

Legal Information Workshop: Improving Access to Justice for Aboriginal Women

CASE SCENARIO #2: JACK & JILL

Jack and Jill live in a small isolated community. The community members live a traditional lifestyle, except for the health center, a small chapel, where mass is celebrated once a month and the Band office. This small community no OPP Detachment. Jack works for the Band as the finance officer and Jill has always been a homemaker, looking after their five children. She speaks ojibwe and very little English. Jill has a grade 5 education.

Jack has always been a heavy drinker, Jill drinks on occasion. They both survived residential school. Jack and Jill have always had a chaotic relationship and Jill can usually hold her own. Jack has a bank account where he deposits his pay check and he allows Jill to access his account to pay the bills.

One day, Jack goes to the Northern Store to buy something and he wants to pay with his debit card. The teller explains that Jack's transaction has been denied because there are insufficient in his bank account. Being an accountant, Jack knows what this means. He is furious and humiliated. He storms on his way home and confronts Jill. She denies having spent all the money. Jack starts yelling at her and demands the debit card. When she won't give it to him, he grabs her by the throat and pulls her to the bedroom where he demands that she look in her purse and find the card or he will choke her. This is all in front of the children.

Jill is terrified. She stumbles through her purse and finds the card and Jack snatches it from her. Jack points his finger at Jill and yells that from this day on, she will have to ask permission to purchase items for the family and provide the receipt to Jack. He warns Jill that he will teach her a lesson she will never forget if she does not account for her spending. Jill says that she will leave him. Jack screams that she is an unfit mother, who will never get a job and she will lose her children because he will make sure of that because he has connections and influence in the community, she doesn't.

From that moment on, Jack is very controlling. Jill has to present her case to Jack every time she needs money to buy groceries. Jack gives Jill the bank card but only after he makes her dance for him in a degrading way. Jack orders her to bring back the receipts. This goes on for over three months. After a particularly hard day, Jack comes home from work and orders Jill to go get him a six pack of beer at the Northern Store. Jill goes out and when she gets there, she notices that the mail has just been flown in on the weekly scheduled flight. She sees a notice from Bell that they will disconnect the telephone tomorrow if the bill is not paid today.

Jill looks at the bank card, she wonders if there is enough to pay the bill and buy a 'six pack'. She has been talking to the community wellness worker daily about her struggles and she knows that if she doesn't have a phone, she won't be able to talk to her anymore. Jill decides to pay the bill. She makes this decision because she knows that tomorrow is Jack's pay day and his check will be deposited directly as of midnight, 6 hours away. Jill pays the phone bill. She grabs a six-

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pack out of the cooler and heads to the till. The attendant tells her that there are insufficient funds. As Jill is leaving, she is terrified. What will she do? What will she tell Jack? She must think quickly. As she enters the home, she tells Jack that the debit machine at the Northern is malfunctioning and the clerk said that it would be fixed the next day. Jack is furious, he grabs the card from Jill's hands and grabs her by her long black hair and pulls her to the bedroom and pushes her onto the bed, where he then proceeds to squeeze his hands around her neck and yells, you spent all my money, didn't you?! As he squeezes harder, Jill is trying to fight back but she can't. Jack stops and points his finger at her and yells that he's going down to the Northern to see if she is telling the truth. He leaves and locks her in the room. Jill is terrified of what Jack will do to her when she is found out. She realizes that the phone is not disconnected. She calls the community wellness worker.

What happens to Jill?

You are the community wellness worker. You answer the phone and Jill tells you frantically what happened and what could happen very soon. You explain to her that she needs to think about the children that her life could be in danger. Jill wants to leave but she has no transportation. You explain to Jill that you can make arrangements for transportation that leaves the next day. Jill has a lot to think about.

Jill is terrified but decides not to leave her children. She wants to stay in her home and she wants Jack to find somewhere else to live and leave her alone. She doesn't think she can handle Jack anymore and is afraid that if they stay together, the next time he erupts he will kill her. She wants the relationship over.

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RESTRAINING ORDERS

CASE SCENARIO #2: JACK & JILL

Group Exercise:

- What information would you give Jill about Restraining Orders?
- What kinds of Restraining Order conditions might Jill ask for?
- What are the advantages and disadvantages of Restraining Orders for women in remote communities?
- Role play exercise:
 - You are the community service worker – prepare Jill for writing her application in support of a restraining order.

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CRIMINAL LAW

CASE SCENARIO #2: JACK & JILL

As the community service worker, you call the police and Jack is charged. He is released on bail on condition that he lives with his mother and he not communicate with Jill except to arrange visits with the children. The bail condition also provides that visits to the children by Jack must be at the band office and supervised by John's mother.

Following Jack's release, Jill tries to stay away from the band office and other places where she might see Jack, but they run into each other at the Northern Store. Jill is terrified of Jack and wants the relationship over. She tells Jack this. She is surrounded by people in the Northern Store so she feels safe enough to say this to him. Jack yells at Jill that she's a terrible mother and says that he'll tell children's aid that she's mentally unstable, violent and abuses drugs and alcohol. He tells her that she'll lose the kids and he'll get custody. He says he's a respected man in the community and he will be believed. No one will believe her. He also tells Jill that if she gets the charges against him dropped he won't make these allegations to CAS.

Group Exercise Questions:

- What criminal offences do you think Jack might be charged with?
- What information would you give Jill about the criminal justice process?
- What particular risk factor(s) for escalated violence are present in this case? What other concerns would you raise with Jill?
- Who would you refer Jill to for further information and /or advice?

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CHILD WELFARE

CASE SCENARIO #2: JACK & JILL

Scenario #1: Jill decides she wants the relationship over and she wants to stay in the home. CAS has been contacted because of concerns that the children are not safe in the home due to Jack's violence. Jill agrees to meet with CAS to develop and sign a plan of care agreement.

Questions:

- What can you tell Jill about signing a plan of care agreement?
- How can you help her prepare for her meeting with CAS? How can you assist her during that meeting?

Scenario #2: After a week or two, Jill calms down and decides that she wants to stay with Jack. She says she can handle him. You explain to her that it is not safe. She indicates that she will be fine. You know that is not true, you are the wellness worker and you call Child welfare services. The social worker says that she has had too many complaints and that if Jill does not do something and get Jack out of the house, she will be apprehending the children. Jill decides to stay in the community and stay with Jack, but she moves herself and her children out of the home to live temporarily with her sister and brother-in-law.

Questions:

- How can you help Jill develop a safety plan in the community?
- How can you assist her in preparing for her discussions with CAS?
- Living with family is a short term plan, how can you help Jill with her longer term plans?
- Where can you refer Jill for more information and advice?

Scenario #3:

Jill decides to leave the children at home and go to Sudbury temporarily until she can make arrangements to have the children brought down. Jack has threatened that if she ever leaves, he will try to use her "abandoning" her children against her.

Questions:

- What are the family law and child welfare implications if Jill leaves her children temporarily? Will she be perceived as abandoning them?
- What planning should Jill do if she plans on leaving without the children?

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FAMILY LAW

CASE SCENARIO #2: JACK & JILL

Jill wants the relationship over and she wants Jack out of the house.

Questions:

- What legal information would you give Jill about the family law orders she could seek?
- Does it matter if she is married or living common law with Jack?
- What would you tell her about how to get a family law lawyer?
- How would help her prepare for her first meeting with that lawyer?