



**IMPROVING ACCESS TO JUSTICE
FOR WOMEN IN THE NWT**

FAMILY LAW



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FAMILY LAW

- Territorial laws make rules about separation between spouses dealing with:
 - arrangements for children,
 - responsibilities,
 - how to divide property,
 - financial support,
 - adoptions,
 - the protection of children and
 - the enforcement of court orders for financial support for children and spouses.
- Territorial law sets out different ways to protect victims from violent family members. The family laws of the Northwest Territories may not be the same as the other provinces and territories throughout Canada.
- The acts that are used most often are the *Family Law Act*, the *Children's Law Act*, the *Divorce Act*, and the *Child and Family Services Act*.

THE FAMILY LAW ACT

- The *Family Law Act* sets out the laws about the rights and responsibilities of married and common-law spouses, both before and after separation.
- It also deals with spousal support and how people divide their property after separation or divorce.

THE CHILDREN'S LAW ACT

- The *Children's Law Act* deals with things such as custody, support, access, and parentage. Custody involves determining where a child will live and who will make decisions about the care and upbringing of the child.
- Access means the time that a parent who does not have the day-to-day care of the child is able to spend with him. Sometimes there is a question of who is the mother or the father of a child and the *Act* sets out the rules for determining who is considered to be the child's parent.

THE DIVORCE ACT

- The *Divorce Act* applies only to people who are legally married and sets out the rules for ending a marriage. It does not apply to people who live together without being married, also known as common-law relationships.
- The *Divorce Act* is a federal law. It applies to married spouses who want a divorce and deals with:
 - • arrangements for children;
 - • custody and access;
 - • child and spousal support.
- The *Divorce Act* is the same everywhere in Canada.

THE CHILD AND FAMILY SERVICES ACT

- The *Child and Family Services Act* provides for protection for children under the age of 16 years where there is a concern that they are being abused or neglected or are otherwise in danger from their family.

MAINTENANCE ENFORCEMENT ORDERS ACT

- The *Maintenance Orders Enforcement Act* sets up the Maintenance Enforcement Program (MEP) and provides for various ways to enforce payments to make sure that child and spousal support orders or agreements are paid.
- The program is a free service and available if you register through the MEP office.

LEVELS OF COURT

- There are four levels of court in the NWT: Justice of the Peace Court, Territorial Court, Supreme Court and the Court of Appeal. Each level of court has certain responsibilities and decision-making powers for different legal matters.

JUSTICE OF THE PEACE COURT

- Justices of the peace are people who have some training in legal issues.
- Justice of the Peace Court can make decisions in some child protection matters, like making a finding that a child is in need of protection. (*Child and Family Services Act*)
- Some justices of the peace have been trained to take emergency applications and can make Emergency Protection Orders in situations where a family member is violent. (*Protection Against Family Violence Act*)

TERRITORIAL COURT

- The Territorial Court can hear and make decisions regarding child protection, and can make decisions regarding custody, access and financial support for children of a relationship and maintenance enforcement. (*Children's Law Act, Family Law Act, Maintenance Enforcement Act, Inter-jurisdictional Support Orders Act, Child and Family Services Act*).

THE SUPREME COURT OF THE NWT

- The Supreme Court can hear and make decisions on all issues under the *Divorce Act* and most other matters involving children and families, such as custody, child and spousal financial support and the division of family property. *The Protection Against Family Violence Act* is under the jurisdiction of the Supreme Court and the court reviews all emergency protection orders made by designated justices of the peace.

THE COURT OF APPEAL

- The Court of Appeal does not conduct trials. It hears appeals, both civil and criminal, from the lower courts. To appeal means to ask a higher court to reconsider a case if a judge has made a mistake about the law.
- The reasons for an appeal from a lower court decision are limited to the judge making an error about the law. It is not enough that you disagree with the decision or that you disagree with the decision the judge made about who was telling the truth.
- If you think this may have happened in your case, you should talk to your lawyer about it. The Supreme Court hears appeals of rulings made in Justice of the Peace Court and in the Territorial Court. The Court of Appeal hears appeals from the Supreme Court.

In rare circumstances where there is a unique issue of law, an appeal from the Court of Appeal can be made to the Supreme Court of Canada.

PRIVATE LAW

- **Private law deals with the rights of individuals to**
- • enter into personal relationships (family law, children's law)
- • make agreements with others (contract law, commercial law)
- • own and deal with property (property law, will and estates)
- • to be free from unwanted or harmful actions from others (tort law)

PUBLIC LAW

- Public law deals with the relationship between the government and citizens
- Criminal law is public law

FAMILY LAW IS PRIVATE LAW

- **Most family law issues are private matters such as divorce, child custody, family property division and the enforcement of maintenance payments.**
- In family law cases, the party who starts the action (applies to court) looking for a solution is usually called the petitioner or applicant.
- The person who must respond to the application is called the respondent.
- A civil law dispute might be resolved by applying common law, interpreting a statute or by a combination of both.

FAMILY LAW

- • the aim is to resolve matters between individuals;
- • you must bring action (start the legal process) yourself;
- • costs for filing and the lawyer are your responsibility;
- • you can change your mind and decide not to go to court;
- • the parties can make an agreement and settle at any time;
- • you must prove your case on a balance of probabilities (lower standard than criminal);

FAMILY LAW

- The documents that begin a family court proceeding are usually a petition (in the case of a divorce) or an originating notice followed by a notice of motion. If the action is being started, you use an originating notice and if there is already an action before the court on the same matter, you use a notice of motion.
- The party who files the originating documents is called the petitioner, the applicant, or sometimes the plaintiff.
- The party who responds is called the Respondent or defendant

FAMILY LAW

- As soon as you move in with someone you share a marriage-like relationship with, you have entered a common-law relationship.
- Until you have been living together for two years or have a child together, however, you have very few rights or obligations if the relationship ends. For example, you may not be entitled to support or a division of property.
- A common-law relationship is defined as two people living together as a couple. If you do not live together, you are not considered to be in a common-law relationship, and do not have to take any formal steps or legal action in order to end the relationship.

FAMILY LAW

- Under NWT family law, people do not have rights or obligations as spouses unless they have lived together for two years or have a child together. However, some federal laws recognize relationships as common-law after different amounts of time. For example, the *Income Tax Act* says that a couple is can be recognized as common-law after living together for 12 months.

FAMILY LAW

- When a relationship ends, you can choose to make it final with a separation agreement or divorce. If you are legally married, you can get a separation agreement, a divorce, or both.
- If you are not legally married, but live in a common-law relationship, you can get a separation agreement to formally end the relationship.
- You can also ask the court to make an order about children, property and support if you are unable to reach an agreement on these issues with your former partner.

FAMILY LAW

- There is no such thing as a “legal separation”. You are separated in the eyes of the law when one spouse moves out, and does not intend to reconcile. Sometimes, you can also be considered separated even if you still live under the same roof as your spouse. A lawyer can help you figure out if this applies to you.
- For example, if it is hard to find housing in your community and you cannot move out, you may still be considered separated in certain circumstances.

FAMILY LAW

- The date of your separation is important. Under the *Family Law Act*, the date of separation is used to determine the value of the things you and your spouse own together. For example, any bank accounts will be divided according to how much was in the account on the date of separation.
- Once you separate, you and your former spouse will have to resolve issues such as who will care for your children (custody) or how you divide the things you own (like your house) – this is called “division of property”.
- These matters are often resolved by agreement between the spouses. If you are legally married and decide to end your legal relationship with your spouse you will have to ask the court to grant you a divorce.

FAMILY LAW - DIVORCE

- Divorce is the legal way to end a marriage. Many couples also choose to deal with issues like custody, access, support, and division of property at the same time as the divorce. If you already have a separation agreement that deals with these things, that agreement may be added into the divorce order.

REQUIREMENTS FOR DIVORCE

- Before you can get a divorce in the NWT, you must meet certain requirements.
- • You or your spouse must have lived in the NWT for one year before starting the divorce action. (Residency requirement) and You must have grounds for divorce.
- The law will allow a married couple to divorce when the marriage has broken down. Marriage break down can be shown if:
 - • You and your spouse have been living separate and apart (separated) for one year or more; or
 - • Your spouse has committed adultery. This is when a married person has voluntary sexual intercourse with a person other than their spouse, whether or not they are still living with their Spouse (rarely used now); or
 - • Your spouse has treated you with such cruelty as to make it intolerable to continue living together. This can be physical or emotional cruelty.

STEPS IN AN UNCONTESTED DIVORCE

- 1. A petition for divorce is filed with the court.
- 2. The petition is served on the other spouse (respondent).
- 3. The respondent has 25 days if served in the Northwest Territories and 30 days if served outside of the Northwest Territories to file an answer or counter-petition.
- 4. If no answer or counter-petition is filed, the person seeking the divorce must swear an affidavit outlining the facts and circumstances of the marriage, the separation, the children of the marriage and other relevant facts. This affidavit, along with a number of other necessary documents, can then be presented to the court with a request that a divorce be granted.
- 5. A judge will look at the documents and, if satisfied that all of the conditions for a divorce have been met and that child support has been addressed for any children of the marriage, will grant a divorce judgment.
- 6. The divorce judgment is sent to the respondent by the court. The respondent has 30 days from the date that the judgment was granted to appeal the judgment if he or she wishes to do so.
- 7. If the judgment has not been appealed, it becomes final on the 31st day. At this time, a request can be made for the court to issue a "certificate of divorce." This document is the evidence that will be required to prove your divorce should you need to do so for any reason.

DIVORCE

- An uncontested divorce usually takes at least three months to complete but may take longer depending on the circumstances.
- When the judgment is issued, the court may make a corollary relief order.
- This is an order of the court that can deal with custody, child support, and spousal support. The court may also issue a property order that sets out how the property and debts of the couple are to be divided.
- divorce judgment becomes final thirty-one days after it is made by the court. After that time, it cannot be appealed and it is final. When a divorce judgment becomes final, you have to ask the court to issue a divorce certificate. This is the document you need to prove that you are no longer married.

DIVORCE

- In order to obtain a divorce certificate you must contact the Supreme Court Registry that granted the divorce judgment.
- If you are not sure of the location of the registry where your divorce was filed, you can contact the Central Registry of Divorce Proceedings for Canada.
- They will not be able to give you the document but will be able to tell you at which registry your divorce was filed.

CUSTODY & ACCESS

- When parents separate, they have to decide where their children will live and who will meet their day-to-day needs.
- The legislation that helps parents resolve these issues are the *Children's Law Act* and the *Divorce Act*.
- There are a number of options for parents, including sole custody, joint custody, shared custody, and split custody.

ACCESS

- When a child lives with one parent, the other parent almost always has the right to visit the child. The legal word is "access." Access recognizes that it is in the best interest of the child to continue to have a relationship with both parents after they separate.
- Sometimes an access order says that the parent who doesn't have custody should have reasonable and generous access. This leaves it up to the parents to arrange visiting times.

SOLE CUSTODY

- Sole custody means that one parent has day-to-day care of the child and makes most decisions about the child. This parent is called the custodial parent. The custodial parent can and must make medical and schooling decisions, determine what faith the child is raised in (if any), and make all the other major decisions about the child's life. The other parent is normally able to spend time with the child as agreed between the parents or as ordered by a judge.

JOINT CUSTODY

- Joint custody means that both parents continue to have input into the major decisions that affect the child's life.
- The child may live with one parent or may move back and forth between the parents' homes on a regular basis, depending on what the parents decide.
- The parents work together to make decisions that are in the best interest of the child, and must be willing to cooperate with each other to do this.

SHARED CUSTODY

- Shared (and joint) custody occurs when the child lives with each parent for about an equal amount of time but at least 40 percent of the time in a year.
- For example, the child may spend two weeks with mom then two weeks with dad, or some similar arrangement.
- Most parents who share custody will make decisions for the child together. This type of custody works best when both parents live in the same community.

SPLIT CUSTODY

- Split custody can happen when there are two or more children and some children live with each parent. In this situation each parent is primarily responsible for the care of at least one child.

LEGAL RESPONSIBILITIES

- **When parents settle on a living arrangement which splits the children between two homes, legal responsibilities can be shared in a number of ways:**
 - each parent may have sole custody of the child or children in his or her care;
 - the parents may have joint custody of all of their children for the purpose of making decisions affecting the children's lives; or
 - one parent may have sole custody of one or more children and the parents can share joint custody of others.
- If the parents cannot agree where a child should live or which parent should make decisions about the child's life, lawyers or mediators can help parents work toward an agreement. If no agreement can be reached, even with the help of a lawyer or mediator, either of the parents may ask a court to make that decision.

LEGAL RESPONSIBILITIES

- If this happens, the judge will focus on the best interests of the child, not the interests and rights of the parents.
- The judge bases her decision on what she believes is best for the child and what arrangement can best meet the child's needs.
- Although many people don't know this, parents have no legal right to custody of or access to their children. This means that you are not guaranteed custody or access just because you are a parent.
- If it is in the best interest of the child to deny custody or access, a judge may choose to do so. The judge must decide what living arrangement will best meet the **child's** needs.

CHILD SUPPORT

- A child has the right to financial support. Parents have a joint financial responsibility to maintain the children of the relationship.
- Child support is the amount of money one parent pays to another for the financial support of a child.

CHILD SUPPORT

- **Child Support Guidelines**
- Child Support Guidelines make sure the treatment of children is fair and that parents in similar circumstances pay (or receive) the same basic amounts of child support.
- The Guidelines are based on studies of the average costs of raising children. They are a set of rules and tables for calculating the amount of child support parents should pay so that children continue to benefit from the financial means of both their parents after separation.

CHILD SUPPORT

- The Guidelines are also intended to reduce conflict and tension between parents by making child support calculations fairer, more objective and by encouraging agreement between parents. If you know in advance what your child support amount will likely be, it may be easier for you and the other parent to agree on what should be paid.
- The Child Support Guidelines set out the amount of child support to be paid based on things such as the income of the paying parent, the number of children being supported, and where the paying parent lives (due to differences in income tax rates). For more information about Child Support Guidelines or to see a copy of the tables that set out how much support should be paid, go to www.justice.gc.ca (click on "Child Support"). The Child Support Guidelines payable under the *Children's Law Act* of the NWT are contained in regulations.

SPOUSAL SUPPORT

- When a couple separates, both spouses may not have the same ability to support themselves financially. In this case it may be possible for the spouse who earns less to receive support.
- The spouses may choose to include support in an agreement, or they may leave the decision up to a judge.
- If the spouses were married and one of them has begun a divorce action, the *Divorce Act* is used to determine if a spouse should get support.
- If the spouses were not married or if married spouses have separated but are not seeking a divorce, the *Family Law Act* of the Northwest Territories applies to spouses who live in the Northwest Territories.
- The law, in either case, is very similar. In the case of spouses who were not married, however, a spouse must apply for support within two years of the end of the relationship to be eligible for support under the *Family Law Act*.

SPOUSAL SUPPORT

- **In determining whether a spouse should have to pay support for his former partner, the judge must first decide whether the spouse has a legal claim to support after the end of the relationship. In making this decision a judge will consider:**
 - any financial advantages or disadvantages to the spouse resulting from the relationship or the breakdown of the relationship;
 - whether the spouse seeking support has responsibilities for child care which may limit his ability to earn income;
 - whether either of the spouses has experienced financial hardship due to the breakdown of the marriage.
- **Once it has been determined that support should be paid, the judge then decides how much should be paid and for how long.**

SPOUSAL SUPPORT

- **In deciding this, a judge will consider:**
 - • how long the couple lived together;
 - • the education level of the spouses;
 - • the earning ability of the spouses;
 - • the age of the spouses; and
 - • the income of the spouses.
- Support for spouses can be paid as one lump sum or as several payments over time. Unlike child support, the paying spouse can claim the payment as a tax deduction in most cases, while the receiving spouse must pay tax on the support.

SPOUSAL SUPPORT VARIATION

- A spousal support order can be changed (varied). Before a judge can do this there must have been a change in the condition, means, or other circumstances of one of the spouses since the original order was made.
- For example, it may be that the paying spouse has retired and now has a lower income. Or the receiving spouse may have been responsible for the care of young children and was not able to work but the children are now all in school full-time, making it possible for the spouse to work.
- Whether the order was made under the *Divorce Act* or the *Family Law Act*, you can make an application to vary the terms of the order in any jurisdiction in Canada. You may have to take steps to register the Order in the other jurisdiction before it can be varied there.

THE REALITY OF GOING TO COURT FOR A WOMAN LEAVING AN ABUSIVE RELATIONSHIP

- She is going to have to provide **detailed information** about the abuse
- ☐☐To get services and **orders**
- ☐☐To keep herself and her children **safe**
- ☐☐To make sure her **children's best interests** are respected

THE BEST INTEREST OF THE CHILD

- Used for **all** custody and access decisions
- • Section 17 of the *Children's Law Act*
- 17. (1) The merits of an application under this Division in respect of custody of or access to a child
 - shall be determined in accordance with the best interests of the child, with a recognition that differing cultural values and practices must be respected in that determination.
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CRITERIA

- (2) In determining the best interests of a child for the purposes of an application under this Division in respect of custody of or access to a child, the court shall consider all the needs and circumstances of the child including
 - (a) the love, affection and emotional ties between the child and
 - (i) each person entitled to or seeking custody or access,
 - (ii) other members of the child's family, and
 - (iii) persons involved in the care and upbringing of the child;
 - (b) the child's views and preferences if they can be reasonably ascertained;
 - (c) the child's cultural, linguistic and spiritual or religious upbringing and ties;
 - (d) the ability and willingness of each person seeking custody to, directly or indirectly, provide the child with guidance, education and necessities of life and provide for any special needs of the child;
 - (e) the ability of each person seeking custody or access to act as a parent;
 - (f) who, from among those persons entitled to custody or access, has been primarily responsible for the care of the child, including care of the child's daily physical and social needs, arrangements for alternative care for the child where it is required, arrangements for the child's health care and interaction with the child
- through, among other things, teaching, playing, conversation, reading and discipline;

CRITERIA

- (g) the effect a change of residence will have on the child;
- (h) the permanence and stability of the family unit within which it is proposed that the child live;
- (i) any plans proposed for the care and upbringing of the child;
- (j) the relationship, by blood or through adoption, between the child and each person seeking custody or access; and
- (k) the willingness of each person seeking custody to facilitate access between the child and a parent of the child who is seeking custody or access.

IN MATTERS OF VIOLENCE

- (3) In determining the best interests of a child for the purposes of an application under this Division in respect of custody of or access to a child, the court shall also consider any evidence that a person seeking custody or access has at any time committed an act of violence against his or her spouse, former spouse, child, child's parent or any other member of the person's household or family and any effect that such conduct had, is having or may have on the child.
- (4) Subject to subsection (3), a person's past conduct may be considered in an application under this Part in respect of custody of or access to a child only where the court is satisfied that it is relevant to the person's ability to act as a parent.

ECONOMIC CIRCUMSTANCES

- (5) The economic circumstances of a person seeking custody or access are not relevant to the person's ability to act as a parent.

IMPORTANT

- *The provision on a parent's conduct towards the other parent make it clear that **violence or abuse** perpetrated by an individual is **relevant** to his or her **ability** to act as a **parent** and require the **judge** to consider it.*
- However...
Partner abuse remains **under-recognized** by judges due to the evidence presented
- Judge may still perceive joint custody or extensive access as in **children's best interest**

TESTIFYING ABOUT ABUSE IN FAMILY PROCEEDINGS

- Therefore...
- frame **evidence** of the abuse as having an **impact** on the **abuser's** ability to act as a **parent**.
- Gathering evidence
 - • Be **specific**
 - • Describe **effect** on children
 - • Stay **focused**
 - • Be direct and give **factual** information
 - • Avoid **over**-representing or **under**representing the facts

SOURCES OF EVIDENCE

- • **RCMP** calls
- • **Police** incident reports
- • Criminal **charges**, bail conditions, terms of probation etc.
- • **Breaches** by her ex-partner of any family court restraining orders, EPOs
- • Crown **disclosure package** in any criminal proceedings
- • **Comments** by the criminal court judge that verify there was abuse

SOURCES OF EVIDENCE

- • **Hospital** reports
- • Records from her family **doctor**
- • Evidence from her **religious leader**
- • **Neighbours** who witnessed abuse or violence
- • **School** teachers and **day care** workers
- • **Photographs** of injuries or property damage
- • Evidence of post-separation **stalking**

EVIDENCE

- • Her notes or **diary**
- • **Communication** by her ex-partner that demonstrate his abuse, violence, control or harassment (email, voice mail, text, etc.)
- • **Child welfare** records
- • **Employer** information about her abuser's violence, control or harassment

AFFIDAVITS

- • **Written** document presenting **evidence**
 - • Information that the person promises is **true**
- Credibility will be negatively affected if anything in the affidavit is not true
- In custody and access cases
- Both** parties will prepare affidavits
- An affidavit should be
 - • Clear, detailed and **precise**
 - • Written in **logical** order
 - • **Legible**
 - • Paragraphs should be **numbered**
 - • Written in **first person**

CONTENTS OF AFFIDAVIT

- Answer these 3 questions
- **Who** is my family?
- **What** do I want?
- **Why** should I get it?
- *Who is my family?*
 - • The **children**
 - • The **parents**
 - • Where everyone is **living**
 - • Informal **custody** and **access** arrangements
 - • When parents **separated** and *briefly* why

CONTENTS OF AFFIDAVIT

- *What do I want?*
 - • Child **custody** and **access**
 - • Child and spousal **support**
 - • Division of **property**
 - • Exclusive possession of the matrimonial **home**
 - • **Restraining** order

CONTENTS OF AFFIDAVIT

- *Why should I get it?*
- • **Custody** – who cared for the children before and what is her plan now
- • **Access** – why it should be restricted or supervised
- • **Child and spousal support** – what are his and her work histories and income
- • **Matrimonial home** – what is in the best interests of children
- • **Restraining order** – why she has safety fears

AFFIDAVIT

- If the woman has a lawyer
- • Lawyer **prepares affidavits**, including affidavits from other sources
- • The woman must **gather the information** for the lawyer
- • The woman must **read** the affidavit and request necessary **changes** before she swears that it is **true**

AFFIDAVIT – NON REPRESENTED

- If she does **not** have a lawyer
- • Use a **computer** or print very carefully
- • Be **clear**
- • Give **details**, but not too many
- • Find someone to **commission** her signature
- • **File** the affidavit with the court and have her ex-partner served

PRESENTING EVIDENCE OF ABUSE

- • **Pattern**
- • Length of **time**
- • Whether it is getting **worse**
- • Physical **injuries**
- • What the **children** know
- • **Impact** of the abuse
- • **Safety** concerns

ORGANIZING THE INFORMATION

- Organizing the information
- • Be direct and **specific**
- • Stay **focused** on the legal issues
- • Be **factual** and don't exaggerate
- • **Don't underplay** the seriousness
- • Start with the **most recent** event, then move back
- • **Categorize** information in a chart

STRATEGIES USED BY THE ABUSER

- • **Deny** or minimize the abuse
- • **Blame** the woman for his behaviour
- • Alleging that **she is the perpetrator**
- • Claims she is **incompetent**
- His goal is to
- **discredit, intimidate** and **harass**.

HELPFUL TIP

- *It is very helpful if*
- the woman can have a **support person** or
- friend with her when she reads her
- **ex-partner's affidavit**

SAFETY ISSUES & SAFETY PLANS

- • What are the expected **repercussions** of
- disclosing abuse?
- • Should the woman take **additional steps**
- to preserve her safety after disclosing?
- Safety plans
- • **Individualized**
- • Strategies to **reduce the risk** of violence
- • Strategies to **maintain basic needs**
- • **Change** as circumstances change

IMPORTANT POINTS

- • **Never minimize a woman's safety**
- • Be aware of **resources** for women in your own community
- • **Collaborate** with other women's advocates
- • Have an understanding of **interagency issues**
- • **Respect a woman's choices**

POINTS TO REMEMBER

- A good safety plan will...
- • Seek to reduce or eliminate the range of
- **risks** the woman faces
- • Include **strategies** for staying in and/or leaving the relationship
- • Have short- and/or long-term **time frames**
- • **Change** as a result of changed circumstances

TIPS FOR A SAFETY PLAN

- Include in a safety plan
 - • How to get **away** if there is an emergency
 - • How to get **help** if leaving is not a choice
 - • **Where** to go if she leaves
 - • How to be safe at a **new place**
 - • How to **keep in touch** with people who will help her
 - • How to keep her **children safe**
 - • How to protect her **personal property**
 - • How to stay safe **in public** and **at work**
 - • Anything else that the woman and children need to feel they have a viable safety plan

SAFETY IN COURT

- • Preparing **emotionally** to see the abuser
- • Visiting the court **ahead** of time
- • Bringing along something to **pass the time**
- • Knowing if the abuser is **representing himself**
- • Making sure **everyone knows** about safety concerns
- • Arriving **early** to avoid seeing the abuser outside the court
- • Making safe **transportation** arrangements
- • Being aware of the **court security**
- • **Staying behind** after court until the abuser has left
- • Asking court security to **walk her** to her car
- • Carrying a **cell phone**, if possible
- • Having a plan for **leaving** the court

PRIVACY & SAFETY

- Keeping her address private
- • Use a **post office box** or a friend's address for mail
- • For court documents, use an alternative address at which **documents can be served**
- • Do **banking** on-line
- • If **applying for credit**, use a post office box or alternate address
- • **Separate her credit files** with the credit bureau to avoid him having access to this information

PRIVACY & SAFETY

- • **Social assistance** – talk with caseworker about safety issues
- • Request that her **lawyer** not disclose her address on court documents
- • Alert her **employer** about keeping the address private
- • **Visitors** to her home should make sure they are not followed
- • Talk to her **children** about not giving out the address
- • Find a safe drop-off and pick-up location for **access** visits

LEGAL ADVICE

- A lawyer can provide strategic advice
- • Relevance of information to **legal issues**
- • **Types** of evidence to introduce
- • **When** to disclose information
- • Is the information **credible** enough
- • Role of **medical/psychological** information
- • **How** to present information to the court

- *Your role*
- help any woman who comes to you for support feel:
 - **believed, safe and not judged**

OTHER WAYS TO SUPPORT

- • Make **referrals**
- • **Safety** plan
- • Support her relationship with her **lawyer**
- • **Explain** the family court process
- • Help her with **evidence**
- • Connect her to online **resources**
- • **Advocate**

OTHER WAYS...

- Gathering and presenting **evidence** about **abuse** is **critical** to achieving appropriate **outcomes** in court

FOR MORE INFORMATION

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