf, hard-of-hearing, or have a speech impairment, you may be able to sign up to access 9-1-1 emergency services by text messaging on a cell phone. This service is available in some parts of BC only.

Website: textwith911.ca

Phone (long-distance call from BC): 613-233-4888

Email: info@textwith911.ca

RED CROSS HEALTH EQUIPMENT LOANS PROGRAM

The Canadian Red Cross may be able to lend you accessibility equipment such as wheelchairs or walkers on a short-term basis. In some cases, they may also be able to deliver and install advanced equipment like hospital beds, specialized mattresses, and patient lifts.

Website with directory of local services across BC and the Yukon: www.redcross.ca/in-your-community/british-columbia-and-yukon/health-equipment-loans

ALZHEIMER SOCIETY OF BC

Provides information, support, and counselling to people with dementia and their loved ones.

Website: www.alzheimer.ca/en/bc/

First Link Dementia Help Line
(toll-free): 1-800-936-6033

OTHER CANADIAN GOVERNMENT SERVICES

SERVICE CANADA

Provides information about and access to many Government of Canada services and benefits. Contact them if you need to replace your Social Insurance Number card.

Toll-free phone: 1-800-622-6232

TTY (teletypewriter for deaf and hard-of-hearing people): 1-800-926-9015

Web page for services to seniors:
www.servicecanada.gc.ca/eng/audiences/seniors/index.shtml

PASSPORT CANADA

Contact Passport Canada if you have lost your passport or need to have it replaced.

Toll-free phone: 1-800-567-6868

TTY (teletypewriter for deaf and hard-of-hearing people): 1-866-255-7655

CANADA REVENUE AGENCY (CRA)

Call the Canada Revenue Agency to get copies of your tax returns for the last three years.

Phone: 1-800-959-8281

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT CANADA

Contact the BC regional office if you need to replace your status card (Secure Certificate of Indian Status).

Toll-free phone: 1-800-567-9604

TTY (teletypewriter for deaf and hard-of-hearing people): 1-866-553-0554

OTHER BC GOVERNMENT SERVICES

PUBLIC GUARDIAN AND TRUSTEE (PGT)

Provides services to adults who may need help managing their affairs. You can contact the PGT to report financial or legal abuse of an adult who is not able to get help on their own, and the PGT will investigate. The PGT also offers some health care and financial/legal decision-making services.

Website: www.trustee.bc.ca

Web page with publications about your rights: www.trustee.bc.ca/services/services-to-adults/Pages/personal-planning.aspx

PGT health care decisions/assessment & investigation services:

Toll-free phone: 1-877-511-4111

Email: AIS-HCD@trustee.bc.ca

General phone: 604-660-4444

Hours of Operation: Monday to Friday, 8 am to 5 pm; weekends and holidays, 8 am to noon

BC LAND TITLE AND SURVEY AUTHORITY

Through the Land Title and Survey Authority, it is possible to freeze real property (land and buildings) so that it cannot be sold. Because the Land Title and Survey Authority cannot offer legal advice, it is a good idea to find other legal support to help with this process.

Toll-free phone: 1-877-577-LTSA (5872)

Website: ltsa.ca

BC OFFICES THAT ARE INDEPENDENT OF GOVERNMENT

BC OFFICE OF THE OMBUDSPERSON

If you are concerned that you have received unfair treatment from a provincial public authority (for example, a health authority, the Medical Services Plan, or ICBC), the Office of the Ombudsperson can investigate. They can provide information, advice and assistance in situations where provincial public authorities might not be following policies or laws or might be acting unfairly.

Phone: 250-387-5855

Toll-free: 1-800-567-3247

BC SENIORS ADVOCATE

Monitors seniors' services, shares information about seniors' issues and supports, and makes recommendations to government about system-wide issues facing seniors in the areas of health care, personal care, housing, transportation and income support. The BC Seniors Advocate phone line is answered by knowledgeable staff and is a source of information and referrals for seniors.

Toll-free phone: 1-877-952-3181 (during business hours only)

Website: seniorsadvocatebc.ca

POWERS OF ATTORNEY, REPRESENTATION AGREEMENTS AND PERSONAL PLANNING

NIDUS PERSONAL PLANNING RESOURCE CENTRE AND REGISTRY

Nidus allows you to register your personal planning documents such as powers of attorney and representation agreements. Nidus also provides 20-minute appointments for help which can include answering your questions about personal planning, helping you find out which legal documents you need and where to get the forms, and providing tips for using a representation agreement at the bank, hospital or government agency. Nidus does not provide legal advice.

Email: registry@nidus.ca

Website and appointment booking: nidus.ca

Toll-free voicemail: 1-877-267-5552

(no receptionist – email is preferred)

COMMUNITY-BASED SUPPORTS

BC ASSOCIATION OF COMMUNITY RESPONSE NETWORKS (CRNS)

CRNs are groups of people and organizations in different communities in BC who come together to respond to the abuse or neglect of adults.

Website: bccrns.ca

Map of local CRNs across BC: www.bccrns.ca/generated/crnhealthauthoritymap.php

BC211

If you live in the Metro Vancouver, Fraser Valley, Squamish-Lillooet or Sunshine Coast Regional Districts, you can phone or text 2-1-1 for information about community and government services, including shelters, transition houses, legal advocates, counselling programs, victim services, and more. 2-1-1 is multilingual and confidential.

Website: bc211.ca

NATIVE COURTWORKER AND COUNSELLING ASSOCIATION OF BC

Provides culturally appropriate services to Indigenous persons, including support to deal with the criminal justice system, referrals and counselling for clients with substance abuse and detox issues, and assistance with child apprehension and access custody orders. In Prince George, Aboriginal women who have experienced family violence can receive culturally sensitive support to rebuild their lives through the First Line of Defense: Strengthening Aboriginal Women Project.

Email: nccabc@nccabc.net

Website: nccabc.ca

QMUNITY

Qmunity provides support, information, and referrals to lesbian, gay, bisexual, transgender, queer, and two-spirit people of all ages and their loved ones. There are specific programs for older adults who are LGBTQ. Qmunity is located in Vancouver.

Phone: 604-684-5307

Website: qmunity.ca

VANCOUVER AND LOWER MAINLAND MULTICULTURAL FAMILY SUPPORT SERVICES SOCIETY (VLMFSS)

Supports immigrant, refugee, and visible minority women who are experiencing family violence, including older women and their families. You do not need to have legal immigration status in Canada in order to get help from VLMFSS. Services include crisis support, legal support, and victim support in more than 20 languages. VLMFSS can also help with accessing subsidized and emergency housing, income assistance, the immigration system, pensions, and the health care system.

Phone: 604-436-1025

Website: vlmfss.ca

MOSAIC VICTIM SERVICES

Support, information and practical help for multicultural victims of any crime in the Lower Mainland of BC. Services are offered with cultural sensitivity and in many different languages.

Phone: 604-254-9626

Website: mosaicbc.com/family-programs/family-programs/multicultural-victim-services-program

BC ASSOCIATION OF ABORIGINAL FRIENDSHIP CENTRES

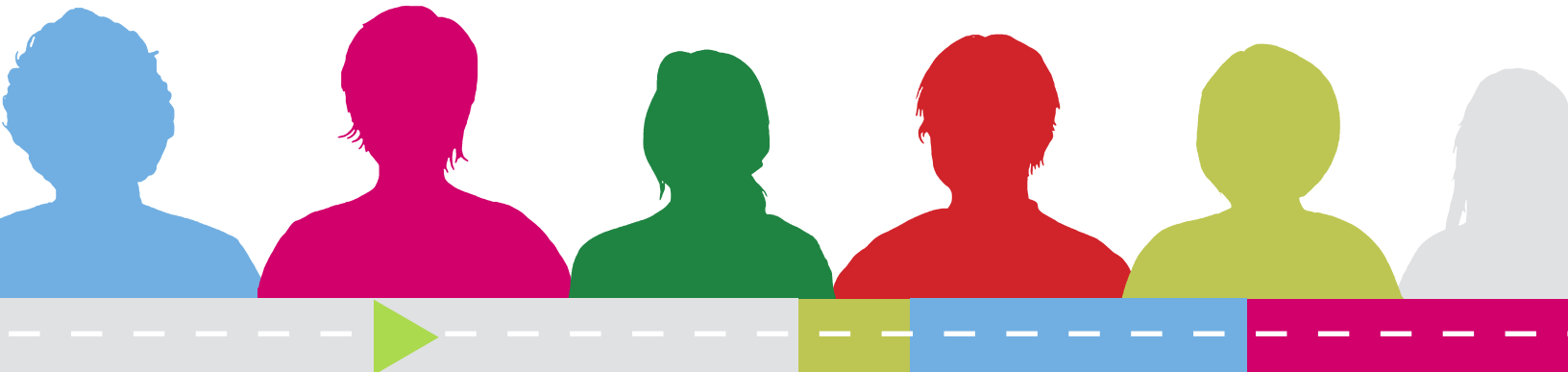
BC's 25 Aboriginal Friendship Centres strengthen Aboriginal communities and provide services to Aboriginal people.

Web page with contact information for all Aboriginal Friendship Centres in BC: bcaafc.com/contact-us/bc-friendship-centres

GUIDE TO ABORIGINAL ORGANIZATIONS AND SERVICES IN BC

Updated every year, this guide lists Aboriginal services and organizations across BC, most of them led by Aboriginal people. Areas include health and healing, housing, legal, women's services, and more.

Website: www2.gov.bc.ca/gov/content/governments/aboriginal-people/aboriginal-organizations-services



CANADIAN CENTRE FOR
ELDER LAW

1822 East Mall, UBC
Vancouver, BC, V6T 1Z1
(604) 822-0142
ccels@bcli.org

The Canadian Centre for Elder Law (“CCEL”) is a national, non-profit body dedicated to exploring the law and policy issues that impact us as we age. The mandate of the CCEL includes research, law reform, and education relating to legal issues impacting older adults.

bcli.org/ccel/



555 – 409 Granville St.
Vancouver, BC, V6C 1T2
604.684.8772
toll free 1.866.737.7716
info@westcoastleaf.org

West Coast LEAF works to advance women’s equality and human rights through legal interventions, law and policy reform, and public legal education in British Columbia.

West Coast LEAF is an incorporated BC non-profit society and federally registered charity. It is governed by an elected Board of Directors and supported by active members, committed volunteers, and a dedicated staff.

westcoastleaf.org