

Safely On Your Way

**A legal information and resource guide for
survivors of intimate partner violence and their
service providers in Nova Scotia**

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This guide provides legal information, not legal advice. It contains general legal information only and is not intended to replace professional legal or other advice. The general information and tips in this guide may not apply to or be suitable for your specific situation. You should not rely on this information without first consulting a lawyer to learn how the law applies to your situation.

The authors or distributors of this manual are not responsible for any liability arising directly or indirectly from the use or application of any information contained in this guide. We have made every attempt to ensure that the information in this guide was accurate as of the publication date; however, laws and policies frequently change, and different circumstances can lead to different legal outcomes.

Links to external resources are provided throughout this guide. These links provide for general information - we have not confirmed that information in these resources is accurate or up to date and are not responsible for their contents.

It is always recommended to seek legal advice. For information on finding a lawyer, see **Chapter 7: You and Your Lawyer**.

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Introduction

Who is this guide for?

Welcome to *Safely on Your Way: A Legal Information and Resource Guide for Survivors of Family and Intimate Partner Violence and Their Service Providers in Nova Scotia*.

This guide provides legal information about family and intimate partner violence in Nova Scotia. It is intended for survivors to help them feel empowered and informed in their choices and path forward. Its focus is on helping survivors understand the law, learn self-care strategies, and understand what community resources are available to help guide and support them in their journey.

A lot of the information in *Safely on Your Way* may also be helpful to service providers, including staff at Transition Houses, Women's Centres, housing support organizations, and anyone whose work is focused on helping people who have been impacted by family and intimate partner violence.

Intimate partner violence has many names. It is sometimes called domestic violence, spousal violence, domestic abuse or spousal abuse. Intimate partner violence includes any form of abuse by one partner against the other. It can happen in any relationship including in a marriage, a common-law partnership, a registered domestic partnership, a dating relationship, or any other intimate relationship. Violence may

occur between two people who have never lived together. **Family violence** includes intimate partner violence as well as any violence that takes place between any family members including children or grandparents, for example. “Family Violence” is also a legal term in family law.

We primarily choose to refer to “family and intimate partner violence” throughout this guide to reflect the reality that this kind of violence can happen regardless of whether the person perpetrating the abuse and the survivor are in a domestic situation (i.e. living together).

It is important to acknowledge that intimate partner violence can occur in both straight and queer relationships. When we say “queer” we mean any person and relationship within the 2SLGBTQIA+ spectrum. Please note, however, that people within the 2SLGBTQIA+ community may prefer different words to refer to themselves and their relationships, and these language choices should always be respected. You can refer to the back of this guide for a **2SLGBTQIA+ Terms** glossary of common terms in case any of these terms and concepts are new to you. We also have a glossary of common **Legal Terms** at the back of the guide.

Women, non-binary, and trans people across the gender spectrum are the people who most often experience abuse in intimate partner relationships. This includes cisgender women (i.e. women whose gender matches the sex they were assigned at birth), transgender women, transgender men, two-spirit people, non-binary people, genderqueer people, and other people who fall under the gender diverse umbrella.

Intimate partner violence is a form of gendered violence. This means that people who are marginalized or oppressed because of their gender are more likely to experience this kind of harm. We also acknowledge that some cisgender men experience intimate partner violence.

Intimate partner violence impacts many people regardless of their background, culture, class, race, religion, or other characteristics that define who a person is and their life situation.

At the same time, **it is important to apply an intersectional approach** and recognize the increased vulnerability of people who face discrimination because of their race, sexual orientation, ability, or other aspect of their core identity. People who are marginalized in other ways in addition to their gender are more likely to experience intimate partner violence. People who face multiple forms of discrimination also face increased barriers to accessing support and care. We will talk about this more later in the guide.

TIP

The term “intersectionality” is rooted in Black feminism and was coined by Black legal scholar Kimberlé Crenshaw in 1989. To learn more about what intersectionality means as well as its Black feminist roots, visit www.canadianwomen.org/the-facts/intersectional-feminism/ and watch Kimberlé Crenshaw’s TED talk at www.ted.com/talks/kimberle_crenshaw_the_urgency_of_intersectionality/up-next

Safely On Your Way is for anyone who needs it and who would feel helped by its content. We encourage you to take what you need from this guide and return to it whenever you’re ready to read more.

As you read this manual, take breaks as needed and reach out for support from loved ones and professionals. There is a resource guide at the back of this manual where you can find supports and programs available throughout Nova Scotia. You may also want to see **Chapter 9: Taking Care of Yourself.**

Why is this guide important?

Survivors deserve to understand the law and how it impacts them. Leaving an abusive relationship can be complicated and difficult for numerous reasons.

One of these reasons is that the relationship may involve children. If this is the case, the survivor may have concerns about how the children will be impacted and what will be involved in any legal matters, including court processes concerning parenting arrangements.

A significant portion of this guide focuses on legal information about parenting after separation. When a couple separates, in most cases both parents continue to have legal rights and obligations to their children and property. Ongoing family court matters such as **“parenting time”** and **“decision-making responsibility”** (see **Chapters 5 & 6** on parenting arrangements), divorce, and child support can keep the parents in contact with each other for years after separation.

“**Parenting time**” and “**decision making-responsibility**” are legal terms. Definitions for these and other bolded legal words can be found in the **Legal Terms** section at the end of this guide.

This post-separation contact can be difficult and dangerous for survivors who have children because it may provide opportunities for the violence to continue. For example, an abusive ex-partner may threaten or harass the survivor during while handing the child over from one parent to another (also called child exchanges), file excessive family court applications, make false allegations to child protection authorities, refuse

to return the children after their parenting time, or even harm the children directly in an effort to maintain control.

This guide contains important information about many of the parenting arrangement issues that survivors of intimate partner violence face as they attempt to balance safety concerns with their family law obligations. It also provides information on other legal issues related to intimate partner violence, such as immigration concerns, Emergency Protection Orders, child protection proceedings and how to effectively work with your lawyer, among others.

Use the guide as you need it, and don't worry about the parts that don't apply to your current situation. At the back of the guide there is a **Resources** chapter to help you find the professionals and support services you may need.

Why update this guide?

The version you are reading is an update of *Safely on Your Way*. This guide was originally published in 2008 and various elements of the law have since changed. We have therefore updated the guide to reflect the law as it is in 2024.

In 2021, Statistics Canada indicated that 114,132 people across Canada reported experiences of intimate partner violence to the police during the preceding year. We know that many survivors have complex reasons for not involving the police, so the actual numbers of people who have experienced family and intimate partner violence across Canada is likely much higher than this figure. This speaks to the importance of educating and informing survivors about the laws that are most relevant to them as they leave abusive relationships.

Understanding the law can help survivors of family and intimate partner violence make informed and empowered choices. *Safely On Your Way* is designed to help survivors understand what to expect when attending court, what is involved in going through the family court process, and how to interact with justice professionals such as lawyers and judges.

This new version of *Safely on Your Way* has been updated to reflect changes in the law. In particular, it reflects changes to Nova Scotia's *Parenting and Support Act* (formerly the *Maintenance and Custody Act*), changes to the *Federal Divorce Act*, and changes to family court in Nova Scotia.

Because we live in an internet age in which online harassment is becoming increasingly rampant, the guide has also been updated to describe what resources may be relevant when family or intimate partner abuse is perpetuated in an online environment and where to find tips about staying safe online.

The updated *Safely on Your Way* has also been expanded to include additional sections and resources specific to the experiences of people from different communities, including: 2SLGBTQIA+ communities, Black and African Nova Scotian communities, Indigenous communities, deaf & hard of hearing communities, members of the disability community and immigrant & newcomer communities for example. Any publication focused on addressing gendered violence should always have an intersectional focus. We hope that this updated version is justly and meaningfully reflective of the various groups who experience complex and intersecting forms of discrimination and marginalization.

We hope that *Safely on Your Way* continues to be helpful to survivors. We welcome any feedback about making its content more accessible or useful.

A note on language

We recognize that intimate partner violence is a gendered issue. We have tried to meaningfully reflect this reality throughout this guide.

At the same time, we recognize that gender is not a binary. And we know that non-binary and trans people across the gender spectrum disproportionately experience intimate partner violence.

We also know that trans, non-binary, two-spirit, and other gender diverse people are often left out of the wider cultural conversation about intimate partner violence. For this and other reasons, trans, non-binary, Two-Spirit, and other gender diverse people face numerous barriers in getting the help and support they need.

To be inclusive of gender diverse people, this manual primarily refers to people who have experienced intimate partner violence as “survivors.”

We have also chosen to use the term “survivor” because it tends to be the preferred term used these days by frontline workers, advocates, and researchers who specialize in gender-based violence.

Many individuals prefer the term “survivor” over terms such as “victim” or other words used to refer to someone who has experienced harm. This is because “survivor” emphasizes that someone has *survived*, that they have found their way out of a harmful or violent situation and have the opportunity for a meaningful and fulfilling life beyond what has happened to them in the past.

Language is powerful. At the same time, language can be imperfect.

Calling people who have experienced intimate partner violence “survivors” can be empowering for many people. At the same time, there are others who have complicated feelings about the term survivor and feel that it does not paint a full picture of the realities of family and intimate partner violence. Not everyone who has experienced family and intimate partner violence identifies with this term. This is in part because not everyone who has been through intimate partner violence does survive. For some people, intimate partner violence can be fatal.

We felt that it was essential to acknowledge this reality at the beginning of this guide. Our intention is to honour the perspectives of those who have complicated feelings around terminology. These feelings are legitimate. We have chosen to use the term “survivor” for the reasons detailed above, but in doing so it is not our intention to erase anyone’s experience or leave anyone out of the conversation.

Foreword by Becky Atkinson

Original Project Coordinator, Researcher & Writer of *Safely on Your Way*

In 2003, I left my abusive partner and fled to Nova Scotia with our baby. I honestly thought that leaving him would be the hardest part, but I was wrong. What came next was much harder.

Like so many other survivors of intimate partner violence (IPV), I had escaped an abusive partner only to find myself entangled with him for years afterwards. This ongoing, post-separation entanglement took place within the child protection, criminal court and family court systems. For me, the most bewildering process was family court, which seemed to prioritize parenting time even over physical and emotional safety. Understanding the complex and often counterintuitive expectations of the family court was incredibly challenging, especially in the absence of specialized legal information. Generic family law information simply did not address the unique concerns and dangers facing survivors.

Terrified and overwhelmed, I had no idea how to navigate child custody in the context of my experience. How could I access criminal court evidence relevant to our safety? How should I handle illegal contact from my ex-partner during child access visits? Which court order trumped which – Emergency Protection, family court, criminal court or child protection? What should I do when a parental assessment for family court recommended direct contact for child handovers, despite a criminal no-

contact order? Why would child protection hold me responsible for ensuring my child didn't witness domestic violence, but provide me with no support to prevent it? Why could police enforce a criminal court order but not a family court order? How on earth could I facilitate parenting time and keep myself and my child safe?

I needed a guidebook!

In 2006, with a view to navigating my own crazy-making situation and supporting other survivors in similar positions, I decided to create an accessible and comprehensive legal manual. With expert support from four core partners, including the Legal Information Society of Nova Scotia (LISNS), the Nova Scotia Advisory Council on the Status of Women (NSACSW), the Transition House Association of Nova Scotia (THANS), and the Women's Innovative Justice Initiative (WIJI), the *Safely on Your Way* guidebook project began. It was developed with the invaluable contributions of many organizations, legal and justice professionals, survivors' and children's advocates, and, perhaps most importantly, nearly 100 women who had lived or were living the experience.

Since its first publication in 2008, thousands of copies of *Safely on Your Way* have been distributed or downloaded and it has become an indispensable guide to survivors and service providers alike.

While my own situation is now resolved, it is deeply troubling that other survivors and children across Nova Scotia and Canada continue to find themselves at the complex and often dangerous intersection of IPV and

family court during the post-separation period. For this reason, I am so grateful that the guidebook developed out of necessity all those years ago has been updated by the Access to Justice and Law Reform Institute. This revised edition includes important new information, such as changes to the law, IPV in the 2SLGBTQIA+ community, and online harassment, to ensure that *Safely on Your Way* remains relevant and supportive to those who need it most.

Becky Atkinson (2024)

Chapter 1

Leaving a Person Who Has Been Abusive - 12 Tips for Survivors with Children

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How and when survivors of family and intimate partner violence leave abusive relationships will depend on their personal, emotional and financial circumstances. Here are 12 tips to consider around the time of separation.

TIP 1

Make a safety plan

When a survivor leaves their abusive relationship, their partner may feel threatened and undermined. The partner may see it as a direct challenge of their need for control and their perception that they have control.

If the couple has children, the abusive partner's feeling that they are losing control may be even more intense. Abuse and violence may increase or become more serious around the time of separation, which means that it is very important to have a safety plan.

Planning for safety in advance can help you avoid danger. It can also help you and your children know what to do if you are in danger.

You can make a safety plan for the home you share with your partner, for your new home, for your neighbourhood, for your workplace, and for your children. You may also consider making a financial safety plan or a tech and online safety plan. Some things you may want to include in a safety plan are:

- a safe exit strategy
- a list of things you want to take with you when you leave (including originals or copies of any important documents)

- addresses and contact information of places you can go in an emergency
- names and contact information of people you trust
- emergency numbers
- ways to secure your home
- ways to block or record phone calls and text messages
- ways you can change your usual routine (such as visits to the doctor or places you shop) to increase safety
- arrangements for your pets
- arrangements for people to go with you to your car when you are leaving work, home, or another place you go frequently, for example
- having important financial documents on hand or passwords to important accounts
- tech and online safety including changing passwords and ensuring devices are not connected through family plans or uploading to a cloud.

Indigenous Survivors

The Mi'kmaw Native Friendship Centre in Kjipuktuk (Halifax) has a victim support navigator program that is primarily focused on connecting Indigenous survivors to community support resources. The victim support navigator is there to provide a safe environment, compassionate support, and advocacy for Indigenous women, Two-Spirit people, and others who have been victims of violence. A key imperative behind this program is to broaden awareness of the crisis of Missing and Murdered Indigenous Women, Girls, and Two-Spirit People that has impacted many communities across Turtle Island (Canada). More information about this program and the contact information for the Mi'kmaw Native Friendship Centre can be found at www.mymnfc.com.

Safety plans for children can include things like:

- teaching children what to do if they see you being abused
- showing them how to leave the house safely in an emergency
- picking a safe room or location to go
- identifying people (neighbours, family members, friends, teachers) they can trust
- explaining that the most important thing they can do is keep themselves safe
- teaching them how to contact someone for help
- rehearsing how to call 911
- ensuring they know their own names and address.

For help with making a safety plan contact your local Transition House. If you are uncertain where the nearest Transition House is located, visit www.sheltersafe.ca or www.thans.ca. Shelter Safe provides a map and contact information for shelters that exist across Canada. The Transition House Association of Nova Scotia (THANS) has information about Transition Houses located throughout Nova Scotia. Transition Houses provide safe temporary housing for women (and their children) who have experienced violence or are at risk of experiencing violence. Transition Houses also provide services such as counselling, crisis support, information and more regardless of whether you are seeking shelter there.

If your partner has been charged with a criminal offence, you can contact Victim Services. There are two Victim Services that you can contact depending on where you live. The Victim Services of the Halifax Regional Police provides support services to victims of crime, with a focus on victims of intimate partner violence in the Halifax Region. The Victim Services of the Department of Justice also provides support for victims of intimate partner violence across the province. Contact information for

TIP
Remember that your safety plan will need to change as your circumstances change. For example, if you move or change jobs.

For more information on safety planning, see the Public Health Agency of Canada's safety planning website at www.canada.ca/en/public-health/services/health-promotion/stop-family-violence/plan-your-safety.html.

For more information specific to tech safety and staying safe online, visit Luke's Place (an Ontario resource) at www.lukesplace.ca/resources/tech-abuse.

both of these services can be found in the **Resources** section at the back of this guide.

You can also find tips and other resources for creating your own safety plan by going to <https://women.novascotia.ca/womens-safety/safety-planning>. This website shows you how to hide your internet activities (clearing your browser history) so that no one can see that you've accessed it or any other websites. Some abusive partners may check your online search history, particularly if they suspect you may be thinking about fleeing the abuse, so it is a good idea to clear your browser history on a regular basis.

Safety planning for survivors with disabilities and deaf & hard of hearing survivors

For survivors who are connected to the Disability Support Program, speak to your care support worker to update them on your circumstances if you are planning to leave or stay at a Transition House for a period of time.

TIP

Tips for survivors with mobility or agility disabilities:

- know how much your wheelchair weighs and whether it can be easily transported
- have any tech devices or medications on hand and ready to go
- know different ways to leave a building
- check whether the Transition House or other safe location is wheelchair-accessible (and whether it meets other accessibility needs)

- it is imperative to give a copy of your safety plan to trusted individuals in your support network.

Transition Houses across the province have varying levels of accessibility. If you are planning to stay at a Transition House, call ahead to inquire about the availability of accessible spaces and be clear on your needs. For example, if you receive home care, many Transition Houses can assist with having this set up in their space.

TIP

Tips for deaf and hard of hearing survivors

For immediate medical, police, or fire assistance during an emergency, call 911 (voice and TTY for deaf and hard of hearing). If you are deaf or hard of hearing and use a TTY to communicate, you can call the RCMP at 1-866-297-7554, day or night. You can also use “Text with 9-1-1” if you have registered your cell number with your wireless provider. Make sure your phone is compatible with this service. This way the 911 operator will automatically receive a notification that you are registered.

Things to consider taking with you when you leave:

- a pad of paper with pens or pencils or a small erasable white board for writing notes
- a smartphone, V box, and charger cord
- extra batteries, portable TTYS, and hearing aids
- an alternative power source, such as an Eliminator, which can be plugged into a car battery to recharge TTYS or smartphones

- cleaning kits for hearing aids and cochlear implants
- a sheet with the American Sign Language alphabet and phrases to help with communication
- a communication binder or communication device to help you communicate, such as "I need a family doctor," "Where is the bathroom?" or "Where will I sleep?" The binder or device might also include a family contact name, email address, and phone number
- portable visual notification devices that let you know if someone is knocking at your door or calling you on the telephone.

For service providers:
Have a copy of the American Sign Language alphabet and phrases on hand to help with communication. This can be easily found through a search online.

TIP

Tips for survivors who are blind or visually impaired

Practice your plan regularly so you will know what to do if you have to leave in an emergency.

Things to consider taking with you when you leave:

- extra batteries or chargers for any necessary devices
- an extra pair of dark glasses, if needed
- a folding mobility cane
- a talking or Braille clock
- extra aids, such as an electronic travel aid, monocular, binocular or magnifier

- have any necessary supplies packed for your service dog or guide dog such as food, leash, etc. It is also a good idea to keep identification cards on hand.

TIP

It is important to be aware that certified service dogs or guide dogs are allowed to be in any location where the public is allowed (such as the courthouse) and a person cannot be denied access to such spaces because of their service dog or guide dog.

Tips for survivors with speech disabilities

Have your safety plan written out and stored in a secure place.

Things to consider taking with you when you leave:

- extra batteries or power sources for communication devices
- a communication binder or device to help you communicate (see above in tips for deaf and hard of hearing survivors).

Tips for survivors with developmental disabilities

Work with someone you know and trust to help you create a safety plan.

Make your plan with pictures instead of words so you will be able to follow it better (for example, show the exit route from the building in pictures).

Practice your plan.

Things to consider taking with you when you leave:

- a safety plan with pictures to help you remember what you are supposed to do
- an extra power source or extra batteries for communication devices
- an emergency communication book with pictures of essential items such as bathroom and medical needs
- pre-printed messages to show to those who may be helping you, such as Transition House workers or police (for example, "I may have difficulty understanding what you are telling me. Please speak slowly."). Include the name, address, email address, and telephone number of someone you trust, such as a friend, family member or advocate.

TIP

Most Transition Houses are wheelchair-accessible, with access ramps and an accessible bedroom and shower. Some are also equipped with special equipment, such as flashing alarm lights and TDD telephones. To support survivors with disabilities, Transition House staff often work with outside agencies to develop personalized support plans and to address any barriers a survivor may face. Transition houses have identified the need to increase accessibility and are working to make their spaces more accessible. Contact your local transition house to ensure an accessible room is available and will meet your needs.

Tips for survivors with mental health impacts

Family and intimate partner violence can have a significant impact on mental health. It is normal and common for survivors to experience or identify mental health impacts because of their experiences or trauma. Being able to recognize this and learn how to communicate your needs may help you move forward and practice your safety plan. Consider what

may happen after experiencing an emergency, and plan strategies for dealing with this where possible.

Things to consider in preparation for leaving:

- have instructions for your care and treatment on hand if needed
- if you take medication, have enough to last for at least 30 days (speak to your pharmacist about the possibility of having extra medications on hand)
- discuss your safety plan or next steps with a mental health provider or support person.

Abusive partners often try to break down your support networks or isolate you from friends and family. It is important to remember that reaching out to a trusted professional to support you with your mental health can help you gain the strength to navigate your circumstances.

TIP 2

Get legal advice and consider applying for parenting time and decision-making responsibility as soon as possible

Many survivors leaving abusive relationships are shocked when ex-partners who have shown little interest in their children before separation ask for **parenting time** or **decision-making responsibility** when the relationship ends.

Parenting time refers to the time that a child spends in the care of a parent or a person with a parenting role.

Decision-making responsibility refers to how major decisions about your child will be made and who will make these decisions (such as decisions around education, health care, religion and significant extra-curricular activities).

After separation, details about these parenting arrangements can be set out in a court order called a **parenting order**.

If you are preparing to leave or have recently left your relationship, remember that if no parenting order exists, until a clear parenting order is established, you and your ex-partner both have parenting rights with respect to the children. If you have concerns about your ex-partner not returning the children to you, it is very important to get legal advice immediately. To get a safe parenting arrangement in place, speak to a lawyer as soon as possible about how to apply for parenting time and decision-making responsibility.

TIP

Some survivors agree to interim (i.e. temporary) parenting arrangements, assuming that they will be able to change the agreement when they go back to court. However, unless there are serious problems, the courts may be reluctant to change an interim agreement, because it is assumed that the arrangements made are agreeable and safe. It is important to be cautious and get legal advice prior to agreeing to any arrangement, even if it is temporary.

If you cannot afford a lawyer, you should contact Nova Scotia Legal Aid. If you do not qualify for Legal Aid, contact the intake officer at your nearest Supreme Court (Family Division), or your local Transition House for information and help with court documents. For further information on finding a lawyer, see **Chapter 7: You and Your Lawyer**.

TIP

In some urgent situations, your lawyer might suggest that you make an emergency application for an interim parenting order. In less urgent situations, it may be possible to reach a legal written agreement through your lawyers for temporary parenting time and decision-making responsibility before you go to family court or negotiate a parenting order.

Survivors who are immigrants or newcomers may wonder if their immigration status will be impacted or if they will be deported if they leave their abusive partner.

If you are a permanent resident, you will not lose your status or be deported only because you report abuse or leave an abusive relationship.

If you are not a permanent resident, Canada has protections available to newcomers experiencing family or intimate partner violence to support them to leave abusive situations without fear of losing their immigration status. It is very important to speak to a lawyer with family law and immigration law experience in this situation.

For example, a Temporary Resident Permit (TRP) may be available for a survivor and their children in certain circumstances. The TRP can also provide coverage for counselling and healthcare benefits and allow a survivor to apply for a fee-exempt work permit.

A person may also be eligible to have their permanent residency application expedited (i.e. processed quickly) on “humanitarian and compassionate” grounds when they are experiencing family or intimate partner violence in Canada, and they are dependent on their abusive partner to keep their status.

For more information, visit the Government of Canada’s website at www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/family-sponsorship/fees-permits-victims.html.

You can also contact the Immigration and Citizenship Canada’s Client Support Centre at 1-888-242-2100 (TTY: 1-888-576-8502).

Take what you need when you leave

If a survivor leaves the family home (including a shared house, apartment, or any other space shared with a partner), it may not be possible or safe for them to return. This is why it is important to think about what items you and your children will take with you before you leave.

These items may include: bank and credit cards, cash, birth certificates, passports, health cards, prescriptions, house and car keys, driver's license, financial information (mortgage, RRSP, savings, pensions), cell phone and charger, immigration papers, legal papers (divorce, parenting arrangements, property, or business documents), sentimental items and children's items (toys, blankets, photos, books).

An abusive ex-partner may withhold personal belongings as a way of maintaining control over you after separation. Obtaining personal belongings through the courts after separation can be a difficult and time-consuming process. Even when a court decision is reached, a survivor may have problems getting personal items back because enforcing a court order (i.e. getting a person to abide by the order) can be difficult.

Immigrant and Newcomer Survivors

It is very important that you and your lawyer or advocate know your immigration status. For example, whether you are a permanent resident may determine what Canadian benefits and services you are entitled to receive. Be sure to keep copies of your immigration papers with you at all times.

TIP

Safe housing is very important, especially immediately after separation when the risk of violence is often greatest. In most cases, survivors who choose to leave the family home can stay in a Transition House for a short period of time. Some survivors go on to second stage housing, which is additional housing support that can follow a stay at a Transition House. Some survivors may bypass shelters altogether and find a place of their own or stay with family or friends.

Trans and Non-Binary Survivors

As noted in the Introduction, gender is not a binary, and gender diverse people disproportionately experience gendered violence. Some transition houses and second stage housing resources in Nova Scotia are open to having non-binary and trans people across the gender spectrum as residents. For example, Adsum House is inclusive of all people within the transgender spectrum, recognizing that trans, non-binary, genderqueer, and other gender diverse people frequently experience discrimination in housing and may also be vulnerable to violence in men's shelters.

Trans women are women and so should be welcome anywhere that provides services to cisgender women. Remember that it is not appropriate for a service provider to ask you about your surgical status or know details about your medical history unless it is appropriate for them to know these details (for example, if you raise concerns about accessing hormone therapy while staying at the shelter). It is also important to know that you do not have to disclose your gender identity to access services.

Gender identity and gender expression are both protected characteristics under Nova Scotia's *Human Rights Act*, which means that trans and gender diverse people have the right to be treated with dignity and granted equitable access to services. At the same time, it is important to acknowledge that not all agencies and individuals have had experience and training in working with trans, non-binary, and other gender diverse people. If you are a gender diverse survivor, it can be helpful to ask members of your community if they know whether a particular Transition House or service provider is a safe space for trans, non-binary, and other gender diverse people.

Consider housing and whether you can stay in the family home

When a survivor separates from an abusive partner, they may have to decide whether to leave the family home. Sometimes there is little choice. For example, some survivors flee the home during an emergency. In situations where an abusive partner refuses to stay away from the family home, a survivor may be told by child protection authorities that they must find a safe place to stay.

For survivors who do have to leave, there may be some options for help and support. If you are unable to find a place to live or have no fixed address because you are leaving a relationship due to abuse or violence, you may be eligible for government financial assistance. Emergency financial assistance may be provided while determining eligibility for Income Assistance. You can receive financial assistance even if you are not a Canadian citizen. You can call the Department of Community Services at 1-877-424-1177 to apply for financial assistance or call your local office. Contact information can be found in the **Resources** section of this guide.

You may also wish to contact your local shelter or Transition House to receive temporary housing while waiting for government assistance. You can call the 24-hour Helpline at 1-855-225-0220 for assistance.

Survivors who have to move may consider contacting Shelter Movers. This organization provides free moving and storage services to anyone

who is moving due to violence or abuse in some areas of Nova Scotia. Additionally, the YWCA operates the December 6th Fund, providing non-interest-bearing microloans for housing costs for female-identifying people who are fleeing, or have recently fled, abuse.

Information about all these resources can be found in the **Resources** section at the end of this guide.

If you feel it is necessary to remain in the home or feel you and the children are best protected there, you can make a court application for **Exclusive Possession** or **Exclusive Occupation** of the family residence.

Exclusive Possession or Exclusive Occupation is when one partner is ordered to leave the home and the other is granted the legal right to remain in the home. In some cases, the court may order the partner who has left to contribute to the costs of the home even though they are not living there.

TIP

It is very important for survivors who are separating from a married spouse or common-law partner to gather as much financial information as possible before they leave their relationship. Make copies of all important documents, such as mortgage documents, RRSPs, pensions, bank accounts (including numbers), and income tax returns. Gather the information as close to the date you leave as possible. If possible, arrange for a valuation of your home by a certified real estate appraiser. Remember to gather this information safely.

The court will make a decision based on what is in the best interests of the child and may also consider whether adequate alternative living arrangements exist. You should speak with a lawyer or court staff about whether and how to seek a court order for Exclusive Possession or Occupation of the home.

Early Lease Termination

One additional option you may consider is Early Lease Termination. If you are currently on a lease with your abusive partner in Nova Scotia and you would like to leave the rental, you can apply to get off the lease and leave early without a financial penalty. For example, a tenant with a year-to-year lease may end their lease with one month's notice. Early Lease Termination will end the lease for all occupants (including you and your ex-partner). For more information or to begin the application process call Victim Services at 1-888-470-0773. There are specific criteria that must be met to qualify. You can learn more at Nova Scotia Family Law's website at www.nsfamilylaw.ca/family-violence/ending-lease-early-domestic-violence-certificates.

Indigenous Survivors on Reserve

It is important to know that applying for exclusive occupation of the family home is different for those living in First Nation communities. Spouses and common law partners on reserve can apply for exclusive occupation of the family home under the *Family Homes on Reserves and Matrimonial Interests or Rights Act (FHRMIRA)* or under band-enacted laws dealing with matrimonial property. Under the *FHRMIRA*, the court will consider many factors, including the best interests of any child residing in the home, the interest of any First Nation child to maintain a connection with their First Nation, the collective interest of the First Nation in maintaining their reserve lands, any family violence, and any other person's interest or right in the family home.

Some First Nations in Nova Scotia have enacted their own laws dealing with matrimonial property (including exclusive occupation) including Pictou Landing, Millbrook, Bear River, Paq'tnkek, Sipekne'katik, Membertou & We'koqma'q.

First determine which law applies. It may be helpful to confirm the application process that applies in a specific community with the Band Administration Office.

For more information in English and Mi'kmaq, including a guide describing how matrimonial property laws apply in some First Nations, visit: www.nsfamilylaw.ca/other/family-law-and-race-culture-language-or-ethnicity/resources-indigenous-families/family-homes.

Find an advocate

Many survivors who have left an abusive partner know how important it is to have an advocate. An advocate is a person (for example, a Transition House or Women's Centre worker) who works on your behalf to help ensure that your needs are met, and your rights are respected.

An advocate is different from a friend or family member because they are a professional with experience dealing with the people and agencies you are involved with, and they are not emotionally connected to your case. Because court appearances and meetings with lawyers, child protection workers, and

Community Services can be stressful, it may be helpful to have somebody with you who remains calm and focused.

You do not have to stay in a Transition House to access their services. Transition Houses have outreach staff who work with survivors in the community or even virtually if preferred. They can provide information, advice, support, help with court documents, offer counselling to you and your children, help you get services in the community, go with you to appointments, and advocate on your behalf. They cannot provide legal advice.

Indigenous Survivors

There are two Transition houses specific to Indigenous people in Nova Scotia. Mi'kmaw Family Healing Centres are located on We'koqma'q First Nation and Millbrook First Nation. The Centres provide culturally relevant, holistic programming to residents of the Centre and through an outreach program for men, women and youth who have experienced family violence. Staff of the Healing Centres are dedicated to assisting Indigenous people to develop and maintain a healthy, violent-free lifestyle in a safe, culturally relevant, trauma aware environment.

Contact details are in the **Resources** chapter at the back of the guide.

Some of the things an advocate can do are:

- provide information
- take notes
- ask questions and explain things during meetings
- remind you of issues you want to raise or questions you want to ask
- inform you and others of your rights and responsibilities.

Perhaps the most important thing an advocate does is provide moral support during difficult and emotional times.

TIP 6

Decide whether to report to the police

Each survivor must decide for themselves whether to contact the police.

There are many reasons why a survivor of family or intimate partner

violence might choose not to contact the police, such as a bad experience interacting with police in the past, concerns about discrimination or racism, fear of the person who has been abusive, fear of being charged themselves, or simply a desire to move on and put the abusive relationship behind them.

Many survivors may be concerned about calling the police due to a fear that it may lead to the involvement of child protection services.

There are also many reasons why a survivor may report to police. Police records and physical evidence such as photos, witness testimony, and medical records can help to prove family or intimate partner violence in court. Even if a charge is not laid, reporting to police may provide evidence of the incident.

Calling the police may also lead to a criminal charge. If the police think there is a good legal reason to believe that someone committed a domestic violence related crime, they must charge that person with a crime. If your partner is criminally charged, the court or police may release them with conditions which could include:

- not contacting you
- not going to the family home
- having limited or no contact with your children.

Victim Services can be a helpful resource to get a copy of any release conditions. Their contact information can be found in the **Resources** section of this guide.

TIP

Document, document, document! Whether or not the police are involved in your case, one of the first things your family lawyer will tell you is to record everything. It is very important that you keep records of your involvement and your children's involvement with your ex-partner because you may need the information later. Some examples of things you might document include incidents of violence, concerns relating to the children's safety or the parenting schedule, or concerns relating to your ex-partner (such as substance use). You will want to record this information right away, and keep it in a safe place, for example a journal or written calendar.

Immigrant and Newcomer Survivors

A survivor who is new to Canada may wonder if their abusive partner will be deported if they are found guilty of assault. If your partner is a Canadian citizen, they cannot be deported, but if they are a permanent resident or refugee there is a chance they could be deported if convicted of assault or another criminal offence. However, it is important to keep in mind that each case is dealt with on an individual basis.

TIP 7**Get copies of any statements you make**

If you speak with police or child protection for example, try to get copies of any statements that you make to them.

It is important to remember that anything a survivor says in a police statement or during an interview with child protection authorities, or in court, could later be used as evidence in criminal and/or family court matters.

The clearer and more accurate you can be, the better. If you feel like a police officer is not recording what you are saying accurately, be sure to be clear what you mean at that time.

If you do make a mistake or remember new information after making a statement, speak to your lawyer so they can help you correct this.

Always ask for a copy of your statement so that you and your lawyer have a record of what you said. If you cannot get a copy of your statement yourself, ask your lawyer or a Victim Services or Transition House worker for help. Also ask for a copy of any notes taken by your advocate during meetings with Legal Aid, community services, child protection authorities, etc.

TIP

Francophone or Newcomer Survivors

Survivors whose first language is not English can seek shelter and support from a Transition House. Many Transition Houses have French-speaking staff. In cases where a survivor needs a translator, Transition Houses can look for a translator in the community or work with someone the survivor trusts. Anybody who is involved with the Transition House in this way would be required to sign a confidentiality agreement. There are resources available in other languages including French on the Transition House Association of Nova Scotia website at www.thans.ca.

Recognize post-separation abuse

Abuse does not always end with separation. Indeed, the time period leading up to, and after separation may be a particularly dangerous time with an increased risk for serious violence. Many survivors report experiencing some form of abuse following separation.

Sometimes, post-separation abuse of a survivor may expose the children to violence or use the children as a tool, including:

- threats and intimidation, which may happen in front of children
- surveillance, such as repeated phone calls and stalking, which may involve children
- abuse through, or of, the children, such as the abusive partner making negative comments about the survivor during visits with the children, criticizing and name-calling, or withholding treats or meals from the children
- online stalking, harassment or tech-facilitated violence
- attempts to involve the children in the conflict between parents, for example the abusive partner getting children to make requests of the survivor, trying to gain sympathy from children by distorting facts of the conflict, or telling children the survivor will lose parenting time
- financial abuse, such as emptying a joint accounts or refusing to make mortgage payments or utility payments etc.

Some abusive ex-partners may also engage in “litigation abuse” or “legal bullying,” meaning that they misuse the justice system as a way to continue to control or harass the survivor. Be aware of litigation abuse and speak to a lawyer if you think this is happening or may happen in your case. Some examples include:

- multiple family court applications, for example, using court applications for parenting arrangements to harass the survivor
- pressure to settle early without the involvement of a lawyer, or pressure to waive child support
- making unfounded allegations of “parental alienation” to the court (i.e. that the survivor is unfairly turning the children against the abusive partner)
- excessive communication through your ex-partner’s lawyer
- withholding child support
- speaking to multiple family law lawyers to create a conflict of interest for the survivor
- repeatedly taking the survivor to court
- not showing up to court appearances
- harassing a survivor leading up to a court appearance, mediation or trial
- refusing to file documents such as financial disclosure or filing unnecessary documents
- providing false information
- refusing to follow court orders

- choosing to represent themselves so they can have more direct contact with, or **cross-examine** the survivor in court
- false child-abuse allegations against the survivor or false reports to police.

TIP 9

Consider applying for a protection order

Emergency Protection Orders

An Emergency Protection Order (EPO) is an immediate form of temporary protection available to survivors in abusive situations, and may be especially helpful for those with children. An EPO is a court order made by a

Justice of the Peace to protect victims of domestic violence where the situation is *serious* and *urgent*. The Justice of the Peace must be satisfied that domestic violence has occurred and that an order should be made immediately and without delay. The Justice of the Peace must consider things such as the nature and history of the domestic violence, the existence of immediate danger, and the best interests of the victim or any child or other person in the victim's care.

TIP

You can access an online presentation template to help you prepare to apply for an EPO at www.nolongeronmyown.ca under "Our Work."

Among other things, EPOs can:

- remove your partner (the respondent) from the home
- give you or another person temporary care and custody of your children

- give you temporary possession of personal property (such as a car, keys, bank cards)
- order your partner to stay away from you, your children, your home, or your place of work, and/or
- order your partner not to commit any further acts of violence against you.

You or a person acting your behalf (a police officer or Transition House worker) can apply for an EPO between 9 am and 9 pm any day of the week by calling the Justice of the Peace Centre at 1-866-816-6555. Police and Transition Houses may also apply on your behalf with your consent throughout the night.

EPOs last for up to 30 days and may be extended. You can apply for an extension by contacting the Supreme Court of Nova Scotia. To be eligible for an EPO, you must be over 16 years old. You must also live or have lived with your partner or have a child together.

Applications for EPOs take place over the phone without your ex-partner being notified and without paperwork needing to be filed. Once an EPO is issued, your ex-partner will be notified. All EPOs that are approved are reviewed by the Supreme Court of Nova Scotia within 7 days.

Your ex-partner may appeal the decision and can later request a copy of the transcript in which you described the risk your ex-partner posed to you. Accordingly, you may not want to share certain information, such as a new address where you intend to move, in your conversation with the Justice of the Peace.

TIP

If your ex-partner does not follow the EPO, they may face a fine or up to 3 months in jail for a first offence. Failing to follow an EPO will not result in criminal charges.

For more information on EPOs, visit www.nsfamilylaw.ca/family-violence/urgent-emergency-applications-and-orders/emergency-protection-orders-epo.

Indigenous Survivors on Reserve

Applying for an EPO is different for those living in First Nation communities. Married spouses and common-law partners living in First Nation communities can apply for an EPO under the *Family Homes on Reserves and Matrimonial Interests or Rights Act*. Some First Nations in Nova Scotia have instead enacted their own laws dealing with matrimonial property (including Emergency Protection Orders) including Pictou Landing, Millbrook, Bear River, Paq'tnkek, Sipekne'katik, Membertou & We'koqma'q.

First determine which law applies. It may be helpful to confirm the application process that applies in a specific community with the Band Administration Office.

For more info visit www.nsfamilylaw.ca/other/family-law-and-race-culture-language-or-ethnicity/resources-indigenous-families/family-homes (English and Mi'kmaq)

Peace Bonds

You can apply for a peace bond even if the police are not involved in your case. A peace bond is a court order that requires your ex-partner to keep the peace and be of good behaviour. The peace bond may have other conditions, such as a requirement that your ex-partner stay away from you, your home or your children's school, or not possess any firearms.

You can apply for a peace bond at **Provincial Court** and you may need to have a hearing with a judge or Justice of the Peace to get a peace bond. You will likely have to testify and it is possible that you will be **cross-examined**. Your ex-partner will also be present at the hearing. Peace bond hearings may be completed over the telephone, rather than in-person in court, but you should check with your local courthouse to be sure. Your ex-partner may agree to sign the peace bond, but if they do not, the judge or Justice of the Peace at the hearing will decide if it should be ordered.

There does not have to be a criminal charge or a physical assault to apply for a peace bond. However, you do have to provide evidence to the judge that you have a reasonable fear that your ex-partner will harm you, your children, or your property.

If you are already being represented by a Legal Aid lawyer in a family court matter, they may be able to represent you in your peace bond application.

If you do not have a Legal Aid lawyer and cannot afford a paid lawyer, you may have to apply for the peace bond yourself. If this is the case, you may want to contact your local Transition House, Women's Centre or Family Resource Centre for assistance and support. The Victim Services division of the Halifax Regional Police also has a Peace Bond Navigator Program and may be able to assist or attend court with applicants. See the **Resources** section of this guide for contact information.

If your ex-partner does not follow the conditions of the peace bond they may be charged with a crime. If found guilty, your ex-partner could be fined or sentenced to probation with conditions or jail.

For more information on how to apply for a peace bond or to find the application forms, visit the Nova Scotia Courts website at www.courts.ns.ca/courts/provincial-court/peace-bonds or contact the **Provincial Court** in your area. Court locations can be found at www.courts.ns.ca.

Cyber Protection Order

If you have been cyberbullied (for example through harrassing posts on social media) or subject to unwanted sharing of intimate images by your ex-partner, you may be able to obtain a Cyber Protection Order through the *Intimate Images and Cyber-Protection Act*. This is a civil court process, and not a criminal process, so it will not lead to a criminal conviction.

A Cyber Protection Order may contain provisions ordering that your ex-partner:

- stop sharing an intimate image or stop posting communications that would be considered “cyberbullying”
- take down an intimate image or communication
- stop communication with you, and/or
- pay you damages (i.e. money).

You can apply for a Cyber Protection Order through the Supreme Court of Nova Scotia. Visit www.courts.ns.ca for courthouse locations. There are required forms that must be completed, and you and your ex-partner will have to go to a hearing at court where a judge will determine whether or not an order should be granted. There is also a fee to apply for a Cyber Protection Order, although you may apply to the court to have this fee waived if your income is below a certain amount. To learn more about Cyber Protection Orders and the application process, visit www.novascotia.ca/cyberscan.

In Nova Scotia, a department called CyberScan can help survivors to resolve a dispute or find a solution outside of court if there has been cyber-bullying or the sharing of intimate images without consent. They can also support survivors to navigate the justice system and understand their options when there has been cyberbullying or the sharing of intimate images without consent. These services are voluntary, so there is no obligation to participate, especially if you do not feel that it will be safe for you. To contact CyberScan, call 1-855-702-8324 or 902-424-6990.

Take care of your needs

Dealing with an abusive ex-partner, responding to the demands of the legal system, and meeting the needs of children can be very challenging, especially when you're doing all of these things at once. Remember that your needs are important as well. How you choose to care for yourself is up to you, and finding ways to do so may help you to handle these responsibilities. See also **Chapter 9: Taking Care of Yourself** for more information.

Some examples of how survivors may choose to look after themselves include:

- finding a support person or advocate
- seeing a therapist
- joining a support group
- learning about the effects of family and intimate partner violence
- speaking to a Transition House worker
- getting enough rest and exercise
- eating well
- seeing friends and family
- going back to school
- speaking with a spiritual leader or Elder
- getting or leaving a job
- participating in community events or volunteering.

Domestic Violence and Family Violence Leave from Work

Nova Scotia has domestic violence leave from work laws under Nova Scotia's *Labour Standards Code*. Victims of domestic violence (or employees whose children have experienced domestic violence) are entitled to up to three days of paid leave for certain reasons such as seeking medical attention, relocation (i.e. moving), or seeking law enforcement assistance. Victims may also have 10 days (consecutive or intermittent) and up to 16 weeks continuous leave. For more information including an information brochure and a free online public education course, visit www.novascotia.ca/lae/employmentrights/leaves.asp#domestic-violence.

The *Canada Labour Code* applies if you are a federal employee and gives these employees 10 days of leave per year when they have experienced family violence. The first 5 days of the leave will be paid in certain circumstances. Learn more on the Government of Canada Website at www.canada.ca/en/services/jobs/workplace/federal-labour-standards/leaves.html.

TIP 11

Consider your children's needs

Family and intimate partner violence can have a significant impact on the well-being of your children, whether they are directly or indirectly exposed to the violence. Here are some things you may want to consider regarding your children's needs including:

- create a safety plan for you and your children
- begin an application for **parenting time** and **decision-making responsibility** (you can apply for an emergency **interim order** or an Emergency Protection Order in an emergency)
- carry copies of court papers with you at all times

- support and foster the children's relationships with other important people in their life (such as grandparents)
- give the babysitter, daycare or school a copy of court papers
- give the babysitter, daycare or school clear instructions about who can and cannot pick up the children
- when you are ready, talk to your local Transition House or mental health provider about counselling services for your children
- learn about the effects of family and intimate partner violence on children and how to help them
- affirm with your children that you are there for them and their safety is of utmost importance to you.

TIP

The law says that a child is "in need of protective services" if they are exposed to, or made aware of, domestic violence and the parent refuses to obtain services or treatment or to take other measures to alleviate the violence. If you do not leave an abusive situation, or if you reconcile with an abusive partner, child protection authorities may become involved with your family. For more information, see **Chapter 8: Child Protection**.

Important messages to give children:

- they are safe
- they are loved
- their feelings are valid
- it's okay to talk about their feelings and they will be listened to and understood, and they are not the cause of the abuse.

The law says that anyone who suspects a child is at risk of abuse must report to child protection authorities. This includes the risk that a child will be exposed to intimate partner violence. It is important to know that some services providers (for example, a counsellor or Transition House worker) may have a duty to report to child protection authorities if they believe that a child has been exposed to or made aware of domestic violence.

It is a good idea to have an advocate, such as a lawyer or a staff member from a support organization (such as a Transition House or Women's Centre), when you are dealing with child protection authorities. Always seek legal advice right away if child protection is involved. For more information on child protection, see **Chapter 8: Child Protection**.

Indigenous Survivors

Jordan's Principle is an initiative providing funding for programs, services and supports for First Nations children including health, social and educations supports. Funding can help to meet a wide variety of needs for First Nations children including Two-Spirit and LGBTQIA+ children and those with disabilities. Children can qualify whether they live on or off reserve.

If you have children with unmet needs and want to learn about what supports may be available you can learn more at www.mymnfc.com/programs-home/ and click "Family Support Services" or visit www.canada.ca/jordans-principle.

Remember you are not alone

Sometimes survivors may become frustrated and confused by their family law experiences and believe something has “gone wrong” in their case. For example, a survivor might assume that because they have experienced family or intimate partner violence, they will automatically get primary care of the children (i.e. have the children in their care most of the time), but then find themselves in a difficult court battle over parenting arrangements.

If something doesn’t make sense to you, it is important to talk with a Transition House worker, lawyer or other knowledgeable advocate. Speaking with experienced professionals can help you to understand the systems you are dealing with and why things are happening the way they are. It may be helpful just to know that you are not the only survivor dealing with certain issues or struggling to make sense of your experience.

For additional support and information on leaving an abusive partner, contact your local Transition House, Women’s Centre or Victim Services office.

Chapter 2

Family and Intimate Partner Violence

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Who is affected by family and intimate partner violence?

Intimate partner violence impacts millions of Canadians each year – affecting people of all ages, races, genders, sexual orientations, religions, occupations, cultures, education levels, and socioeconomic statuses.¹

Intimate partner violence is not limited to one gender or sexual orientation but happens in all types of relationships.

At the same time, intimate partner violence is a gendered issue, disproportionately impacting women and gender diverse people. In 2021 and 2022, women comprised 79% percent of domestic violence victims in Nova Scotia.²

Intimate partner violence also happens at high rates in 2SLGBTQIA+ relationships. Barriers to reporting and under-researching in this area means that available statistics are very likely underestimates of the scale of the problem. Indeed, available research shows that stereotypes about intimate partner violence being less serious in 2SLGBTQIA+ relationships are more myth than reality.³

¹ Women and Gender Equality Canada, "Fact Sheet: Intimate Partner Violence" (27 February 2022), online: <www.women-gender-equality.ca/en/gender-based-violence-knowledge-centre/intimate-partner-violence.html>.

² Nova Scotia Advisory Council on the Status of Women, "Domestic Violence in Nova Scotia" (2021) online (pdf): <https://women.novascotia.ca/sites/default/files/2021-12/Domestic%20Violence%20factsheet_Dec2021_final.pdf>; Nova Scotia Advisory Council on the Status of Women, "Domestic Violence in Nova Scotia" (2022) online (pdf): <www.novascotia.ca/standingtogether/docs/domestic-violence-factsheet.pdf>.

³ Adam M. Messinger, *LGBTQ Intimate Partner Violence: Lessons for Policy, Practice, and Research* (Oakland, California: University of California Press, 2017) at 9.

Intimate partner violence is a form of gender-based violence. Gender-based violence is defined as violence which is perpetrated because of someone's gender identity, gender expression or perceived gender.⁴

Gender-based violence also disproportionately impacts certain communities. For example, young women and girls, Indigenous persons, 2SLGBTQIA+ individuals, gender minority individuals, women with disabilities, women in rural communities, older adults, African Nova Scotian and Black women, and immigrant and newcomer women may experience violence more frequently or face additional barriers to accessing resources and supports.⁵ It is also important to take an intersectional approach, and recognize that individuals who have more than one of these social factors or characteristics may be at an even higher risk of experiencing gender-based violence.⁶

What is family and intimate partner violence?

Intimate partner violence (also called domestic violence) includes any form of abuse by one partner against the other. It can happen in a marriage, a common-law partnership, a registered domestic partnership, a dating relationship, or any other intimate relationship. It may also continue after a relationship has ended.

⁴ Women and Gender Equality Canada, "What is Gender-Based Violence?" (7 February 2022), online: <www.women-gender-equality.ca/en/gender-based-violence/about-gender-based-violence.html>.

⁵ *Ibid.*

⁶ *Ibid.*

Family violence includes intimate partner violence, as well as violence that takes place between any family members (for example violence by a parent toward a child).

If your children are exposed to intimate partner violence directly (for example, by witnessing it), or indirectly (for example, by seeing evidence of it, or hearing about it) that is also **family violence**.

Family Violence Defined in the Law

Family laws that apply in Nova Scotia (the *Divorce Act* and the *Parenting and Support Act*) now include definitions of **family violence**. Family violence is the legal term that is used in family court. Courts are required to consider any family violence and its impacts when making decisions about parenting in family court. This is an important change that has happened in family law.

See the **Legal Terms** section at the end of this manual for the legal definitions of “family violence” found in the *Divorce Act* and the *Parenting and Support Act*.

We primarily use the term “family and intimate partner violence” in this guide. We use this term to refer to violence occurring in a relationship or former relationship, and violence that children are exposed to (directly or indirectly) in a parent’s relationship.

Family and intimate partner violence includes:

- Physical harm including slapping, choking, punching, throwing things, locking you in a space, holding you down or other physically aggressive behaviours.

- Threats – to harm you, your children, other family members or friends, your pets, or your property.
- Damage or harm to pets or property.
- Verbal abuse – using words to manipulate, control or harm you.
- Mental or emotional abuse – constant criticism, insulting you, gaslighting you (i.e. trying to convince you that you're irrational or that your perceptions are false).
- Psychological abuse - abusive tactics used to hurt, manipulate, confuse, influence, or scare a person including controlling who you see or how you dress/look, or constantly criticizing or yelling at you.
- Harassment, stalking or intimidation.
- Coercive and controlling behaviour (a pattern of abusive behaviour over time which may include humiliation, threats, intimidation or isolation used to control, harm, scare, punish or manipulate you).
- Sexual abuse – forcing or coercing you to have sex or to participate in sexual activities, for example.
- Financial abuse – refusing to give you money for groceries, not paying bills, or controlling bank accounts and other shared resources, for example.
- Social isolation – not letting you see or contact your family or friends, embarrassing you in public.
- Cyberbullying, online or tech-facilitated abuse – harassing or stalking you online through email or social media, controlling, spying or surveilling through smart-home technology or account

hacking, distributing intimate photos of you without your consent or using electronic devices to monitor your actions.

- Spiritual abuse – using spiritual beliefs to manipulate, dominate or control.
- Litigation abuse – using legal systems to exert control. For example, an abusive ex-partner may disregard court orders, choose to represent themselves in court even when they could afford a lawyer in order to cross-examine you, deliberately prolong the court process, file multiple unnecessary applications, repeatedly miss or delay court appearances or make unfounded reports to police and child protection.
- Mental health/substance use coercion – using your mental health or substance use as part of a pattern of control, for example through withholding medications or controlling access to treatment.

If you have experienced tech-facilitated violence or are looking for ways to stay safe online, visit www.techsafety.ca or www.cybertip.ca for more information.

These websites include information about tech abuse and reporting online harms as well as toolkits for safety planning and more.

TIP

The list above is not comprehensive and other actions may also constitute family and intimate partner violence. It is also important to note that experiences of family and intimate partner violence may be different for every survivor.

Family and intimate partner violence is always wrong and may also be a criminal offence in some cases. It is caused by the partner who was abusive and not by the survivor or by the relationship.

Family and intimate partner violence can involve patterns of behaviour, including different types of abuse.

Family and intimate partner violence may present an increased risk to survivors of abuse and their children at the time of separation as partners who are abusive may become more volatile during the separation process.

A resource that may be helpful for survivors is the online book, *Making Changes*, developed by the Nova Scotia Advisory Council on the Status of Women. This book reviews important topics such as: what is abuse, safety planning, legal considerations and deciding whether to stay or leave. Find the book online at women.novascotia.ca/makingchanges.

TIP

Patterns or types of intimate partner violence

There are different patterns or types of intimate partner violence. While every relationship, and the violence within it, can be experienced differently, most violence falls into one of four types:

- **Coercive controlling violence** happens when there is a cumulative pattern of violence aimed at dominating or controlling another person. It often involves many of the forms of violence outlined above. It does not necessarily include physical violence.

- **Situational or conflict violence** typically involves relatively minor incidents of violence that are rooted in an inability to manage conflict or anger in a specific situation. An example of this would be the partners shoving each other during an argument (so long as it does not form part of a pattern).
- **Separation instigated violence** happens when incidents of violence happen at or around the time of separation. Separation instigated violence can be minor or extremely severe and can be lethal.
- **Violent resistance** describes the violent response some survivors use towards their abusive partner. It may be a response to an imminent threat (self-defence), used to stand up to their partner, or be the result of PTSD from the abuse.

Intersections of race, gender and other factors

Family and intimate partner violence may present differently in certain communities. For example, an abusive partner in a 2SLGBTQIA+ relationship may threaten to 'out' their partner. For an immigrant or newcomer survivor, abuse could look like threats to revoke sponsorship or have the survivor deported. The abusive partner of a survivor with a disability could withhold necessary accessibility devices.

Race, gender, disability, class and other factors often intersect and inform not only how a survivor experiences family and intimate partner violence, but also how they access support.

For example, for an African Nova Scotian woman, race and gender can intersect to create unique barriers to leaving violence and accessing support services. She may not see herself and her experiences reflected in the diversity (or lack of diversity) of staff in support and justice agencies and so may not feel that she is welcome. She may fear that her experience of accessing legal support or other resources may be marked by others' bias or racism.

A gender diverse person with a disability can face unique obstacles to leaving violence and finding safe shelter. Aside from navigating the issues outlined below, they must find a space that accommodates their gender and their accessibility needs. It can be daunting to find a space where their needs can be understood and accommodated.

Other aspects of identity may also be factors that contribute to the experience of abuse and the inaccessibility of support services. For example, experiences of poverty or living in a rural area may limit the supports that a survivor can access or add challenges to leaving an abusive relationship.

Lastly, it is important to remember that families can be constructed in many ways, beyond notions of a nuclear family. For example, some families are multi-generational or have multiple parents or caregivers. For such families and individuals, family and intimate partner violence may be minimized, go unnoticed or present in a different way than considered to be the norm. Bearing in mind that there are disproportionate impacts of

family and intimate partner violence on certain communities and barriers to reporting, it is all the more important to be aware of and attuned to the many ways families may be constructed.

The sections below outline specific challenges or barriers that survivors in particular communities or locations may face when it comes to experiencing family or intimate partner violence and leaving abusive relationships. These factors do not occur in isolation from one another.

It is important to remember that each survivor will have their own experience, needs and circumstances, and it should not be assumed that all survivors share the same needs or voice.

Family and intimate partner violence in Indigenous communities

Although family and intimate partner violence occurs in all cultural, racial, and religious groups, survivors from Indigenous communities face additional difficulties when they want to get support or leave an abusive situation.

For example, Indigenous survivors of family and intimate partner violence who must leave their community may experience distress due to the loss of support systems, kinship, and cultural roots.

It is important to understand how both race and gender inform the experience of abuse in Indigenous communities, particularly for Indigenous women and Two-Spirit people.

There are harmful stereotypes and myths about family and intimate partner violence that suggest that abuse is part of traditional Indigenous cultures. These kinds of beliefs are false.

Respect for women and Two-Spirit people is a vital part of many traditional Indigenous cultures. Colonialism and state-led discrimination and abuse have left a legacy of intergenerational trauma within Indigenous communities. These roots have also resulted in mistrust and fear of justice and social service systems including the police, and reluctance to turn to these agencies for help.

It is essential to acknowledge how colonialism and historical and ongoing oppression have contributed and continue to contribute to the experiences and the marginalization of Indigenous people of all ages and genders. For Indigenous survivors, harms such as residential schools may shape and inform their experiences of family and intimate partner violence in addition to other factors.

Some issues that Indigenous survivors of family and intimate partner violence may face when leaving abuse and finding support include:

- limited access to information (for example, legal issues and legal rights) and support services (for example, Transition Houses and

crisis centers) for survivors in isolated communities or living on reserve

- lack of transportation services
- loss of kinship ties, support networks, cultural community, and sense of identity
- isolation and distress
- for Two-Spirit people, fears about encountering homophobia, transphobia, or other forms of discrimination
- fear of being misunderstood by support staff
- lack of culturally competent and inclusive services, resources and supports
- misunderstanding and/or fear of the justice system and law enforcement officials
- lack of anonymity in seeking services on reserves
- reluctance to involve a justice system that has historically been racist and is rooted in colonial ideas and practices
- lack of diversity and representation amongst service providers.

Family and intimate partner violence in the 2SLGBTQIA+ community

Note: if any of the terms below are unclear to you, please refer to our **2SLGBTQIA+ Terms** glossary at the end of the guide.

In addition to examples listed above, family and intimate partner violence may be experienced in specific ways for 2SLGBTQIA+ folks. For example:

- threats to “out” or actually outing a partner to family, friends or a workplace
- making a partner hide their 2SLGBTQIA+ identity
- shaming a partner because of their identity or presentation
- preventing a partner from accessing gender-affirming care or hormones
- manipulating a partner to think they are not being abused because the relationship is not a “typical” intimate partner violence situation
- telling a partner they are not “trans enough” or are not a “real” man, or woman
- questioning a partner’s identity or sexual orientation
- preventing a partner from expressing their gender identity.

2SLGBTQIA+ people may also experience additional challenges in leaving abusive situations and finding appropriate support services.

There is a common assumption that family and intimate partner violence primarily affects heterosexual, cisgender women. However, intimate partner violence occurs at relatively high rates in same-gender and queer relationships. Because these experiences are outside how many people view family and intimate partner violence, survivors risk having their abuse unrecognized or unaddressed by service providers. There is also a risk that survivors themselves don’t recognize the abuse for what it is because they have internalized the view that family and intimate partner violence only happens in heterosexual relationships.

Because family and intimate partner violence is often associated with heterosexual relationships, 2SLGBTQIA+ survivors who are experiencing this kind of abuse may not recognize their right to seek support and may be uncertain whether there are appropriate resources and organizations that can provide the support and care that they need and deserve. They may not see themselves and their experiences reflected in the outreach efforts, website, print materials, or other resources from support organizations.

Some additional issues 2SLGBTQIA+ people may face when leaving abuse and seeking support include:

- internalized homophobia, biphobia, queerphobia, transphobia
- internalized feelings of not being worthy of care and recognition
- experiences of rejection and exclusion that makes seeking support seem futile
- concerns about being shunned by their community if the abusive partner is a prominent member of the community
- a fear of being outed by the abusive partner at work, to family and friends, or to others
- concerns that police, justice professionals, service providers, shelter staff or residents may have homophobic, biphobic, queerphobic, transphobic or other discriminatory beliefs
- if there are children involved, a fear they will not be regarded as a legitimate parent by courts if they are not a biological parent

- for partners who are the same gender or non-binary, a worry that others will assume that abuse is only real abuse when it happens in heterosexual relationships
- for partners of queer women and non-binary people, fears about being dismissed because of a false assumption that only men perpetrate abuse
- a belief that abuse in same-gender relationships must be equal between partners and so both parties are responsible, or a concern that others (such as legal professionals, police, or shelter staff) hold this belief
- concern that intimate partner violence shelters may only be available to heterosexual and cisgender women and fears about being misgendered by shelter staff and others
- concern that there are no resources available for queer and gender diverse people
- a belief that abuse is normal due to transphobic culture and internalized transphobia
- fear of inappropriate and invasive questions about their body and past medical procedures or current treatments
- lack of information about whether a

To read more about intimate partner violence in 2SLGBTQIA+ communities, see www.gbvlearningnetwork.ca/our-work/issuebased_newsletter/s/issue-12/12-Rainbow_Newsletter_Print_1nHouse.pdf. Also See the **Resources** section at the back of this guide for information about services and support for 2SLGBTQIA+ survivors.

TIP

particular Transition House or other resource has a trans-inclusive policy

- fears about uninformed, insensitive, or discriminatory attitudes from the police
- anxieties about presenting an identity document to police or to shelter workers if that document shows an outdated gender marker or a name that they no longer use
- fears around accessing shelter services because of concerns about bodily privacy in a shared space
- hesitation to access counseling and other medical services because of past negative experiences dealing with health care professionals
- concern from trans women who are parents that they will be labelled as abusive because of misogyny
- fear on the part of masculine presenting Black women who may fear being labelled as perpetrators of violence by police because of anti-Black racism and misogyny
- worry on the part of Black queer women that the police will charge both partners.

For service providers who are working with survivors, remember that you do not need every detail about a person's history, gender identity etc. to work with and support them. It is important to engage with survivors in the least invasive manner and allow them to share what they are comfortable with at their own pace.

TIP

Family and intimate partner violence in Black and African Nova Scotian communities

Survivors of family and intimate partner violence in Black and African Nova Scotian communities also face additional challenges in leaving abusive partners and getting help.

Black and African Nova Scotian people experience systemic racism in all aspects of our society and our justice system, and this complicates leaving abusive relationships and finding appropriate support.

Many systems and resources are not culturally competent and meaningfully inclusive of Black, African Nova Scotian and other racialized people. This means that people of diverse racial backgrounds do not see themselves reflected in the services offered and do not feel safe or welcome in these spaces.

It is also important to acknowledge that for Black and African Nova Scotian communities, historical and current oppression, discrimination, and unequal treatment have resulted in mistrust and fear of justice, social service systems and the police, and reluctance to turn to these agencies for help. For many Black and African Nova Scotia survivors, this experience of inequality and mistrust is still very much a reality. This can mean that survivors from these communities do not get the support they need and deserve.

Some issues that Black and African Nova Scotian survivors may face when leaving abuse and finding support include:

- there are strong kinship ties between many Black and African Nova Scotian communities across our province. This means that survivors from these communities may face the prospect of leaving kinship, social support networks, extended family, and a community that is important to their sense of identity and connection
- the extended family and community bonds have traditionally been highly valued in Black and African Canadian communities. Survivors may feel pressured to keep silent about abuse or downplay its severity because of kinship and fear of loss of connection and shame
- reporting abuse by men may be seen as furthering problematic and inaccurate stereotypes about Black and African Canadian men
- a fear that police or service providers may hold racist beliefs or attitudes
- reluctance to report violence because of a concern that an abusive partner will be subjected to racism from police and the justice system
- fear of being shut out or blamed by the community may lead to silence about abuse
- survivors do not see themselves reflected in community organizations because such organizations do not incorporate meaningful diversity and cultural competence
- resources and services are often not located within or close to African Nova Scotian communities.

Family and intimate partner violence and people with disabilities

People with disabilities are often more vulnerable to abuse. This is because people with disabilities regularly face ableism in both overt and systemic ways, which contributes to their marginalization and complicates their ability to access appropriate supports.

Ableism can include stereotypes about people with disabilities, assumptions about their ability to thrive and function independently of others, and a justice system that does not prioritize or understand diverse abilities and needs.

Survivors with disabilities may experience family and intimate partner violence in specific ways. Some examples include:

- withholding or controlling devices, communications, or technologies from a survivor
- withholding food, medication or maintaining control over the necessities of life when the partner is also a caregiver
- refusing to help with daily tasks
- withholding finances or stealing
- prohibiting or withholding access to services and supports
- normalizing experiences of abuse and making the survivor think that the behaviour is not abuse
- harming or threats to harm a service animal.

In most cases, survivors with disabilities will face additional barriers and further abuse because of accessibility issues that arise in relation to their disabilities. For example, a shelter or other support resource may not be physically accessible in the way that a survivor requires or may not have staff who are trained in understanding diverse needs and responding appropriately and compassionately to these needs.

Survivors with Disabilities

There will be added barriers and challenges in the family court process for survivors with disabilities. To help navigate this, consider connecting with a trusted support person or professional. Resources specific to survivors with disabilities can be found in the **Resources** section at the back of this guide.

Some issues that survivors with disabilities may face when leaving abuse and finding support include:

- their disability may be used as a way to gain control over them in the relationship
- destruction of property can often be more dangerous if an assistive device or helping dog is harmed or threatened with harm
- they may encounter physical or other barriers when trying to access support services (for example, if a service provider has an office in an inaccessible space)
- survivors who have difficulty walking, understanding, hearing, or speaking may be unable to flee, get help, or report their abuse

- police or service providers may not understand dynamics of abuse and this may be exacerbated by power imbalances
- stereotypes about people with disabilities may mean they are not believed when they report abuse
- they may not be considered capable parents if parenting support is needed
- some survivors may not be aware they are experiencing abuse because abuse has been normalized through ableist systems and an ableist society
- the abusive partner may blame them for their illness or disability or tell them they are making it up or seeking attention
- they may have been made to feel worthless by the abuser
- they may feel that by leaving an abuser they are losing an essential support person or caregiver
- disbelief or minimizing of violence by family members or support services may create a barrier to accessing help or receiving support
- family members may not be willing or able to take on a caretaking role usually filled by the abusive partner.

Survivors with Disabilities

The Not Without Us Report, created in partnership with the Nova Scotia League for Equal Opportunities and Easter Seals Nova Scotia highlights the experiences of women with disabilities in Nova Scotia who have experienced violence, including the challenges in accessing supports. The report makes various recommendations and provides a snapshot of accessibility in communities across Nova Scotia. To learn more and find the report, visit www.easterseals.ns.ca/not-without-us/.

Family and intimate partner violence in immigrant and newcomer communities

Immigrants and newcomers to Canada may experience challenges related to family and intimate partner violence. For example, a survivor might:

- receive misinformation from their abusive partner about laws or child protection processes in Canada
- receive threats from their abusive partner that they will be deported or have their immigration sponsorship revoked
- be persuaded by their abusive partner not to report abuse due to threats that their immigration status will be compromised, or that the abusive partner may face deportation if convicted of a criminal offence
- be prohibited by their partner from learning French or English, communicating with others or accessing employment.
- be subject to faith-based or spiritual abuse
- have important documents such as passports, immigration papers, identification cards etc. destroyed or controlled by their partner.
- face threats from their partner to remove their children from the country.

Immigrants and newcomers to Canada may face specific challenges and barriers leaving family and intimate partner violence. This can be due to many factors, including xenophobia and racism in our society and

systems, lack of understanding of Canadian laws and community resources, or a fear that leaving an abusive partner will complicate the survivor's immigration status.

Living in a new country can also mean facing social isolation, language barriers, and cultural differences that can make accessing support services difficult.

Some additional issues that immigrants or newcomers to Canada face when leaving abuse and finding support include:

- culture shock
- lack of understanding of Canadian laws and individual rights
- fear of bringing shame to their family and fear of being turned away from their community
- fear and distrust of the police or child protection system
- if the abusive partner is one of the few connections they have in Canada, fear of losing this connection and being alone
- experiences of prejudice, discrimination, and racism in Canadian culture
- lack of English language skills
- loss of social supports and being cut-off from extended family or a cultural community
- geographical isolation from information and resources
- lack of information about social services available and/or lack of translated material in their native languages

- lack of services and support that meet their needs to leave the relationship (for example, because of issues of language and cultural competence)
- lack of economic supports (access to housing, childcare and financial aid) including inaccessibility of shelters (in many cases financial dependency may force them to return to their abusive partner)
- difficulties living within a shelter environment because of language barriers and cultural differences
- low income and job insecurity
- fears about confirming stereotypes about gender norms and violence in their culture of origin.

If you are a newcomer who has experienced intimate partner violence and are looking for help:

- call the police (911) in emergency situations
- speak with your family doctor
- contact a settlement agency (such as Immigrant Services Association of Nova Scotia (ISANS), YMCA Settlement Services, Immigration Francophone Nouvelle-Écosse or the Halifax Refugee Clinic)
- contact a local Family Resource Center
- speak to your income assistance case worker
- contact a Transition House.

Contact information for these organizations can be found in the **resources** section at the end of this guide, or by calling 211.

TIP

Family and intimate partner violence in rural communities

For survivors in rural communities, there may be additional barriers to leaving and accessing support including:

- poor access or lack of access to internet or phone services
- transportation concerns including long distances to access services, lack of access to a vehicle, limited or no public transportation or taxi services
- concerns around privacy and anonymity in a small community
- lack of availability of services and supports, including legal services and community supports
- isolation from family, friends and neighbours
- challenges with safety planning because it may be difficult to create a safe plan to leave
- increased risk due to prevalence of guns in rural communities
- long distances for police to travel in the event of an emergency.

Family and intimate partner violence and criminalized survivors

Some survivors of family and intimate partner violence could become involved with the criminal justice system. They may be charged with a crime or receive a criminal conviction.

Although police are supposed to identify the "dominant aggressor" after an incident of intimate partner violence is reported, at times police may

charge a survivor with assault or other crime, believing that they were the perpetrator of violence, even if they were acting in self-defence or reasonably resisting the violence. An abusive partner may also falsely report the survivor to police as an abusive tactic. In Nova Scotia, there is a “mandatory charging policy,” meaning that police must lay a charge if they have good reason to believe an intimate partner violence offence has occurred.

For survivors involved with the criminal justice system, there may be additional barriers to access help or support including:

- difficulty accessing legal counsel and information, especially if they are currently incarcerated
- stigmatization by friends, family, community or service providers of being labelled a “criminal” or an “addict”
- concern about being perceived as a “bad” parent in family court or by child protection authorities because of criminal charges
- being at a higher risk of experiencing gender-based violence
- increased risk of involvement with child protection services due to police involvement
- fear of having children permanently removed
- fear or concern of racist or discriminatory treatment in the criminal justice system
- lack of access to parenting programs, mental health and rehabilitative services and supports, especially if incarcerated

- fear of reporting family and intimate partner violence for fear that they may be charged
- additional surveillance or suspicion from police or community members
- inability to access certain resources or supports due to criminal convictions
- increased impacts on mental health and well-being due to criminalization or incarceration
- fear of an abusive ex-partner continuing to call the police or “breach” the survivor for not following release conditions
- challenges navigating multiple legal systems at once (i.e. the criminal, child protection and family justice systems).

How are parents affected by family and intimate partner violence?

Family and intimate partner violence can have long-lasting effects on survivors. The tactics of power and control used by abusive partners may manifest as a range of symptoms. These can include low self-esteem, as well as chronic fear, physical injuries, health problems, self-doubt, depression, suicidal thoughts and behaviour, substance use challenges, isolation, and reduced parenting capacity.

Some survivors of family and intimate partner violence also experience ongoing trauma. Trauma is often under-diagnosed, and may be misdiagnosed as depression, anxiety, or another psychological condition.

Psychological traumas do not always improve with time alone and can cause as much impairment and distress decades later as they did right after the traumatic event or events. Survivors may react very differently to trauma depending on their circumstances.

Dissociation affects many trauma sufferers and is a common psychological symptom after depression and anxiety. Dissociation is an experience where a person feels disconnected from their surroundings or from their own psyche. It can impact memory and cause general feelings of fear and unease. Dissociation is not well understood by the general public and can be frightening to experience.

Trauma can also result in hypervigilance – in which someone is constantly assessing potential threats around them. This is an emotional and physiological reaction in the body in which the person is frequently in a state of fear or anxiety that something bad is about to happen.

Hypervigilance is a logical reaction that our nervous systems produces after significant harm. It braces us to constantly look for incoming harm so that we can keep ourselves safe. But our brains don't always know how to turn this off once the threat of harm has passed. This means that some trauma survivors may find themselves in a constant or frequent state of anxiety, anticipating harm at any moment even months or years later when they are in a safe place and situation.

It is important to recognize that survivors who are parents may not only have to deal with their own trauma but may also have to deal with trauma

symptoms within their children. When children witness or are aware of ongoing abuse, this can be a deeply traumatizing experience and can lead to lasting feelings of being unsafe and anxious or reactive.

If a survivor or their children experiences lasting emotional trauma, connecting with a professional who can effectively treat trauma can be essential to healing and moving on to live a fulfilling life. A trauma therapist can teach techniques to regulate the nervous system and address trauma symptoms, which can help restore a sense of emotional safety and normalcy.

How can family and intimate partner violence impact survivors as parents?

Having children with an abusive partner can mean that both the process of leaving the abuse and healing from the abuse can be immensely challenging and complicated, and may mean that a clean break from an abusive person is difficult. If there are young children involved, a survivor will often continue to have the partner who has been abusive in their life to some extent.

Even if the survivor does not have to see the abusive partner, they may regularly hear about the abusive partner from the children, which can bring up memories of the abuse that are upsetting and potentially triggering. Abusive ex-partners may continue the abuse after separation, potentially through children or court processes.

As well, family and intimate partner violence may impact the survivor in many ways in their role as parents. For example:

Survivors may believe they are inadequate parents

- the abusive partner may say the survivor is an unfit parent and the cause of the children's problems
- survivors may fear having their children taken by child protection authorities
- survivors may be prevented by the abusive partner from creating structure and consistency for their children
- a survivor's trauma symptoms may mean they are not able to bring the full, healthy version of themselves into their relationship with the children
- children may have symptoms which make the survivor believe they are a bad parent.

Survivors may lose the respect of some or all of their children

- children may see the survivor as an acceptable target of abuse
- children may disregard the survivor's authority and so might not follow rules
- children may not value the survivor or may be ashamed of them.

Survivors may believe excuses for abusive behaviour

- survivors may believe the abuse is their own fault and try to change themselves to suit the abusive partner's demands
- they may believe that the abuse is caused by the abusive partner's use of alcohol or stress
- they may believe that the abuse is culturally or religiously appropriate
- they may believe that men and boys should have more privileges and power in the family or subscribe to other ideas about gender roles.

Survivors may change their parenting style in response to the abusive partners' parenting styles

- they may be very lenient to balance the abusive partner's strict parenting
- they may be too strict to try and keep the children from annoying the abusive partner
- they may make age-inappropriate or unreasonable demands on children to calm the abusive partner
- they may be afraid to set boundaries around the children's behaviour because the children have been through so much
- they may be left to do all the demanding parts of parenting while the abusive parent does the fun parts

- they may inappropriately confide in the children because they feel isolated and do not have other close connections to talk to.

Survivors may not be able to cope

- survivors may experience depression, anxiety, or poor sleeping that stops them from caring for the children or providing for the children's daily needs
- if the abusive partner stops the survivor from using birth control, they may have more children than they planned for
- survivors may be denied enough money to meet children's basic needs for food, etc.
- survivors' parenting may be reactive rather than proactive so that they only respond to crises rather than preventing problems.

Survivors' bonds to children may be impacted

- children may be angry and blame the survivor for failing to protect them or leave the abusive ex-partner
- the survivor may be prevented by the abusive partner from comforting a distressed child
- one child may assume the care-taking role for the survivor
- children may expect the survivor to leave (or be deported) and may become anxious or emotionally closed-down to protect themselves from possible loss.

Survivors may be trapped in competition for children's loyalties

- the abusive partner may attempt to shape the children's view of themselves as good and the survivor as bad
- the abusive partner may present themselves as the fun parent who has no rules
- after separation, the abusive partner may use promises of a great life at their house to get children to support their bid for parenting time and decision-making responsibility
- the abusive partner may have more money and offer more material goods and a nicer home.

TIP

Children are often stressed and anxious when they live in a home where one parent is abusive to the other. Often, when a parent leaves an abusive relationship, their children are able to heal and feel safe and secure.

Abusive partners may use the child as a weapon against the survivor

- During the relationship the partner who is abusive may mistreat, neglect or upset the children (for example, by destroying presents) to hurt the survivor, ask a child to spy on the survivor, leave the family without money, food or shelter, call child protection authorities to make false allegations against the survivor, or even deliberately endanger, threaten to harm, kidnap, or kill a child.
- After separation, the abusive ex-partner may blame the survivor for the separation, get a child to pressure the survivor to get back together, use a child to communicate with or spy on the survivor.

- After separation the abusive partner may use legal proceedings to control or punish the survivor for leaving. They may seek parenting time and decision-making responsibility for the children as a way to hurt or maintain control over the survivor. In the midst of these decisions, abusive partners may argue to a judge that that survivor who is protecting a child of “parental alienation,” or unfairly turning the child against them.
- After separation, abusive ex-partners may also threaten to, or actually start unfounded legal proceedings involving the children, including calls to police or Child Protection Services about the survivor’s care of the child.

“I left my daughter’s father when she was one-and-a-half. She didn’t speak until she was more than two. She used to be really clingy and shy. I think it’s because she was affected by all the violence and because we lived in fear then. She’s six now and is totally different. She talks non-stop! She’s really outgoing and happy. I think it’s because we aren’t afraid anymore.”

How might abusive partners parent?

Not all parents who have been abusive to their partners have negative parenting behaviors. For some parents, however, patterns of control or manipulation may be reflected in their parenting. For example:

They may be controlling

- Partners who have been abusive may have high expectations and fixed rules for their children
- they may not be understanding or compassionate with the children
- they may have an angry style of verbal and physical punishment
- their discipline style may be a quick fix to an immediate problem, not a thoughtful strategy based on reasonable and age-appropriate expectations
- they may swing between controlling and easygoing or neglectful parenting.

They may be neglectful or irresponsible

- they may expect children to respect their authority but leave daily care to the survivor, especially routine or less pleasant duties such as changing diapers and helping with homework
- they may be unaffectionate with children and find excuses to avoid coming home
- they may be unwilling to sacrifice their needs to meet family responsibilities
- they may refuse to change their lifestyle when a baby is born
- they may not give the children praise or attention, so that children crave and over-value praise and attention.

They may undermine the survivor and be manipulative

- they may see themselves as the better parent, and not listen to input from the survivor
- they may override the survivor's decisions, be critical in front of the children, and present themselves as the only parent who should be listened to
- their poor treatment of the survivor may show children it is okay to mistreat the survivor
- they may confuse the children and try to convince them that the survivor is to blame for the violence and that they are the better parent.

They may be self-centered

- they may expect the praise and good parts of being a parent, without the sacrifices or responsibilities
- they may be enraged by normal behaviour such as a baby crying
- they may expect the children to meet their needs (such as listening to troubles, giving affection, or providing company).

They may be good at performing when they're being watched

- they may present themselves as loving and devoted parents during professional evaluations or in social situations

- the contrast between their public and private behaviour may be extreme and the children may feel most comfortable with them in public places.

How can family and intimate partner violence affect children?

Children are often more aware of family and intimate partner violence than parents realize. Children are sensitive to their environments and can often perceive fear and tension despite a parent's best efforts to hide what is going on. Watching, hearing, or knowing that a parent is being abused may threaten children's sense of stability and security.

Children's exposure to family and intimate partner violence can lead to physical, emotional, and behavioral concerns that may be significant and long-term. Such exposure can also affect brain development from infancy and lead to lasting consequences into adulthood (see chart below). How trauma and exposure to family and intimate partner violence impacts a child will depend on many factors including their age and needs, the nature and extent of the violence and how the caregivers around them respond.⁷

It is important to remember that not all children experience these difficulties. Children are also very resilient, meaning that with the correct support and environment, children can and do thrive despite these experiences.

⁷ Department of Justice Canada, "HELP Toolkit: Identifying and Responding to Family Violence for Family Law Legal Advisers" (2021), online at 57 (pdf): <<https://www.justice.gc.ca/eng/fl-df/help-aide/docs/help-toolkit.pdf>>.

Some challenges that children exposed to family or intimate partner violence may experience include:

- emotional and behavioural difficulties
- flashbacks, nightmares and constant or extreme worry about possible danger
- higher risk of experiencing physical injury or physical and emotional abuse themselves
- strong mixed feelings toward their violent parent so that affection exists along with feelings of resentment and disappointment
- copying what they learn at home, including:
 - using violence and threats to get what they want
 - learning that people do not get in trouble when they hurt others
 - copying the gendered dynamic of partner abuse if they live in a dynamic that involves strict gender roles and the idea that men should dominate a household
 - believing that women and gender diverse people don't have the right to be treated with respect.

Children who are exposed to violence may be desensitized to aggressive behaviour. When this occurs, young people may see aggression as normal and be less concerned by it.

What kinds of difficulties might children of survivors display?

Children who are exposed to family and intimate partner violence may also experience the following physical and behavioural problems:

- physical complaints (headaches, stomach aches, eczema, bed wetting, tiredness)
- constant worry about possible danger or safety of family members (for example, checking on siblings, phoning home, locking doors)
- sadness or withdrawal from people and activities
- low self-esteem and lack of confidence, especially for trying new things
- difficulty paying attention in class, concentrating on work, and learning new information
- outbursts of anger directed toward self or others
- bullying or aggression directed toward others.

TIP

Child protection services may become involved if the survivor remains with an abusive partner or continues to have contact with an abusive ex-partner after separation. This is often referred to as "failure to protect."

The Nova Scotia *Children and Family Services Act* Section 22(2)(i) says that a child is in need of protective services where the child has been exposed to, or has been made aware of, violence by or towards (i) a parent or guardian, or (ii) another person residing with the child, and the parent or guardian fails or refuses to obtain services or treatment, or to take other measures, to remedy or alleviate the violence.

Older children may display behaviours such as:

- school truancy or leaving home
- dating violence
- self-injury or mutilation
- suicidal thoughts and actions

- high-risk behaviour, such as criminal activities and alcohol and substance abuse.

"My daughter had been in two abusive relationships by the time she was 14 years old. We had to call the police because she was getting death threats on the phone."

The chart below outlines some of the risks to children when they are exposed to intimate partner violence at different stages of development.⁸ It is important to remember that when children are supported through positive relationships with other safe adults, the impacts of exposure to intimate partner and family violence can be minimized and help children cope. In addition, when a survivor's safety and well-being is prioritized, this can be a protective factor for children (i.e. if the survivor parent is protected, generally this means greater protection for the child).⁹

Infants, toddlers, and preschoolers (ages 0-3)	<ul style="list-style-type: none">• infant mortality, preterm birth, and low birth weight• adverse neonatal outcomes from mother's abuse of substances in order to cope with violence• parent experiencing violence forms unhealthy attachment with child due to heightened state of stress/anxiety• behavioural issues• social difficulties including difficulty in regulating emotions• post-traumatic stress disorder (PTSD) symptoms• difficulty with empathy and verbal abilities• excessive irritability, aggression, temper tantrums, sleep disturbances, and emotional distress
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⁸ From Peter Jaffe et al., "Risk Factors for Children in Situations of Family Violence in the Context of Separation and Divorce" (2014) at 12-13, online (pdf) <www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/rfcsfv-freevf/rfcsfv-freevf.pdf>.

⁹ Department of Justice Canada, "HELP Toolkit: Identifying and Responding to Family Violence for Family Law Legal Advisers" (2021), online at 57-58 (pdf): <<https://www.justice.gc.ca/eng/fl-df/help-aide/docs/help-toolkit.pdf>>.

	<ul style="list-style-type: none"> • resist comfort • adverse psychosomatic effects • impact neurocognitive development • filicide • physical injuries
School-age children (ages 4-12)	<ul style="list-style-type: none"> • develop anti-social rationales for abusive behaviour • self-blame • internalizing behaviours (e.g., humiliation, shame, guilt, mistrust, low self-esteem) • anxiety and fear • difficulty with social skills • difficulties with emotional regulation • negative peer relations • depression • bullying • academic abilities compromised • filicide • physical injuries
Adolescents (ages 13-19)	<ul style="list-style-type: none"> • depression • suicidal ideation • anxiety • aggression • social withdrawal • unhealthy attachments leading to difficulties forming healthy intimate relationships • distorted views of intimate relationships • lack of trust • heightened risk for violent behaviours toward peers or intimate partners • substance use • anger issues • long-term emotional distress • filicide • physical injuries • difficulties with emotional regulation
Into adulthood	<ul style="list-style-type: none"> • risk of perpetrating violence in own families • depression • anxiety • dissociation • PTSD • difficulties in emotional regulation • decrease in parenting quality • low educational achievement • chronic diseases (e.g., liver disease, sexually transmitted diseases) • sleep disorders • substance abuse

"The doctor says my son's got ADHD and he wants me to put him on medication. But I know he's the way he is because of what he's seen - what his father put him through. He was traumatized."

Chapter 3

Preparing for Family Court

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What is the family court process?

Below is a very general overview of the family court process in Nova Scotia. This process may look different depending on your case, and timelines may also vary. If there is a matter that is an emergency, this could be heard early by the court on an urgent or emergency basis, but make sure to state whether the matter is urgent or an emergency clearly in your application and speak with court staff if this is the case.

Application and Service	<p>At the outset of the process, one party will begin by filing their Application or Petition for Divorce. This application or petition will be served on the other party (the respondent). This is called service.</p> <p>The respondent will be provided with an opportunity to respond or answer which must also be served on the applicant/petitioner.</p> <p>Applications for interim orders may occur at this time and parties may continue to exchange documents and gather evidence or disclosure.</p>
Attending a Parenting Information Session	Parties may be required to attend an education session, called a Parenting Information Session, on the importance of protecting children from conflict. This session includes information about the court process. This course can typically be completed online on your own time.
Court Conciliation	If parties are unrepresented, they may be required to meet with a conciliator for conciliation . A conciliator is a court officer who helps you sort out what to do about your situation and what the next steps might be.
Case Conferences	With a judge, parties may go over issues that still require agreement, address any deficiencies in documents and schedule future appearances if agreement has not yet been reached. These are typically brief and more informal meetings with a judge to determine what is required to prepare for a formal settlement conference or hearing. Evidence and arguments are not typically heard at these conferences.

Judicial Settlement Conference	<p>Parties may choose to participate in a Judicial Settlement Conference where a separate judge may try to help you settle outstanding issues. This is optional but often recommended.</p> <p>Many matters will settle at this stage (meaning that parties came to an agreement), however, a settlement conference may not be appropriate in all family and intimate partner violence cases.</p>
Trial Preparation and Pre-Hearing Date Assignment Conference	<p>The judge will continue to encourage the parties to settle and if that is not possible, the judge will schedule and confirm hearing/trial dates.</p> <p>The judge will confirm that the parties are ready for trial.</p>
Hearing/Trial	<p>If parties have been unable to come to an agreement on some or all issues, there will be a trial on the remaining issues not yet agreed upon. The judge will make the final decision and grant an order or judgement.</p>

During the court process, the following may occur:

- legal issues may be added or resolved
- lawyers will continue to provide legal advice and options, and the client will give instructions or directions to their lawyers
- out of court settlement options may be canvassed
- assessments may be ordered or conducted
- treatment and therapy may occur
- positions may be defined or refined.

TIP

For more information on family law in Nova Scotia, visit www.nsfamilylaw.ca. You will find a lot of information here about family court, separation/divorce, family violence, resources and more.

Definitions for unfamiliar terms may be found in the **Legal Terms** section at the end of this manual.

Which court do I contact?

In Nova Scotia, the Supreme Court (Family Division) handles family law matters. This includes:

- divorce
- property and pension issues
- child support and spousal support
- parenting arrangements, including parenting time and decision-making responsibility
- contact time (time a child spends with someone other than their parents, like a grandparent).

The Supreme Court (Family Division) also deals with child protection and adoption. For information on child protection, see **Chapter 8: Child Protection**.

To find a court location or contact info, see the **Resources** section at the end of this manual. Generally, you must apply to the court closest to where the child lives.

Where is the court?

There is a list of Supreme Court (Family Division) locations including addresses and contact information in the **Resources** section at the back of the guide.

New Canadians and immigrants who have experienced family or intimate partner violence can contact the Immigrant Services Association of Nova Scotia (ISANS) for information and support around issues such as court, intimate partner violence, parenting, and any other challenges they face as newcomers to Canada. Contact details are in the **Resources** section at the back of the guide.

What is the Supreme Court (Family Division)?

The Supreme Court (Family Division) deals with family law matters in Nova Scotia.

Supreme Court (Family Division) services include:

- an intake process to explain court procedures and legal processes
- conciliation services to provide parties an opportunity to resolve family law disputes without going to court (note: in cases of family and intimate partner violence, you may wish to request that joint conciliation, including by telephone, should not take place)
- mediation services (mediation may not always be appropriate in family and intimate partner violence cases)

TIP

You can find information about the Family Law Information Program Centres (FLIP Centres) online at www.nsfamilylaw.ca/programs-services/family-law-information-program.

- Summary Advice Counsel for free legal advice sessions
- Parent Information Program (online)
- Family Law Information Program Centres (FLIP Centres) - Halifax and Sydney only
- Supervised Access and Exchange Programs
- referrals to counselling and healthcare professionals.

You can access free online guides to get a divorce or a court order in Nova Scotia. These guides provide links to information and the forms you will need. Access the guides at www.nsfamilylaw.ca/court-forms/application-guides.

You can also participate in a free, online divorce workshop. Find more information at www.nsfamilylaw.ca/separation-divorce/divorce.

The Supreme Court (Family Division) also has Do-It-Yourself Divorce Kits for those seeking a divorce without a lawyer, and Variation Kits for those seeking a change to the terms of a divorce, such as parenting time, decision-making responsibility, or child support. These kits cost \$25 before tax.

Court staff can provide information, but they cannot give legal advice. Intake workers can meet with you to determine what legal issues need to be addressed and to go over forms and information contained in Do-It-Yourself kits.

TIP

Deaf or Hard of Hearing Survivors

Sign language interpreters may be available free of charge through the Society of Deaf and Hard of Hearing Nova Scotians (SDHHNS) *if the referral is made through the organization ReachAbility*. See the **Resources** section at the back of the guide for ReachAbility and SDHHNS contact details.

What are peace bonds and Emergency Protection Orders?

The Supreme Court (Family Division) does not usually deal with peace bonds or Emergency Protection Orders (EPOs). If you want to get a peace bond, you will usually have to go to **Provincial Court**. Provincial Court locations can be found at www.courts.ns.ca.

If you want an Emergency Protection Order, you will need to contact a Justice of the Peace in Nova Scotia by phoning 1-866-816-6555, any day between 9 am and 9 pm. Certain people, like police officers, victim services workers, or some Transition House staff members, can apply on behalf of a survivor, including after hours.

Court staff at the Supreme Court (Family Division) may be able to provide information about Emergency Protection Orders and peace bond applications.

For more information about applying for a peace bond or Emergency Protection Order, see **Chapter 1: Leaving a Person Who Has Been Abusive - 12 Tips for Survivors with Children**.

Francophone Survivors

Francophone survivors of family and intimate partner violence can ask the court for an interpreter for translation of court proceedings and translation of court documents. Although French translation must be provided for free in criminal matters (if requested), it is left to the direction of the court in family matters. However, in practice, the court normally provides that direction on the request of either party. A party may also participate in the intake process or conciliation in French upon request.

If you need help finding a translator in your area, you may wish to contact L'Association des juristes d'expression française de la Nouvelle-Écosse (AJEFNE).

New Canadian Survivors

Always consider asking for an interpreter when you are dealing with the police, the courts, your lawyer, or other service providers if there is a chance you won't understand what is being said. Also, ask as many questions as you need to about the situation you are in and the systems you are dealing with. Canadian systems may not be the same or even similar to those in your country of origin.

What happens when I contact the court?

You can contact the Supreme Court (Family Division) by phone, email or in-person. Contact information is listed in the **Resources** section at the back of this guide.

If you do not have a lawyer, your first step after contacting the court is typically to attend an intake session. Sessions can be done online, in-person, or both.

Intake differs from court to court, so you should call your local court to find out how it works for your location. For some courts, you will have to call and book an appointment. During that appointment you will get help from an intake officer to fill out your court forms. In other courts, you may have to complete some forms first, before you meet with an intake officer. Online intake contains the same information as the in-person sessions, but you aren't working with a person who can answer your specific questions. For more information on intake and for links to online modules, visit www.nsfamilylaw.ca/programs-services/intake.

If you do not have a lawyer and are seeking an alternative to court, **conciliation** may be available. Whatever issues are not resolved through conciliation will be referred to court to be heard by a judge. See more information about conciliation below.

TIP

If you don't have a lawyer, you can always contact the court yourself. It is always recommended that you get at least some legal advice. You may also be able to get some free help from a Summary Advice Lawyer (see more info below).

What is the Family Law Information Program Centre (FLIP Centre)?

The Supreme Court (Family Division) locations in Halifax and Sydney have Family Law Information Program Centres (FLIP Centres). They provide information about court processes, legal topics, and court programs and services, especially to those who are representing themselves in court.

FLIP Centres provide:

- family law information and videos
- computer access
- general information sessions on topics such as intake, conciliation, and the **Child Support Guidelines**
- community referrals to agencies like Nova Scotia Legal Aid, the Legal Information Society's Lawyer Referral Service, and other counselling or community support agencies.

FLIP Centre locations are listed in the **Resources** section of the guide.

What is the Parenting Information Program?

If your case involves children, you will typically need to attend the Parenting Information program. This program gives information on how children may be caught in the middle of conflict between parents, and how this can be avoided. It covers topics like effective communication, dispute resolution, types of decision-making responsibility and parenting arrangements, and ages & stages of child development.

This program is done in a live virtual session (presented on Microsoft Teams) or as an online tutorial at your own pace. If you attend a virtual session, you will not be put in the same session as your ex-partner. You will not have to share personal information about your situation during the session.

You can access the Parenting Information Program online in English and French at <https://www.nsfamilylaw.ca/programs-services/parenting-information-program-pip>.

You may not have to attend one of these sessions in some circumstances such as extremely urgent situations - for example if your ex-partner has taken your child without your consent and won't give them back or has threatened to do so. In most cases, attending this session is required.

TIP

What is family dispute resolution?

Family dispute resolution, or FDR, is the term for out-of-court processes that you may use to resolve your family law issues.

There are in-court dispute resolution processes (such as conciliation, or judicial settlement conferences), but there are also out-of-court processes that you may decide to arrange for yourself. For example, this could include private mediation or negotiation. With these processes, you may be able to come to a legally binding agreement and avoid a hearing or trial.

In family law, parties will be encouraged to use a family dispute resolution process *if it is safe and appropriate to do so*. Parents are encouraged to come to settlements and agreements on their own in family court

because they are often in the best position to make decisions about what is best for their children. These processes are also often faster and less expensive than court proceedings.

That said, the presence of family and intimate partner violence or a significant power imbalance between the parties may mean that family dispute resolution is not appropriate or safe. This is why it is important to discuss family and intimate partner violence with your lawyer and/or court staff right away so they can help you to determine whether this is a good option for you.

See more information below about mediation, conciliation and negotiation processes.

Is family dispute resolution appropriate in cases involving family and intimate partner violence?

Family dispute resolution may not be suitable in many cases involving family and intimate partner violence because of the imbalance of power that can occur in abusive relationships. Survivors negotiating with abusive partners may be disadvantaged by fear and intimidation. An abusive ex-partner may use mediation or other family dispute resolution processes to further harass or control a survivor.

Some family dispute resolution professionals may be well trained in understanding family and intimate partner, while others may not understand the dynamics of abuse and related safety issues. This means that survivors may be pressured, for example, into agreeing to shared

parenting time or decision-making responsibility, or letting go of financial entitlements in exchange for safer parenting arrangements. In some cases, the mediation sessions themselves may present safety risks or provide opportunities for violence. This is why it is so important that you tell the court and your lawyer about any violence.

However, there may be some benefits to family dispute resolution when the professional has been well-trained and has expertise in family and intimate partner violence. For example:

- a trained professional can screen for and assess family and intimate partner violence and create a process that will mitigate risk and power imbalance
- survivors may find the process to be empowering
- processes may be faster and less expensive than a court process, lessening the negative impact on the parents and the children
- processes may be flexible and can be structured so that parents do not have direct contact
- parents may be more likely to follow agreements they have come to on their own (rather than orders imposed by the court).

It is important to speak with a lawyer or support person about whether this may be the right option in your circumstances. If a survivor does not feel safe participating in a family dispute resolution process, if the ex-partner is likely to use the process to continue to control or harass the survivor, or if the survivor is participating simply to get the process over with faster, family dispute resolution may not be the best option.

Some survivors report that they have been directed into joint family dispute resolution despite a history of family and intimate violence and not feeling safe to participate. If this happens, you may want to contact your lawyer, a Transition House worker or other knowledgeable advocate for advice and support.

What is mediation?

In family law matters, mediation involves a professional and neutral (unbiased) third party who helps separating couples reach an agreement on issues such as parenting time and decision-making responsibility, child support or property. The mediator will help a separating couple identify their needs, clarify issues, and, if possible, reach an agreement. If an agreement is reached, it can be put before a judge and serve as the basis of a **consent order**. If this happens, there may be no need for a court hearing before a judge.

TIP

At the time of writing this guide, court-connected mediation is not available. However, you may choose to participate in private mediation (typically for a fee) or participate in conciliation at the court, which is a free service. Check with your local courthouse.

What is conciliation?

Conciliation is a process that begins when either you or your ex-partner starts a proceeding in the Supreme Court (Family Division). A conciliator is a court officer who helps you sort out what to do about your situation and what the next steps might be. The conciliator can help:

- identify the issues involved, including which issues are agreed upon and which issues have not been resolved
- ensure proper information and documents are exchanged between the parties and given to the court
- clarify what the parties are asking for
- attempt to reduce conflict between the parties
- determine the next step(s) to resolve the issues.

Each file will be looked at by court staff to determine the best course of action. Court staff are trained and use tools to identify matters involving family and intimate partner violence and how to address this in a court application. If it is not safe for you to participate in a joint conciliation process (where you participate together), raise this with court staff and your lawyers as soon as possible. A conciliator may be able to meet with you and your ex-partner separately for example. If both you and your ex-partner have lawyers, you may not be required to attend conciliation.

TIP

If you and your ex-partner come to a conciliator with an agreement in place, the conciliator can provide the agreement to a judge for approval. This can make it into a legally binding order.

If you agree to something in conciliation, you will have a “cool off” period where you can take the agreement to a lawyer and get independent legal advice. Wherever possible, it is highly recommended you do so. The court can advise you of options for meeting with a lawyer and may even offer a free lawyer consult through the court. See the section below on Summary Advice Lawyers.

What is negotiation?

Negotiation is when two parties have a discussion to resolve issues and reach an agreement. Negotiation can take place between a survivor and their ex-partner, between the survivor, the ex-partner and their lawyers, or between lawyers only. In cases involving a history of intimate partner or family violence, the survivor may prefer to ask a lawyer to negotiate with the other side in order to not have direct contact with their ex-partner.

TIP

If you do negotiate directly with your ex-partner, be sure to have a lawyer review any agreement to ensure that it follows the law and is fair and reasonable.

What is a Judicial Settlement Conference?

A Judicial Settlement Conference is where you, your ex-partner, your lawyers (if applicable) meet with a judge. This is another opportunity for settlement that will be offered to you by the court that may keep you from having to go to trial.

Unlike a trial, the judge will not make the decision for you, rather, the judge will try to help you agree to your outstanding issues in dispute. Judicial Settlement Conferences are not mandatory but are typically recommended by the court. Even if you are unable to settle all outstanding issues, this conference can help you focus the issues that are still in dispute and help prepare for trial. The judge may give you an indication of the strengths and weaknesses in your case. The Judicial Settlement Conference judge will not be the same judge as the trial

judge, and nothing you share at a settlement conference can be used against you at trial.

Do I need a lawyer to make a court application?

No, but it is strongly recommended that you have a lawyer represent you in court if possible. A lawyer will provide advice, explain your options, prepare the necessary documents, and present your case in court. Your lawyer will also deal with your ex-partner's lawyer or with your ex-partner directly if they do not have a lawyer.

If you cannot afford a lawyer and do not qualify for Legal Aid, you can get legal information from several places, such as the Legal Information Society of Nova Scotia, a court intake officer, or your local Transition House, Women's Centre or Family Resource Centre (see the **Resources** section for contact details). If you are not a resident at a Transition House, you can still access their supports or call the 24-hour crisis line at 1-855-225-0220.

Even if you cannot afford a lawyer to represent you in court, you may be able to afford to get some legal advice along the way. Some lawyers offer unbundled legal services, which means that you can hire them to help you with just part of your case. You can also ask your lawyer if they are willing to accept a flexible fee arrangement, such as monthly payments. For more information on finding a lawyer and getting legal advice see **Chapter 7: You and Your Lawyer.**

Francophone Survivors

Francophone survivors of family and intimate partner violence looking for a French-speaking lawyer can contact L'Association des juristes d'expression française de la Nouvelle Ecosse (AJEFNE) for a referral. AJEFNE provides legal information in French, as well as helpful links to Francophone organizations and resources. AJEFNE contact details are in the **Resources** section at the back of the guide.

Deaf and Hard of Hearing Survivors and Survivors with Disabilities

Survivors of family and intimate partner violence with a disability or who are deaf or hard of hearing can obtain a free one-hour consultation with a lawyer through ReachAbility's legal referral service. Interpreters are provided free of charge to deaf and hard of hearing clients during this consultation. ReachAbility contact details are in the **Resources** section at the back of the guide.

What is a Summary Advice Lawyer?

The Supreme Court (Family Division) has Summary Advice Lawyers who can help you understand your legal issues and help get you ready for court. These lawyers can assist people who do not have a lawyer of their own. A Summary Advice Lawyer can provide some basic legal advice for free, regardless of income. They can give advice on parenting arrangements, child and spousal support, property division and divorce for example. Summary Advice Lawyers are located at the court and can also give you basic information about:

- legal terms
- how to start or respond to a court application
- the impact of agreeing or not agreeing to a court order
- court processes
- legal documentation
- how to apply to Legal Aid
- other aspects of family law.

A Summary Advice Lawyer will not represent you in court or attend court with you, but they will meet with you at the courthouse to help you prepare for court. Court officers, judges and other professionals may refer clients to this service. You can also book an appointment yourself by calling the court that you are involved with. See the **Resources** section for contact information.

You can contact a Transition House for help even if you are not staying there. Transition Houses do not give legal advice. However, because Transition House workers often have a lot of experience accompanying survivors through the legal process, they can provide a wealth of legal information as well as support.

TIP

Where can I find information about representing myself in court?

For information about representing yourself in family court you can look at the Nova Scotia government website:
www.gov.ns.ca/just/repselfmain.htm.

For more helpful resources about representing yourself in court, visit: www.courts.ns.ca/resources/public/representing-yourself-court. You will also find a "Going to Court" workbook here for self-represented litigants.

For general information about the Courts of Nova Scotia, go to: www.courts.ns.ca.

For online family law information, go to: www.nsfamilylaw.ca.

For general legal information regarding criminal, family and child protection issues, see the Legal Information Society of Nova Scotia's website at: www.legalinfo.org.

The Transition House Association of Nova Scotia (THANS) website is: www.thans.ca.

For general information on representing yourself in court visit www.representingyourselfcanada.com or www.nsrlpe.com

It is also a good idea to talk with Transition House staff before you attend court since they are very experienced in supporting survivors of intimate partner violence throughout the family court process. If you wish, a Transition House worker may be able to accompany you to court. You may have to ask the permission of the court for the support worker to sit inside the courtroom with you.

Because Transition Houses have traditionally served cisgender women who have been the victims of violence by cisgender men, they may not have a policy with regard to people of other genders. Most Transition

Houses in Nova Scotia do not have a formal policy about whether they provide services and shelter to transgender people. Refer to the **Resources** section of the back of this guide for a list of Transition Houses in Nova Scotia.

What is a McKenzie Friend?

If you are representing yourself, you may want to bring an assistant with you to give you moral support. This is called a McKenzie Friend. A McKenzie Friend can help you take notes, help to organize documents, and quietly make suggestions to you in court. You will need to get the court's permission in order to bring a McKenzie Friend with you. You will want to explain to the judge that this person will not speak on your behalf but will just sit with you.

It is important to select a person who you trust, who can abstain from conflict and who does not have tension or conflict with your ex-partner.

An organization called the National Self-Represented Litigants Project has developed several resources if you are interested in learning more or considering bringing a McKenzie Friend to court. The following resources cover what a McKenzie Friend is, how to ask the court for one and deciding whether you may want one:

1. The McKenzie Friend: Bringing a Support Person with you to Court
2. Presentation Template
3. The McKenzie Friend Worksheet

You can find these resources under the “SRL Resources” tab at www.representingyourselfcanada.com.

How do I prepare for court if I do not have a lawyer?

Consider meeting with a lawyer to get some legal advice

If possible, meet with a lawyer to get some legal advice on your situation. Lawyers are the only people who can provide this type of information or give you legal guidance as to what you should do in your situation.

Learn about the law that applies to your situation

- Refer to Legal Information Society of Nova Scotia publications at the court or visit www.legalinfo.org.
- Visit www.nsfamilylaw.ca to get information about the family law process.
- Refer to pamphlets at the court and at the Family Law Information Program (FLIP) centres.
- Review information for self-represented parties available at www.courts.ns.ca and www.novascotia.ca/just/srl. This information should not be viewed as a replacement for legal advice.
- Attend an intake session. These sessions give background information to help you begin your court application for certain issues (like parenting time and decision-making responsibility). See information earlier in this chapter regarding intake sessions.
- Meet with a Summary Advice Lawyer.

- Consider paying to speak with a lawyer for an hour or so to get some legal advice early in the process.

If you are representing yourself, it will also be very important to be familiar with Nova Scotia's Civil Procedure Rules, in particular Rule 34 (the rule about representing yourself in court) and Rule 59 (the Family Division Rules). These are the rules that cover the standard procedure and forms that must be followed in the Supreme Court (Family Division). You can find the Civil Procedure Rules online at www.courts.ns.ca/Civil_Procedure_Rules/cpr_home.htm

TIP

Organize and write down your thoughts

- Why are you going to court?
- What are the legal issues?
- What is your position on each issue?
- What do you want the judge to order?

Prepare a detailed outline of what you think the judge needs to know to make a decision

This is for your own use. You will not be able to give your notes to the judge. You will not be able to simply read a statement to the judge. If you forget what you want to say, you may ask the judge if you can refer to your notes that you have prepared to help your memory. Remember that you will have to give all your evidence while under oath, so that the other side can ask you questions.

For each fact that you want the judge to know, think about how to get your information across to the judge:

- you can give evidence yourself, for example in an **affidavit** or by testifying in court
- a witness can give evidence, or
- you can bring documents or other important evidence to court to show the judge.

TIP

If you refer to notes when you are on the stand giving evidence, your ex-partner's lawyer (or your ex-partner if they are self-represented) could ask the judge for a copy of them.

Example: You want the judge to know you attended a parenting course.

You could:

- a) tell the judge yourself
- b) ask the instructor to come and tell the judge, or
- c) bring a copy of the certificate that says you attended the parenting information program.

Have everything you need to support your position

Keep in mind that you must show evidence to support your case. For example, if you are telling the judge that you are going to be laid off in two weeks, have a letter from your employer to support that or have your employer come to court. The judge will not telephone anyone or help you gather evidence. If you want the evidence to be considered by the judge, you will have to collect it yourself.

Gather all other documents that you want the judge to see. Some examples may be:

- pay stubs
- income tax returns for the past three years
- Notices of Assessment from the Canada Revenue Agency for the past three years
- letters from your employer
- letter from your child's school, doctor, etc.
- certificates from parenting courses
- any evidence of family or intimate partner violence such as photographs, text messages, your own personal notes, etc.

Make three copies (for you, the other side and the judge) of all documents you want the judge to see.

Decide if you should have witnesses

Only bring those people who can give relevant evidence that they know firsthand. If you are bringing a letter from someone, you may be required to bring that person to court, so that the lawyers can ask them questions about the letter.

Prepare questions to ask your witnesses when in court.

When preparing your questions, you may want to make an outline of questions you want to ask and refer to this to make sure you have covered all the information you want each witness to tell the judge.

Arrange to subpoena witnesses

Those people who you want to call as witnesses to court who will not willingly come can be issued a **subpoena** and made to come. Keep in mind that this should be arranged well in advance. If you are going to use subpoenas, you will need to contact a court staff person.

Think about what you expect the other side will say

Prepare questions to ask the other side and their witnesses. Think about your responses to things the other side is going to say.

Start to prepare your closing statement before you go to court

A closing statement does not give evidence or tell the judge anything new. Instead, it highlights and summarizes your case.

In a closing statement, you will summarize your important evidence and how it supports your position.

Gather all the court forms and court documents to bring with you

These may include:

- Statement of Contact Information and Circumstances
- Parenting Statement
- Statement of Income
- Statement of Expenses
- Statement of Special or Extraordinary Expenses

TIP

Family court forms can be found at www.nsfamilylaw.ca/court-forms/list-court-forms or by searching "court forms" on www.nsfamilylaw.ca

- Statement of Property
- Affidavits (sworn statements)
- Anything you or the other side has filed with the court (see the examples listed above).

Organize your documents so that you know where they are when you are in court.

Let court staff know ahead of time about personal safety concerns during the time you are in court. If possible, try to go to your local courthouse ahead of time so you know what to expect. You may even be able to watch a trial. You will have to ask court staff for permission to watch a trial, but it may be helpful to know what to expect.

Bring paper and a pen

Be prepared to make notes about what the other side says, jot down questions as they occur to you, make notes to add to your closing statement, and write down the judge's decision, if it is given that day.

Throughout the hearing, review your outline to confirm that everything you want the judge to know has been mentioned.

Self-representing can be used by abusive ex-partners as a form of bullying. There is helpful information for survivors dealing with self-represented ex-partners in **Chapter 4: In the Courthouse.**

TIP

Conduct legal research

It is possible that you may have to conduct legal research and/or find **case law** or prepare a research brief in preparation for your trial or hearing.

Case law is previous decisions from legal cases. They show how judges made decisions in previous cases only, so if there is a case that is similar to yours, this could be helpful for your case. Lawyers often refer to previous case law to support their arguments or requests made in court.

Newer cases made by higher courts (like appeal courts or the Supreme Court of Canada) tend to be the most important cases as these courts have more authority than trial courts.

Case law research is complicated, and the law is constantly changing, so if it is possible to get some legal advice, this may be a helpful area to ask for guidance or have a lawyer review your research.

If you are conducting your own legal research, CanLII (www.canlii.org) is a free online legal information tool where you can find published Canadian cases as well as online versions of legislation such as the *Divorce Act* or the *Parenting and Support Act*.

For more information on how to do legal research and how to use CanLII, see The CanLII Primer: Legal Research Principles and CanLII Navigation for Self-Represented Litigants. This Primer reviews the Canadian Legal System and how to conduct legal research using CanLII. Search for the primer online or find it at <https://canlii.ca/t/27tb>. The Primer is also

available in French at https://representingyourselfcanada.com/wp-content/uploads/2015/11/nsrlp-canlii-primer-v1_french.pdf.

You can also access law libraries in Nova Scotia to help you conduct legal research including:

- The Sir James Dunn Law Library (Dalhousie University) – located in the Weldon Law Building, 6061 University Avenue, Halifax (902-494-2124)
- Nova Scotia Legislative Library – located in Province House, 1726 Hollis Street, Halifax (902-424-5932)
- Nova Scotia Barristers' Society Library – located on the 7th floor of the law Courts, 1815 Upper Water Street, Halifax (902-425-2665)

TIP

How much does it cost to go to court?

If you qualify for Legal Aid, you will not have to pay legal fees. See **Chapter 7: You and Your Lawyer** for information on how to appeal if you do not qualify for Legal Aid.

If you do not qualify for Legal Aid and you hire a lawyer yourself, the cost will likely be based on an hourly rate plus any additional expenses such as travel, court costs and fees for serving documents. There are also fees for starting court proceedings, although fees may be waived in some circumstances. Check with court staff about costs and whether your income makes you eligible for a fee waiver.

Family court matters may last months or even years and can cost thousands of dollars. For more information on payment options, see **Chapter 7: You and Your Lawyer.**

Are court forms available online?

Many family court forms are available online at www.nsfamilylaw.ca.

However, court officers recommend that you go into the courthouse in person to ensure you have the correct forms and the right information about how to apply. Transition House staff may be able to help with court forms. Women's Centres and Family Resource Centres may also be able to help.

How long will I have to wait after making a court application?

In the Supreme Court (Family Division), once you have filed your application at the court, your matter will be assessed by the court who will determine your first court dates and appropriate next steps.

If you or your ex-partner are self-represented, or don't have lawyers yet, you may be scheduled for conciliation within a few weeks or longer. Conciliation is usually a required process that begins after one of the parties starts a proceeding. A conciliator is a court officer who helps you sort out what to do about your situation and what the next steps might be.

If you are unable to resolve all issues with the conciliator, or if the conciliator determines that your matter cannot appropriately be resolved through conciliation, you may be referred for a court conference before a judge within four to six weeks of your application, although timelines may vary.

A court appearance or conference gives the judge a chance to:

- identify the issues to be heard
- find out if the parties have, or intend to have, lawyers represent them, and
- determine if the parties are able to resolve the issue on their own.

You should attend any scheduled court appearances or conferences.

Typically, judges do not make a decision right away, however, in some cases, the judge might make a decision at the first appearance, especially if the judge feels the situation is urgent or an emergency. Therefore, it is best to be prepared. In an emergency situation, you may get an earlier date to go to court.

What if my situation is urgent or an emergency?

If you need a court decision immediately, you can speak with your lawyer about making an emergency application. If you do not have a lawyer, court staff may be able to help you make an emergency court application, and a court date will be booked for as soon as possible. Be sure to indicate clearly to the court staff and in your application that the matter is urgent or an emergency.

Remember that without a court order (interim or final) you and your ex-partner both have parenting rights with respect to the children. If you have concerns about your ex-partner not returning the children to you, it is very important to get legal advice immediately.

TIP

The court will determine whether your situation is an emergency or should be heard on an urgent basis. Processes may differ at each courthouse, so it is best to contact your court directly to confirm.

Cases may be considered an “emergency” if:

- you or your child are in immediate danger
- there has been violence or a serious threat against someone
- your ex-partner has taken your child, and there is serious reason to believe that they may take the child out of the country.

You may also consider applying for an Emergency Protection Order (EPO) in an emergency situation. See **Chapter 1: Leaving a Person Who Has Been Abusive – 12 Tips for Survivors with Children** for more information.

More information about urgent and emergency applications can be found at www.nsfamilylaw.ca/family-violence/urgentemergency-applications-and-orders.

Some survivors agree to interim (i.e. temporary) parenting and decision-making arrangements assuming they will be able to change them when they go back to court. However, unless there are serious problems with these arrangements, interim arrangements may be difficult to change. It is important to be cautious and get legal advice before agreeing to any interim arrangements.

TIP

Should I tell court staff about family and intimate partner violence?

Yes. Tell the intake worker or court staff that your case involves family or intimate partner violence so that they can make appropriate recommendations regarding programs and court procedures. Court staff are trained to identify and respond to cases involving family and intimate partner violence. It may be a good idea to bring an advocate with you to the intake meeting.

Can I apply for parenting time and decision-making responsibility before I leave my partner?

Yes, you can see a lawyer, apply for Legal Aid, and begin an application for parenting time and decision-making responsibility before you separate. Remember, if you are still living with your abusive partner, you should tell your lawyer or Legal Aid staff and ensure you don't receive any documents at home. If you file a court application prior to separation, your ex-partner will likely be served while you are living together, which may increase the risk of further violence.

In some circumstances, a survivor may be notified once the abusive ex-partner has been served with court documents. Tell court staff if you want them to tell you when your ex-partner has been served.

TIP

See **Chapters 5 & 6** to learn more about parenting arrangements.

Does my ex-partner have to know about the application?

It depends. Most of the time, proceedings take place with both parties present and being notified. However, in situations involving extreme risk

You should assume that your ex-partner will eventually see all documents you file with the court. This means that your ex-partner will have access to any information these documents contain, for example, your address, financial records, and your children's medical and school records.

TIP

If you wish to keep your contact information confidential, speak with court staff or your lawyer about how to do this. You may be able to redact or black out certain information (such as a SIN number or new address, for example).

the matter can be heard without one partner present and without notifying them. This is called an **ex parte** application. Remember, although your ex-partner may not know about the application, they will be notified about whatever decision the court makes. You can ask court staff to tell you when they have been notified so that you can make arrangements for your safety.

What family court issues do people with disabilities face?

Even before becoming involved with the family court, parents with disabilities may already be facing extra scrutiny because of their disability.

Lack of information about, and misconceptions towards people with disabilities and their ability to parent effectively can pose challenges in family court. For example, abusive partners or their lawyers may try to bring up a person's disability, or stereotypes about persons with disabilities or people who are deaf or hard of hearing to suggest they are a poor parent.

The other parent may present themselves as the competent, non-disabled parent, or stress the difficulties the parent with a disability may experience because of their disability. It is very important that persons with disabilities are represented by lawyers who understand disability issues.

Abusive partners will often try to use a survivor's disability against them in court. Unfortunately, this means that it is important for people with disabilities and people who are deaf or hard of hearing, to be prepared to deal with the issue of their disability or deafness directly in a parenting proceeding. For example:

- Be prepared that your ex-partner may try to introduce medical or other records in court.
- Be prepared to show the court your own medical or other records where helpful. For example, you may want to provide the court medical records showing that a degenerative illness is currently in its early stages, along with a parenting plan to accommodate ongoing changes to your health.

- Gather as much detailed evidence of your parenting abilities as you can. If you have been the primary caregiver in the past, produce detailed descriptions of this.
- Present third-party evidence from people who can support your case, especially those who can describe your parenting skills and ability (for example, a teacher).
- Present expert witnesses (for example, a doctor or skilled community advocate who can confirm that your disability is not negatively affecting your parenting skills).

You should have legal representation in family court. People with disabilities and deaf or hard of hearing persons may need their lawyer to perform specific tasks, such as:

- communicate disability-related issues to the court accurately and without bias
- find and prepare expert witnesses like doctors and specialists
- ensure that their client understands exactly what is going on in their case
- prepare the client to be the best possible witness in their case.

It is not uncommon for an assessment, such as a Parenting Capacity Assessment to be requested when there is family or intimate partner violence towards a survivor with a disability. If this happens in your case, you may want to request an assessor who understands and has experience working with parents with disabilities. Speak to your lawyer and see the **Chapter 6: Sorting out Parenting Arrangements** of this guide for more information on assessments in family court.

TIP

For suggestions on how to find a lawyer with experience representing clients who are either deaf, hard of hearing or disabled, try contacting organizations such as Inclusion Nova Scotia, ReachAbility, People First of Nova Scotia, Easter Seals Nova Scotia, Nova Scotia League of Equal Opportunities, or organizations that are familiar with specific disabilities (such as Autism Nova Scotia).

Organizations such as Inclusion Nova Scotia and People First of Nova Scotia are especially helpful to assist with navigating the legal system and may be a good starting point if you are not already connected to a support system. For more resources and contact details of organizations, see the **Resources** section at the end of this guide.

Chapter 4

In the Courthouse

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Who will be in court?

The people in the courtroom usually include:

- the judge
- a court clerk who records everything said in the courtroom
- a sheriff who takes care of security in the court
- you, your ex-partner, and both your lawyers (if you are both represented)
- witnesses (both sides can have witnesses) who are testifying.

TIP

It can be difficult for survivors in rural areas to get to the courthouse. If there is no public transportation in your area, speak to your local Transition House, Women's Centre or Family Resource Centre about whether they can help with transportation and/or childcare.

Witnesses who are not actively testifying and people waiting for their cases to be heard will likely be asked to wait outside the courtroom.

Most matters heard in the Supreme Court (Family Division) are open to the public with permission. You can ask a court staff member or your lawyer if this is the case in your situation or if you can watch another court case.

TIP

The courtroom is a formal space and there are certain rules and etiquette to follow. In the Supreme Court (Family Division), you should call a male judge "My Lord" and a female judge "My Lady." When you are speaking to the judge, you should stand. Consider what you will wear, and where possible, dress in a neat and tidy manner. In court, you cannot wear a hat, and food and beverages are typically not allowed. Refrain from wearing perfume or other scented products, avoid vulgar language, and ensure your cell phone is turned off or on silent.

Can I bring someone with me to court for support?

Where you have the permission of the court, you can bring a friend, family member or advocate with you to court for support.

See also the information and resources in **Chapter 3: Preparing for Family Court** on bringing a McKenzie Friend to court with you. This is a person who can help to organize documents and provide some assistance in court.

Is the court accessible?

People have a right to understand what is happening in their case and to have their accessibility needs met. However, each court has its own characteristics and, depending on when it was built, may be more or less accessible. The more advance notice you can give court staff the better.

On the court form, "Statement of Contact Information and Circumstances" you will be asked if you have any accessibility requests including language, communication or health needs that require accommodation. This is where you can identify any accessibility needs and explain what services you require to be able to participate in the court process. For example, if you are deaf or hard of hearing, you can ask for a sign language interpreter or headphones. Acoustics in the courtroom may pose a difficulty for those experiencing hearing challenges. You can ask to have your hearing held in a boardroom that may have better acoustics.

ReachAbility may also be able to provide support to meet needs in the courtroom. Contact details can be found in the **Resources** section at the end of this guide.

Accessibility in the Courtroom

Accessibility is a human right and people with disabilities have the right to live free from discrimination. To support this, Nova Scotia passed the *Accessibility Act* in 2017 and developed a strategy called "Access by Design 2030" with the goal to make Nova Scotia barrier free and equitable. This includes developing and implementing standards, such as making buildings more accessible. The Accessibility Directorate is responsible for administering the *Accessibility Act*. Find more information at www.novascotia.ca/accessibility.

The National Self-Represented Litigants Project developed a manual called *Navigating the Justice System: A Guide for Self-Represented Litigants with Disabilities*. This guide reviews rights and protections for people with disabilities and provides information about what accommodations may be available in court and who to contact for help. Find the primer at <https://representingyourselfcanada.com/wp-content/uploads/2017/11/PWD-Primer.pdf>.

Can my court appearance proceed over the phone or virtually?

Some court matters can be heard over the telephone and/or less commonly, by videoconferencing (known as "virtual court"). At the time of writing this manual, most routine conferences, date assignment conferences, and pretrials were taking place by telephone or virtually.

Contested motions, final hearings or trials and matters dealing with parenting issues will likely take place in person.

If you prefer to appear in person, you can make this request to the court. It may be important to appear in person because it is important for the judge to see and hear from you and your ex-partner in person. With that said, it is always up to the judge to decide how to proceed.

What if my ex-partner represents themselves?

If your ex-partner is represented by a lawyer, their lawyer will be the one to ask you questions in court. If your ex-partner is representing themselves in court, they may be the one to ask you questions. It can be very intimidating for a survivor of family and intimate partner violence to be questioned by their ex-partner. Nonetheless, if your ex-partner self-represents, you must answer their questions as you would respond to a lawyer. If the questions become inappropriate, it is the responsibility of your lawyer or the judge to intervene.

If you are being questioned by your ex-partner in court, you can face the judge or your lawyer when you answer. Speaking to the judge or your lawyer rather than to your ex-partner will help you to avoid eye contact and may reduce stress.

TIP

Although the judge will allow your ex-partner to ask a range of questions, they must be relevant to the matter before the court, and they should not ask you the same question over and over again.

If your ex-partner is not represented by a lawyer and they want to ask you questions (during **cross-examination**) you can consider asking the court to appoint a lawyer for your ex-partner for the purpose of asking you questions. There are rules of court called the Civil Procedure Rules. Rule 33.09 says that if you are going to suffer “serious emotional harm” by having to communicate with your ex-partner, the judge may appoint a lawyer to ask you questions instead.

What are some helpful safety tips for court?

As you start the court process, it will be important for you to keep yourself safe. Here are some tips you may wish to consider:

- To avoid being followed, do not travel directly to court or back home after court.
- Go to the courthouse ahead of time to see how things are laid out.
- Contact the sheriff ahead of time about safety issues or concerns. They may be able to assist with escorting you in and out of the courtroom safely, providing a private waiting room or ensuring that your ex-partner stays away from you.
- Ask the court staff for separate waiting rooms so there is no contact between you and your ex-partner.
- If the sheriff isn’t in the courtroom, ask the judge if they can be.
- Don’t give your address when you take the stand. Explain to the judge that it’s for safety reasons.
- Look at the judge when you answer questions asked by your ex-partner.

- If your ex-partner asks you a question that has nothing to do with the matter before the court, ask the judge whether you have to answer it.
- Make sure you have your story straight. Try to be aware of any holes or inconsistencies in your affidavit in case your ex-partner asks you about them.
- Remember that your ex-partner will be able to review all documents you file with the court, so do not provide any information that contains your contact details, social insurance number, or even details of banking or credit card numbers.
- If any documents include information such as a social insurance number or private address, you may consider redacting it (i.e. blacking it out).
- Ask that your contact information not appear on your court application or intake form.
- Remember that your ex-partner may ask the judge to see any notes you use while you are giving evidence.
- Choose safe ways of communicating with your ex-partner, such as through a third party, by email, telephone or in writing. There are also parenting apps you can use to communicate with your ex-partner. You may be able to use a post office box to get mail so that your ex-partner does not have your address. If you must meet in person, consider bringing a trusted person with you.
- For court documents, you may also be able to have some documents delivered to a third-party address (such as your lawyer,

a trusted friend or family member or a Transition House). Some courts may also allow you to retrieve documents at the courthouse.

- Document everything! For example, missed visits, missed child support payments, threats or harassment, telephone, email or written messages. Keep this information in a safe space.
- Look at the *Going to Court* document:
https://www.courts.ns.ca/sites/default/files/courts/Family%20Division/Going_to_Court_Workbook_18_07.pdf or find more information about family court at www.nsfamilylaw.ca
- Speak with a Transition House worker or other knowledgeable advocate about your situation.
- If you are representing yourself, you will be able to question your ex-partner and their witnesses. Make sure you prepare and write down the questions you want to ask.

What should I do when I am called to give evidence?

When you are called to give evidence, you will be asked to go to the front of the courtroom and sit in the witness box near the judge. The court clerk will ask you to promise to tell the truth. Some witnesses do this by placing their hand on a religious book and swearing an oath to tell the truth. Indigenous survivors can swear an oath on an eagle feather if preferred. However, if you do not wish to swear in this way you can simply promise to tell the truth. This is called **affirming**. You can let your lawyer know beforehand how you wish to take the oath or if you wish to affirm.

You will be asked to give your name and address. If you are reluctant to give an address because you are afraid for your safety, you are allowed to give a general address such as "I live in Sydney" or no address at all.

You will likely be the main witness for your side. When you give evidence, your lawyer will ask you to discuss the issues relevant to your case. You may be asked questions relating to all areas of your life and experiences, which may include your experiences of family and intimate partner violence. It is important to know that your ex-partner or their lawyer can only ask you questions relevant to the issues in your matter. You should focus on answering just the questions asked and answering these questions truthfully. If you are uncertain whether you should answer a question, you can look to the judge respectfully for guidance. If the judge confirms you must answer the question, you will need to answer and tell the truth.

How will I be questioned?

Only the judge, your lawyer, and your ex-partner's lawyer can question witnesses. If your ex-partner is representing themselves, they can question you and other witnesses.

Your lawyer will typically ask you questions first. This is known as **direct examination**. When they have completed the direct examination, your ex-partner's lawyer can ask you questions. This is known as **cross-examination**. When the cross-examination is finished, your lawyer may

ask you questions about the points raised during the cross-examination. This is called **re-direct**.

While you are giving evidence, the judge may also ask you questions. When you speak to the judge you may call them "My Lord" or "My Lady". "Sir" or "Ma'am" works just as well.

It is important to listen very carefully to questions asked of you so that you do not appear to be agreeing with information or statements that are not true. For example, your ex-partner's lawyer might ask, "Is it true that you moved away with the child because you did not want your child to have a relationship with her father?" You'll want to be clear when your answer that even if it is true that you moved away with the child, that the second part of the question might not be true (i.e. that you did not want your child to have a relationship with her father).

TIP

Will my ex-partner be in the courtroom?

Your ex-partner will be in the courtroom at most court hearings. It may be difficult to talk or to give evidence when they are present. If this is the case, it may help if you look at your support person, your own lawyer, or the judge while you are answering questions.

What if I am afraid to face my ex-partner in court?

If you are **subpoenaed** or voluntarily attend court to give evidence, you must answer any questions asked by the judge, your lawyer, or your ex-partner's lawyer. It is understandable that you may be frightened to testify against your abusive ex-partner.

For support throughout the court process, you may want to contact your local Transition House, Women's Centre, or Family Resource Centre. If you have concerns about your safety, you should tell your lawyer, court staff, or the sheriff as soon as possible. Remember that there are protections available in the courthouse.

If you or your children have been victims in a criminal case, you may be eligible to have your fees paid to see a mental health counsellor through Victim Services. See the **Resources** section of this guide for contact information.

TIP

What if someone tries to intimidate me, stop me giving evidence or make me change my position?

If your ex-partner or one of their supporters attempts to intimidate you (for example, by making threatening gestures in court or warning you beforehand not to ask for parenting time or decision-making responsibility), you should tell your lawyer or court staff immediately. If it happens while you are giving evidence, you should tell the judge.

If you are concerned for your safety or the safety of your family, let your lawyer and police know. They can investigate whether a criminal offence has occurred and may provide you with appropriate protection. You may want to stay at a Transition House or alternative safe location during the court proceedings.

It may be a criminal offence if your ex-partner or anyone else harasses you or attempts to influence your testimony or any of your witnesses (such as a friend or family member).

If you have a lawyer, speak with them before court and plan what you will do if you are feeling intimidated.

TIP

What should I know about giving evidence?

Tell the truth

The most important thing to remember is to tell the truth. It is illegal to lie under oath. Also, if the judge learns later that you have lied, they may be less likely to believe anything else you say and make an order favouring your ex-partner.

Speak clearly

Try to remember to speak more loudly and clearly than you normally would. If there is a microphone in front of you it is to record the trial and will not amplify your voice.

Try not to use phrases such as "I think" or "I guess." If you are sure that something happened, say so. If you are not sure, say, "I am not sure" or "I do not remember." A witness who appears frank and sincere is more believable (credible) than someone who appears biased or who hesitates or avoids answering questions.

Listen carefully and answer the question

Listen to the question being asked. If your lawyer or your ex-partner's lawyer objects to the question, you should not answer until the judge says you can. If the judge tells you not to answer the question, don't.

You are usually required to answer every question you are asked by your lawyer and your ex-partner's lawyer. If a question is embarrassing for you or you don't want to answer it, you can ask the judge if you must answer it. If the judge decides that the question is relevant, you must answer it.

Be sure that you understand each question before you answer. Do not be afraid to say if you don't understand the question or a word that was used. You can also ask for a question to be repeated or rephrased. Never answer a question until you are certain you understand it.

Answer the question being asked and then stop

Do not give unnecessary information. Do not give opinions or draw conclusions unless you are asked to.

If you make an honest mistake, tell your lawyer as soon as possible. Your lawyer can see that your error is corrected during the court proceeding. It is illegal to lie or knowingly give false evidence.

Be polite and stay calm

Be polite. Try not to become upset or lose your temper or become flustered when you are giving evidence. Never argue or use sarcasm. If you do become upset, you may ask the judge for a short break. Your ex-partner's lawyer, particularly during cross-examination, may appear aggressive and even unreasonably picky. It is their job during cross-examination to expose any weaknesses and inconsistencies in your

evidence. Just remember to continue to tell the truth. Try not to get upset by the questioning. Your lawyer or the judge should step in if the questioning becomes inappropriate.

TIP

If you have concerns or are worried about a certain event or circumstance coming to light throughout your family law case, remember your relationship with your lawyer is privileged (meaning it's confidential and they can't share anything without your permission). Be honest with your lawyer. The more your lawyer knows, the more they will be able to prepare you to give testimony in court.

Will my children have to give evidence in court?

It is very uncommon that children in Nova Scotia are required to testify in family court hearings. Usually a child's views, if needed, are gathered in a different way (for example: a **Voice of the Child Report** - discussed in **Chapter 6: Sorting out Parenting Arrangements**).

However, either lawyer can ask the judge to allow a child to give evidence. The judge may consider issues such as the age of the child, the importance of their evidence, and any concerns about the impact that testifying may have on the child.

How long will I be in court?

It is hard to say how long you will be in court. A single legal proceeding may take hours or days. The whole family court process, which sometimes includes several court applications, may take months or even years depending on the circumstances. You will likely have to go to court more than once. If your evidence is not completed, you may have to come back

on another day. If the case is adjourned, the judge will tell you the new date and time when the case will be heard.

What if one of the parties does not show up for a court hearing?

It is important not to miss any court dates. If you or your ex-partner do not show up for a court hearing, the court date may be adjourned or dismissed, depending on the reason why the person is absent. However, in some cases the judge may grant an interim (i.e. temporary) order or even final order. The judge may also order the missing person to pay court **costs**.

Because I got the times mixed up - I was dealing with so many appointments at that time, my youngest son had a serious health condition - and I went to court for 10 instead of 9. The lawyer met me coming out of court and said, "Where were you? You've lost your kids." In my absence, the judge had temporarily transferred my kids to my ex, despite concerns from child protection. It took me weeks to sort it out and get them back."

What happens at the end of the court hearing?

Once the judge has heard all the evidence, they may give the decision immediately or may need time to reach a decision. If the judge needs

more time, they will give a decision at a later date, either orally (in person or by telephone) or in writing.

What are costs?

A judge may order that one party pay **costs** to the other party to cover some or all of their legal fees, depending on the situation. Costs are discretionary, meaning that the judge decides whether or not to order them.

Judges may award costs in a family law case to the party who had the more favorable outcome in court. Judges may also award costs to a party if the other side acted unreasonably or failed to follow the court's directions. For example, costs may be awarded against a party if they fail to show up to court.

Will I get a copy of the judge's order?

Yes. Once a decision has been made, a court order is prepared setting out the judge's decision. The court will mail you a certified copy of the order. If you have not received the order within four weeks, you may wish to contact the court to request it.

TIP

Have a copy of your court order accessible at all times, for example on your phone or computer. If your ex-partner breaches the order (for example, by keeping the children), you may need it to show police or service provider.

Can I appeal a family court decision?

Yes. If you disagree with the judge's decision, you may appeal to the Nova Scotia Court of Appeal. You must have a good reason to appeal and you cannot appeal just because you do not like the judge's decision. You should talk to a lawyer if you want to appeal. The lawyer can advise you whether you have grounds to appeal and tell you how to appeal. You typically have 30 days from the time of the court decision to start an appeal. Timelines may vary in some cases and if you miss a deadline, you may not be able to appeal the decision. Speak with a lawyer to confirm what timeline applies to you.

To learn more about appeals and the Nova Scotia Court of Appeal, visit www.courts.ns.ca/courts/court-of-appeal.

What happens if the court order is not obeyed?

If your court order is not being obeyed, there are several options you may consider including applying to the court to have it enforced or changed (varied). You or your lawyer will have to show that your ex-partner has not followed the order. If you are registered with the **Maintenance Enforcement Program** to receive child or spousal support payments, the Director of Maintenance Enforcement can take action to make your ex-partner (the **payor**) pay support without your going back to court.

For more information on enforcement of family court orders, see **Chapter 5: Parenting Arrangements - Parenting Time & Decision-Making Responsibility.**

When should I consider going back to court?

Either parent can apply to have a written agreement or court order changed ("varied"). The parent making the application must show that there has been a significant change in circumstances affecting one or both parents or the children, to justify a request for a change to the order or agreement.

For example, you may wish to return to court if your ex-partner stops paying child support, if they have assaulted you or harmed your children, if they have been charged or convicted of a criminal offence, or if the current parenting arrangement interferes with your work schedule or your child's school schedule.

The courtroom can be intimidating, and it is normal to be anxious or concerned about appearing or testifying in court. Don't be afraid to seek support from your lawyer or a service provider to help you feel as prepared as possible for court.

TIP

Chapter 5

Parenting Arrangements: Parenting Time & Decision-Making Responsibility

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Note: To learn more about how to sort out parenting arrangements for your children, see **Chapter 6: Sorting out Parenting Arrangements**.

What does the “best interests of the child” mean?

In family court the “best interests of the child” is the legal test that a judge must use to make decisions about parenting arrangements. This means that in making any decisions about **parenting time** and **decision-making responsibility** (defined below), a court must only consider what is best for the children. There is a long list of factors that a judge will consider when determining what is best for a child, including whether there has been family and intimate partner violence. More information can be found in **Chapter 6: Sorting out Parenting Arrangements**.

What is parenting time?

Parenting time is the time a child spends in the care of one of their parents or guardians. This includes time the child spends at school or daycare. A child who is living most of the time with one parent will usually still have parenting time with their other parent.

The person who is exercising parenting time supervises the child’s activities, is responsible for their day-to-day care, and makes day-to-day decisions for the child (these are routine daily decisions such as their bedtime or what clothes they wear that day). Major decisions affecting the child (such as what school they attend) are not part of parenting time. This is called “decision-making responsibility” (discussed below).

The law around parenting time states that children should have as much parenting time with each parent as is consistent with their best interests. If the judge believes there is a risk to the child, they may order supervised parenting time. In most cases, parenting time will not be entirely denied to one parent by a judge, but it could be in rare cases if that is best for the child.

What are the different types of parenting time?

There are several different types of parenting time that may be part of an agreement or court order:

Primary Care or Majority of Parenting Time

“Primary care” or “majority of parenting time” refers to when a child lives primarily with one parent (usually at least 60% of the time or more), and a detailed schedule is typically outlined for the other parent.

Shared Parenting

Shared parenting time refers to a parenting arrangement where a child spends approximately the same amount of time with each parent. Usually, this means the child would spend 40-60% of their time with each parent.

Parenting arrangements may affect your child support arrangement or have income tax implications. Speak to a lawyer about how this may impact you, or visit www.nsfamilylaw.ca for more information.

TIP

Reasonable parenting time

This is when parents agree that parenting time will occur when one parent requests parenting time with reasonable notice to the other parent. This means there is no set schedule and allows the parents to make their own flexible arrangements whenever one parent wishes to spend time with the child and the other parent agrees. This is often not appropriate in cases with a history of family or intimate partner violence.

When making parenting arrangements, “reasonable access with reasonable notice” may be a common term. This tends to work best when parents have a positive relationship and can work out matters for the child together. It may not work well in cases involving family or intimate partner violence. For example, an abusive ex-partner may use this to harass and control a former partner by calling and dropping by at all hours to arrange or demand parenting time. Because there are no specific terms or times, it can be difficult to enforce or address problems that arise.

TIP

Specified parenting time

This type of parenting arrangement sets out a schedule of regular and specific times that each parent will have the child. For example, the arrangement might be that one parent picks up the child each Saturday at noon and returns the child by 5pm Sunday.

Holiday/special occasion parenting time

Parenting schedules can also set out where the child will be for holidays and other special occasions (for example: birthdays, March Break or summer break).

Supervised parenting time

This type of parenting time says that when a parent is with the child, they must be in the presence of another adult. This type of arrangement is made if the parents agree (usually through negotiation between lawyers) or if the court believes that the child's safety would be at risk without someone supervising the parent's parenting time. It is sometimes used to re-introduce a child with their parent if they have not seen them for a long time, or if there is a history of substance use, untreated mental health impacting their parenting, or family and intimate partner violence. Supervised parenting time is typically meant to be a short-term measure.

Split parenting time

This refers to an arrangement where there are multiple children, and each has a different schedule with each parent.

No parenting time

In rare cases, a judge may order that your ex-partner have no parenting time with the children. This usually happens only in cases of child abuse or other significant family or intimate partner violence.

"I was staying in Transition House when I went to family court. The judge gave me interim custody and my ex 'reasonable access,' knowing about the history of attacks. He told my ex he could pick the baby up at my residence. When I said I was staying in Transition House, the judge said we should work it out between us. The thing is, I was still dealing with child protection then (because of the history of domestic abuse) and if I'd let him come near me for exchanges the baby probably would've been apprehended! In the end, one of his relatives picked up the baby from Transition House."

What is decision-making responsibility?

Decision-making responsibility refers to the responsibility for making significant decisions about a child's wellbeing. This includes major decisions regarding the child's upbringing. It includes, for example, the ability to make decisions about where your child goes to school, decisions about their health care, their religious or cultural upbringing, and what significant extra-curricular activities they participate in.

Non-major decisions, such as screen time and what the child eats for dinner, are not normally part of decision-making responsibility. These day-to-day decisions are typically made by whichever parent is exercising **parenting time**. If, however, some of these day-to-day are very important (for example: you have food restrictions for religious, medical, or cultural reasons), they could be included as something within decision-making responsibility.

What are the different types of decision-making responsibility?

Sole decision-making responsibility

Sole decision-making responsibility means that one parent is responsible for making all major decisions affecting the child.

Where both parents maintain their relationship with the child, in some cases the court may encourage or order that one parent must meaningfully consult or discuss with the other parent prior to making decisions. In cases where parents cannot come to an agreement together, the parent with sole decision-making responsibility can make the final decision (also called final decision-making responsibility).

TIP

If you have shared or joint decision-making responsibility, you may need the other parent's permission to put the child in counselling. Speak to your lawyer if you wish to avoid this situation.

Joint decision-making responsibility

Joint decision-making responsibility refers to an arrangement where both parents discuss with each other and continue to share in making major decisions that affect the child. Sometimes when parents have joint decision-making responsibility, they also agree on a method to resolve a disagreement (for example a third party makes the final decision).

If there has been or continues to be family or intimate partner violence in your relationship, joint decision-making responsibility may be

inappropriate. This arrangement will require regular communication and a high degree of cooperation with your ex-partner and can create further opportunities for violence.

Divided (parallel) decision-making responsibility

Divided (parallel) decision-making responsibility refers to when one parent is solely responsible for some decisions about a child (for example, health decisions), and the other parent is solely responsible for other decisions (for example, educational decisions). This means they do not have to discuss decisions in those areas with the other parent before making a final decision.

TIP

Justice Canada has developed many helpful resources on family law and parenting issues, mostly related to proceedings under the *Divorce Act*. Access these resources at www.justice.gc.ca/eng/fl-df/index.html. You will find fact sheets on:

- Parenting Arrangements
- Divorce and Family Violence
- Child's Views and Preferences
- Moving after separation or divorce
- Duties for parents and others
- Family Dispute Resolution

Many of these fact sheets are also available in multiple languages at www.justice.gc.ca/eng/fl-df/pub.html.

Who can apply for parenting time or decision-making responsibility?

Parents

Usually, the child's parents apply for parenting time as part of their application. All parents have the same rights to apply for parenting time and decision-making responsibility, whether they were married, lived with the other parent, or never lived together.

Sometimes parents, family members or other partners of an abusive partner will support that person's parenting application. For example, they may submit a supportive **affidavit** (a written statement) to the court or even testify against the survivor. In some cases, these individuals may agree to supervise parenting time, but then allow the abusive partner to be alone with the child. If this might be the case for you, it will be important to notify your lawyer and the court that they may not be an appropriate supervisor.

TIP

Other people

Some people who are not parents but who have a relationship with the child may also apply.

Examples include grandparents, guardians, other relatives, a step-parent, or a common-law partner of one of the parents who has cared for the child. Most of these other people must first get **leave** (permission) from the court to make an application for parenting time or decision-making responsibility.

What is contact time?

Children often benefit from having contact with grandparents and other members of the extended family or important people in the child's life. Even when a child is not in contact with one parent, their relatives may want to stay in touch with the child.

People who are not parents who are unhappy that they no longer see the children, or do not see them as often as they would like, can ask the court for **contact time** with the child.

A court will make a decision about contact time based on the best interests of the child.

What is interaction?

Interaction refers to communication in relation to a child, outside of parenting time or contact time. This may include communication such as phone calls or video calls, sending cards or gifts, receiving health information about the child, or attending a child's extracurricular activities. People who may apply for interaction time could include grandparents, guardians or even parents, for example.

Will the judge order shared parenting?

It is important to know that there is no presumption of shared parenting or equal parenting time in Canada (i.e. where each parent has 40-60% of the time with the child). This means that it is not automatically assumed or

expected that shared parenting should be ordered by the court. The law says that courts are only to consider what is best for the child when making decisions around parenting.

Children have a right to spend time with each parent if the contact is safe and reasonable. Generally, children benefit from a relationship with both parents.

Whether the court will order shared parenting will depend on the circumstances in your case and what is in the best interests of your child. Family and intimate partner violence is one factor that may weigh against a shared parenting arrangement.

Some judges may still decide that shared parenting is best for the children even if there has been a history of violence. If you do not think that shared parenting is best for your child, you and your lawyer will need to explain to the judge why this is the case and what parenting arrangement would be more appropriate.

"I've learned that it's really important not to give your ex or the court mixed messages around [parenting time]. I mean, it can be so hard when your ex is being nice and you believe it's in your kids' best interests to allow access just to lessen the tension, but it can really hurt you in court because you get people saying, "Well, you weren't scared of him last week" or whatever. Women should know they have to stick to the terms of their family court orders and not allow access that's not in the order, otherwise they weaken their position. I learned this the hard way."

Can children choose which parent they live with?

Generally speaking, no. This decision is made by either the parents or the court. However, the child's preference may be taken into consideration. The older or more mature the child, the more weight may be given to their wishes by the court.

The court will determine whether the child's views and preferences may be considered. The most common way would be through a **Voice of the Child Report**. This is a written report prepared by a professional who interviews the child. Such reports give information about the child's views, preferences, experiences, and wishes.

They are usually ordered by a judge, but they can be requested by you or your ex-partner. Parents typically contribute to the cost of the assessment on a sliding scale based on their income. If you fall below a certain income, you may not have to pay anything.

See more information discussed in **Chapter 6: Sorting out Parenting Arrangements**.

What is a child exchange?

A child exchange refers to the transfer of a child from one parent to the other for parenting time. In an ideal situation, the parents would simply meet up with each other directly and exchange the child without difficulty or risk to safety.

But in situations involving family or intimate partner violence this is not always possible, because abusive partners can use the exchange as an opportunity to further harm or harass their former partner (for example by threatening or even assaulting them). Make sure the judge knows about any history of violence so that safe exchange arrangements can be made.

Some alternate options you can ask for to enhance safety during an exchange include:

Third-party exchange

You can request that a trusted third-party transport the child from one parent to another. This could be that a friend, relative, or support person that picks the child up from one parent and drops the child off with the other parent.

Supervised exchange

You can request that exchanges take place with a third-party present or at a supervised parenting and exchange centre, or other location. This means that a third-party like a family member or professional person is present during the exchange.

Exchange at school or childcare centre

You can request that pick ups and drop offs of the child take place at the childcare centre, school, or another agreed-upon location, without you having any contact with the other parent. It is important to tell the school

or childcare centre in writing when your ex-partner will be picking up your child to avoid confusion or the possibility of them picking the child up at other times.

Exchange in a public location

You can ask for exchanges to take place in a public setting, such as at a Tim Hortons or a public library. At times, courts may order exchanges to occur in a police station parking lot.

"I had child protection telling me not to have any contact with him and a criminal court order saying he was so dangerous he couldn't be within 100 metres of me, and then a [parenting] assessor recommending that we meet up in Tim Horton's for exchanges. It doesn't make sense how someone can be considered such a threat in criminal court but the assessor thinks it's fine for you to meet up for coffee - and if you don't you're being 'uncooperative' or not working in 'the best interests of the child'."

TIP

If your ex-partner isn't allowed to pick up your children, you may want to tell the school in writing and give the school administration office and your children's teachers a copy of the court order. It may also be helpful to let the school know what your ex-partner looks like.

“Early on in my separation, because my ex took the family car from me (even after I was given possession of it in my Emergency Protection Order), when he had access [parenting time] he was allowed to come to the house to pick up the kids. My kids were small and I would always make sure they got to the car safely. My ex would use this time to let me know how he felt about the situation, and mostly about me. He would call me [names], even if the kids were standing there listening. I wasn’t enrolled in Maintenance Enforcement at the time and he would use Fridays, his pay day, as his opportunity to vent. He would hold my child support cheque just out of reach of my hand and tell me what a fat, disgusting whore I was and taunt me that I wasn’t going to see my kids all weekend (he knew that would bother me more than name-calling). Meanwhile, I would be telling the kids to get in the car so they wouldn’t have to hear it.”

Will my ex-partner get parenting time if they were abusive to me?

The presence of intimate and family violence may make certain parenting arrangements inappropriate, such as joint decision-making or arrangements that require parents to cooperate, for example.

It is possible that a parent can be ordered to have no parenting time by the court. However, in most cases, it is very rare that a parent would receive no parenting time, even when there has been family and intimate partner violence.

Because of this, it is important to ask the judge for restrictions to reduce risk where there is family or intimate partner violence.

Why is supervision sometimes important in cases involving family and intimate partner violence?

In cases involving family or intimate partner violence, supervised parenting time or supervised exchanges may be used to protect both survivors and their children. For example, the court may order supervised exchanges if there is a risk that you will be subjected to family and intimate partner violence during the transfer of the children. Supervised exchanges protect you from being subjected to violence, and your children from being exposed to it. If the court or child protection authorities believe the children are at risk because of your ex-partner's behaviour, their parenting time may be supervised.

How do I find someone to do the supervision?

The judge can appoint anybody to supervise parenting time or exchanges. There are even professionals you can pay to supervise parenting time. Judges may order parenting time or exchange to be supervised at a particular location, such as a Supervised Parenting and Exchange Program or another organization that provides supervision services, such as a Family Resource Centre. In those cases, a supervisor typically comes as part of this service.

Judges may order visits or exchanges to be supervised by a third party such as a friend or relative. If this happens, you may want to provide a list of people who you trust for this role. Try to pick a person who is removed from any conflict and who can remain calm and measured during an exchange or visit. Otherwise, your ex-partner could choose someone you don't trust to supervise.

Where does supervised parenting time take place?

You can ask for supervised parenting time to take place at the location you feel is safest for your children. The important thing is that it occurs in a controlled environment to ensure the safety of the children. Some examples are a Supervised Parenting and Exchange Program, a community organization, a grandparent's home, or a park or play area.

What is a Supervised Parenting and Exchange Program?

Try contacting your local Transition House, Women's Centre, Family Resource Centre or child protection office to see if they know of an individual or organization that provides supervision services. There are also private supervisors in some communities who provide their services for an hourly rate.

TIP

The Supervised Parenting and Exchange Program provides designated safe, neutral and child-centred places where supervised child exchanges and parenting time can occur in the presence of a neutral third-party adult supervisor. The supervisor is provided by the program. They monitor the parenting time and/or the exchange and usually take notes.

There is no fee for using this service, but access to it must be court ordered. It is meant to be temporary and time limited. It can be ordered for a number of reasons including when:

- there is a history of family and intimate partner violence
- there are substance use or untreated mental health issues
- the parent has not had regular parenting time for a while and a period of reintroduction is needed
- the parents are having a high conflict separation, and this is affecting the child, or
- there is a risk of abduction.

TIP

Transition Houses, Women's Centres and women's second-stage housing may supervise a woman's parenting time. To learn more about the Supervised Parenting and Exchange program, visit www.nsfamilylaw.ca/programs-services/supervised-parenting-and-exchange-program.

The Supervised Parenting and Exchange Program may not be available in all areas of the province. You can reach out to your local courthouse to find the location nearest to you.

Will I know how the supervised parenting time goes or if there are any problems?

If supervision takes place as part of the Supervised Parenting and Exchange Program, the program providing the service will normally give the court a detailed report about the parenting time. The program also typically provides the court with notes from each visit. In most cases, you will receive a copy of the notes and the report if you or your lawyer asks

for them. The information provided by the supervisor also forms part of the court record, so you and your ex-partner or your lawyers can access it at the courthouse.

If the court orders supervision to be done by a friend or relative rather than an agency, there may not be a report and the person may not even be required to report to the court unless they are called as a witness.

You may have concerns about the people your ex-partner suggests as a supervisor. For example, you should tell your lawyer or the judge as soon as possible if the person being suggested has a criminal history relevant to a child's safety or if you have reason to believe they will not ensure the safety of you or your children. You may want to come to court with the names of a few people you believe would be good supervisors and who may agree to help.

TIP

How long does supervised parenting time last?

The court normally decides how long the supervision should last. For example, if it is to re-establish the relationship between a child and an absent parent, the time frame for supervision may be shorter than if the case involves family or intimate partner violence. In most cases, supervision is supposed to be a short-term, rather than a long-term, solution. The typical goal is for the parent to work towards unsupervised parenting time. Sometimes this may be after specific goals are met (such as attending counselling and gaining insight into the impact of the violence on the children, for example).

What if child protection orders the supervision?

If child protection authorities decide that parenting time between your child and their parent(s) should be supervised, they will provide the location and supervisors. For more information on working with child protection authorities, see **Chapter 8: Child Protection**.

How can I try to stop the family court from ordering direct contact between me and my ex-partner?

To minimize the possibility that you will be required by the family court to have direct contact with your ex-partner:

- You or your lawyer should ensure that the family court knows about any existing no-contact orders and the history of family and intimate partner violence.
- Ask for a family court order that does not require you to have direct contact with your ex-partner (for example, supervised or third-party exchanges).
- Consider asking for specified parenting time rather than “reasonable parenting time with reasonable notice” (for example, regular times and days as opposed to whenever your ex-partner wants to try to arrange it).
- Ask for safe and specified communication (for example, by e-mail or an electronic app or through a third-party rather than in person or by phone).

- Consider asking for sole decision-making responsibility rather than joint or shared decision-making.
- If your family court order allows for direct contact (in person or by phone), “reasonable parenting time with reasonable notice,” or joint or shared parenting arrangements, then you may need to take extra steps to protect yourself. Speak with your lawyer Transition House or Women’s Centre staff about safety issues.

Can my ex-partner use parenting time to contact me if there's a “no-contact order” in place?

Always tell your lawyer and the judge if there is a “no-contact order” or other legal proceeding that involves you, your ex-partner, or your children. A “no-contact order” will usually be made if there are criminal charges against your ex-partner involving you and/or your children.

Normally a family court order will require communication between parents relating to the child. If your ex-partner has a criminal “no-contact order,” you may be concerned that they may use parenting time as an avenue to communicate with you. If you have concerns about this, advise the family court judge so that they can put corresponding communication restrictions in place in your family order.

Even if your ex-partner has a “no contact order” with you from criminal court, these may be subject to change or may expire after a specified period. Therefore, it is also important to have communication restrictions set out in a family court order as well.

TIP

Should I report my ex-partner for contacting me if there's a "no-contact order"?

If you believe that your ex-partner has communicated with you in a manner that is not allowed under a "no-contact order" or family court order for example, you may want to report this information to your lawyer, the family court judge and possibly even the police.

If your ex-partner breaches their "no-contact order", you may want to record their phone call or voicemails, and save any e-mails, texts or other written notes.

Let your lawyer know about breaches of any court order. You can report breaches of a criminal order to the police or your ex-partner's probation officer.

If a survivor denies parenting time, an abusive partner may try to use this against the survivor in family court, unless it can be shown that refusing parenting time was in the best interests of the child. Even when a survivor reports breaches of probation or illegal contact, the abusive ex-partner may try to use it against them, especially if it seems like an attempt to "get them in trouble." Therefore, it is very important to tell your lawyer about any criminal court orders or proceedings so they can be raised in family court.

TIP

"My ex had bi-weekly weekend access with our toddler and preschooler. Our family court order allowed for phone contact between me and the kids during the access visits because they were struggling with the separation from me. My ex is on probation, which includes a no-contact

order between the two of us. Whenever the kids used their own cell phone to contact me, or when I called them during access, their father got in the middle and used the opportunity to talk to me.

Despite my efforts to stop the contact - including reminding him that it was illegal to have contact, hanging up when I was finished talking with the kids (even when he was asking them to pass the phone back to him so he could speak to me), and having my lawyer write to his lawyer to request that the contact stop - it continued and increased.

My family lawyer warned me that reporting the breaches to the police could be used against me in family court to show how I try to get my ex in trouble in order to "frustrate his access." I was frightened for myself and about the impact on my children, but also of the consequences of reporting. I didn't know what to do.

When I decided to report the breaches to my ex's probation officer, he told me that I could be charged with "obstruction" for not reporting earlier, and then directed me to contact the police. After I tried to explain the whole dilemma to the investigating officer, he told me that accepting the phone calls was "like giving 24 beers to an alcoholic." The crown attorney handling the file told me that my credibility as a witness had been severely compromised because I didn't report straight away. I was relieved that my ex pled guilty and I didn't have to go to court."

.....

What happens if my ex-partner refuses to return my children after their parenting time?

If your ex-partner fails or refuses to return your children after parenting time, you may consider:

- (1) contacting your lawyer
- (2) contacting the police and/or
- (3) asking for an emergency family court hearing.

If you have a family court order which shows that your child is supposed to be with you (for example, if your child lives with you but has specified parenting time or no parenting time with your ex-partner), you can contact the local police to ask for their assistance. **It is very important to tell the police if you believe your child may be at risk or if you think your ex-partner may try to leave the province or the country.**

Sometimes the police won't get involved. Most police have the discretion, not the duty, to enforce parenting orders. The police are more likely to get involved where they believe the child's health or safety is at risk, or where there is suspected abduction or abuse.

If the police are unable or unwilling to help, and your ex-partner doesn't return the child, you can make an

TIP

Even if the police do not help with the return of your child, their presence may convince your ex-partner to hand your child back. You can ask the police if they will escort you to pick up your child. If this happens repeatedly, you will have a record and evidence of the pattern, and this may help you if you return to court.

emergency application to a judge in the Supreme Court (Family Division) to have the parenting order enforced and your child returned. If you believe your child may be at risk, you can also contact child protection authorities. You may also contact police victim services if there is a unit at one of your local police stations.

TIP

Whether or not the police help with the return of your child may depend on where you live and even which officer you deal with. Some survivors report positive experiences with helpful and supportive officers who understand family and intimate partner violence and are willing to assist in the return of their children. However, other survivors describe police officers or entire units as unable or unwilling to provide assistance and direct survivors back to family court.

Why should I try not to deny parenting time?

It is rare for a court to say that it is in a child's best interests to have no parenting time with their parent. If you interfere with your child's relationship with their other parent, you need to have a very good reason, or your ex-partner may try to have the court use this against you in making future parenting decisions. You must balance this with your responsibility to ensure your child's safety.

TIP

Unless there is a safety risk or your ex-partner's request for time is not allowed under the terms of your court order, you may want to make an application to the family court to ask for a variation (change) to your court order rather than refuse parenting time.

If you believe your ex-partner poses a risk to your children, these two things - ensuring that your children have a relationship with their parent and protecting them from harm - may put you in a difficult position. You

may want to talk with your lawyer, local Transition House, or another support person to help you decide on an appropriate course of action.

It is important to get legal advice if you are considering denying parenting time. If you have a written agreement or court order that allows for parenting time for your ex-partner and you deny this, your ex-partner may take you to court to ask the parenting time to be enforced, that you be found in **contempt** of court, or even ask for a change in parenting arrangements.

TIP

Why do some parents want to deny parenting time?

There are many reasons why a parent may want to deny their ex-partners parenting time with their children.

While a parent may have valid concerns, these might not always justify denying parenting time in the eyes of the court. Some examples include:

- the children repeatedly return from their parenting time upset or angry
- the other parent frequently fails to communicate plans or simply does not show up for parenting time, disappointing the children and disrupting the family's schedule
- the other parent may not have been exercising their parenting time, but suddenly turns up demanding parenting time
- you may believe the other parent is a bad influence on the children
- you may have concerns about the other parent's living arrangements or their new partner
- the children may not want to visit their other parent

- the other parent may not be paying child support.

TIP

Even if you think a visit should be cancelled, the court may not agree. There may be consequences including a possible loss of parenting time if one parent consistently refuses parenting time. Always try to get legal advice before refusing parenting time.

These are very difficult situations to manage. However, remember that just because you want to deny parenting time does not mean you have the legal right to. For the most part, you are expected to support and encourage parenting time even if it is inconvenient, the children

don't want to go, or you are unhappy with what happens during the visits. If you continue to be concerned about the parenting time, talk to your lawyer about returning to court to have the parenting order varied (changed).

That said, there are circumstances where you may be allowed to deny parenting time. This is discussed in the next section.

When should I deny parenting time?

There are a few limited situations where you may be justified denying parenting time when the children are at risk of harm, including for example:

- you believe your child will be exposed to danger, family violence, abuse or intimidation during parenting time
- your ex-partner appears to be impaired by alcohol or non-prescription drugs

- your ex-partner has threatened to immediately take the children out of the country
- any other circumstance or situation for which your court order explicitly allows you to deny parenting time.

If you are in one of these situations, make sure you write down details surrounding your refusal and document any communication. It is helpful if you have evidence (notes you wrote down, texts, another person who also witnessed your refusal) explaining why you felt the way you did at that time.

Other things, while falling short of the above list, may be frustrating and make you feel the other parent is taking inadequate care of your child. For example, you may think the children need to be bathed every night and your ex-partner may not. Even if the children return from a visit unbathed, this is not an issue of safety or well-being that would allow the next visit to be refused. On the other hand, if your ex-partner arrives to pick the children up drunk and planning to drive with them, you should refuse to let them go. The difference between these examples is that the first parenting concern is unlikely to cause immediate or harm to the child, whereas the second issue poses a risk of immediate harm to the child.

TIP

If your child has been sexually abused, you may also wish to call Avalon for information and support. Avalon also provides counselling for parents of children who have been sexually abused. See the **Resources** section for contact details.

For support or advice about how to handle situations where you are concerned about the other parent's ability to safely parent during their parenting time and whether you should contact child protection authorities, speak with your lawyer or your local Transition House (you can call the crisis line any time) or a Women's Centre. If the situation is urgent, you should call the police or child protection authorities.

You should let your ex-partner know that you are denying parenting time in writing using your regular system of communication, for example, e-mail, phone, electronic app, or through a third party. Make sure you write down why access was refused and the date and time you notified your ex-partner. Notify your lawyer.

What can I do if my children do not want to have parenting time with their other parent?

This can be a very difficult situation to deal with. You may feel that it is better parenting to follow the child's wishes, especially if you experienced violence at the hands of your ex-partner and/or have fears about your child's safety. However, you are required to follow the parenting order unless you have strong reasons related to the safety of your child, in which case you should contact your lawyer immediately.

A judge will generally expect you to encourage your child to spend parenting time with their other parent. What this will look like depending on the age and maturity of the child. Some things you might be expected to do (for example):

- honour the current parenting schedule
- speak with the child, address any concerns they may have and encourage them to follow the current parenting schedule
- seek assistance from supportive family members or professionals such as a social worker, counsellor or psychologist.

If your child is consistently upset about spending time with their other parent, you may want to consider having them speak with a mental health counsellor or therapist. There may be underlying issues they need to share with a safe adult. You may also want to think about varying (changing) the parenting order. If the therapist identifies a safety issue, they may be qualified to provide evidence in support of a court application to limit parenting time.

If, on the other hand, the children's difficulty is not due to safety issues (perhaps they feel disloyal to you by visiting their other parent, or they may feel uncomfortable with the other parent's new partner), a therapist or counsellor may be able to help them work through these concerns, and they may begin to enjoy spending time with their other parent.

What can I do if my ex-partner doesn't show up for parenting time?

Parents cannot be forced to spend parenting time with their children. It is not uncommon for a parent to demand parenting time and then not show up. When a parent repeatedly fails to turn up for parenting time with the children it can be very disruptive for the entire family. The

children will likely be upset or hurt. It will also disrupt your plans or scheduling needs. It may mean further expense for you, such as daycare or babysitting, or the cancellation of travel or work. Document the date, time, and circumstances of any instance when your ex-partner does not show up for their parenting time.

It can be difficult to know what to do in this case. Some parents choose to do nothing so as to not disturb the status quo. Other parents may want to go back to court to argue that you need to vary (change) the existing parenting orders.

Under the *Parenting and Support Act*, a parent can consider making an application for failure to exercise parenting time. If the court agrees that your ex-partner failed to exercise their parenting time without a reasonable excuse, a judge can order things like:

- you, your ex-partner, or your child go to counselling or a specified program
- your ex-partner may be given parenting time to make up for what they missed
- your ex-partner reimburse you for expenses you had to pay because they didn't show up incurred (for example, if you had to hire a babysitter), or
- parenting time or exchange to be supervised.

If the court agrees that your ex-partner had no reasonable excuse for failing to exercise parenting time, you can apply to change the existing parenting order to reduce their parenting time.

If your ex-partner tells you they are stopping parenting time for a specific period of time (either short- or long-term), confirm the details, and any changes to the parenting schedule with them in writing formally. Ensure this includes their stated reasons for the change to the parenting schedule, and the time period to which this change will apply.

TIP

Sometimes abusive partners who fail to show up for parenting time will later claim that you denied them parenting time. It is very important to keep a record of requests and visits so that you have evidence that you did not deny parenting time. Because you may not remember the details later, you should record information at the time of the incident. There is a Sample Parenting Time Recording Form included at the end of this chapter to help you know what information to record.

What can I do if my ex-partner denies my parenting time?

Remember that parents have a duty to follow court orders. If your ex-partner is denying your parenting time, it is important for you to write down and gather evidence with as much detail as possible (save screenshots, texts, emails etc.) about the incidents. If the problem is ongoing, or if the children are at risk, here are several options you may consider:

1. If it is safe and appropriate to do so, you may try to solve this informally through direct communication, with the help of your lawyer or through a dispute resolution option that may be outlined in your parenting order.
2. If the situation is very serious or if you believe there is risk to the children, you may consider contacting the police or child protection services.
3. Others may choose to go to court and could consider:
 - Making an application to court to vary (i.e. change) the parenting order
 - Bringing a **denial of time** application
 - Bringing a **contempt** application.

Make a court application

You may consider applying to the court to have the terms of the court order enforced or possibly varied (i.e. changed) if your ex-partner is refusing to return the children. The court may also order that your ex-partner explain why they failed to follow the court order. In some circumstances, you may consider applying on an urgent or emergency basis. You will need to explain what happened and why it is urgent or an emergency. Speak to a lawyer and court staff about how to make an emergency court application in the Supreme Court (Family Division).

Denial of time application

An application for denial of time is available under the *Parenting and Support Act*. You will have to show the judge that the denial was wrongful. For example, if your ex-partner says you were under the influence of drugs or alcohol, the judge may find they were justified in denying parenting time. It is helpful to have evidence to prove your version of events.

If the denial of time was found to be wrongful, the court can order that:

- you, your ex-partner, or the child attend counselling
- you have extra parenting time to make up for what was lost
- you will be reimbursed for the expenses incurred as a result of the denial
- future transfers/exchanges of the children for parenting or contact time be supervised, or
- parenting time, contact time or interaction be supervised.

In addition, if your ex-partner is wrongfully denying parenting time, you can argue that the current parenting order needs to be varied (changed).

Contempt applications

Contempt applications are serious matters when a person disobeys or violates a court order they knew existed. Consequences for a finding of contempt can be very serious including a fine, jail time or both. These

proceedings can be complicated. A finding of contempt is rare and is generally an option of last resort.

The court may also order other options, including:

- making up for lost parenting time
- counselling
- supervised parenting time
- costs or posting security
- preventing your ex-partner from making further court applications.

It is a good idea to speak with a lawyer if you are considering a contempt application because your ex-partner will not let you exercise parenting time.

Can I deny parenting time if my ex-partner isn't paying child support?

No, you cannot deny parenting time because your ex-partner is not paying child or spousal support. Parenting time and child support are separate issues.

Some people believe they can "trade" child support for decision-making responsibility or parenting time. In other words, one parent says they will not ask for parenting time or decision-making responsibility if the other promises not to ask for child support. However, family law says that these are separate issues, and one cannot be used to bargain for the other.

It is important to know that in Canada, child support is the right of the child. Therefore, both parents have a responsibility to ensure child support is being paid. Collecting child support on behalf of a child in your care ensures that the child's day-to-day needs are met. Not collecting child support from your ex-partner will not prevent them from applying for decision-making responsibility or parenting time.

I'm concerned that my ex-partner will try to take the children out of the country during their parenting time. What can I do?

Talk to your lawyer if you think your ex-partner may try to take the children out of the country without permission. There are several things the court can do:

- make an order prohibiting the removal of a child
- order that the other parent's parenting time be supervised
- order that your child's passport be kept by the court or by you
- order that your ex-partner must post security or transfer specific property to the court as insurance they won't try to take the child.

If your children are Canadian citizens, you can call Passport Canada toll-free at 1-800-567-6868 or TTY services 1-866-255-7655. You can ask them to put your child's name on a list so you can be called if anyone tries to get another passport for them.

If your children are citizens of another country, contact that embassy or consulate to ask them to refuse passports for your children.

If you believe your ex-partner has already taken the children out of the country, call the police.

This is a complex legal issue, so it is important to get legal advice.

My ex-partner has taken my children out of Nova Scotia and won't bring them back. What can I do?

You should talk to a lawyer right away and make an emergency application to court. You should also contact the police and ask the police to keep a record of the incident and see if they will assist.

The court has a number of tools they can use to help locate your ex-partner and the children if they are in Canada. Once they are located, you can apply to get an order for them to return to Nova Scotia with your child. If they are outside Canada, your lawyer can also help you get an order for their return to Canada.

Recording information

Below are sample forms that you may consider completing after the other parent's parenting time if there are problems or when an incident occurs, so that you can create an important record for the future. You may need the information to give to family or criminal court. Always seek legal advice before giving your notes to the court, since your lawyer may advise you not to hand them over. You may wish to photocopy the forms and store them together in a binder.

Sample Parenting Time Reporting Form

DATE:			
	Yes	No	Comments
Was the pick-up on time?			
Was the drop-off on time?			
Do you suspect your ex-partner was using alcohol or non-prescription drugs?			
Did your ex-partner make any negative remarks to you or the children?			
Did your ex-partner mistreat you or the children?			
Was anyone else present during the exchanges?			
Any other comments or concerns?			

Sample Incident reporting form

Date/Time:	
Location:	
	Comments
Weather/Road Conditions	
Who was there? Who was with you? Who was with your ex-partner?	
Witnesses (names, contact information)	
Children (were they involved? How were they affected?)	
Evidence (ex. Tire marks, damage to home, injuries?)	
Reporting (Were the police involved? Did you report the incident?)	
Any other comments or concerns?	

"One of the first things mentioned to me by the Transition House outreach program was that I should document everything that is said and done concerning my ex-partner. At the time I didn't understand the importance but I soon found out! Keeping track of dates, times, things said, things done, witnesses, the effect on the children (their expressions, what they say to you afterwards, things they do afterwards) is so important when you are telling your side in court, to your lawyer, to agencies like Children's Aid or to the police. Because there is so much going on in your life you will forget things, but if you have them documented all you have to do is read it back. (Don't write down things that aren't true, it will hurt your credibility later.) It may seem unimportant at the time but when it is repeatedly happening or leads to something bigger it can make a big difference!"

Chapter 6

Sorting out Parenting Arrangements

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What is the difference between the *Divorce Act* and the *Parenting and Support Act*?

The *Divorce Act* and the *Parenting and Support Act* are the two central laws that apply in family law matters:

- The *Divorce Act* is a federal law that applies to married spouses who are filing for divorce.
- The *Parenting and Support Act* is a provincial law that applies to people who were not married, or those who are married but are separated and have not filed for divorce. This includes parents who were never in a relationship or partners who are separating.

Both laws deal with parenting arrangements (parenting time and decision-making) as well as support.

While there are many similarities between the laws, there are also differences. It is a good idea to speak to a lawyer about these differences and to understand which law applies in your situation.

What parenting issues need to be resolved after separation?

If you have a child with your ex-partner, you will have to consider what parenting arrangements you should have after separating. These arrangements will typically cover:

- **Parenting Time:** The time that a child spends in the care of a parent or a person with parenting role.
- **Decision-Making Responsibility:** How major decisions about your child will be made and who will make these decisions (such as decisions around education, health care, religion and significant extra-curricular activities).

To learn more about parenting time and decision-making, see **Chapter 5: Parenting Arrangements - Parenting Time & Decision Making Responsibility**.

Parenting arrangements may also cover other questions, like how you will resolve future disagreements, travel, moving and more.

You may be familiar with the terms “**custody**” and “**access**.” Family laws have changed and evolved, and these terms are no longer formally used (although you may hear them come up from time to time). In family law, the new terms are “**parenting time**” and “**decision-making responsibility**.”

TIP

If you have to sort out parenting arrangements, here are some things you can do:

- Contact a lawyer (paid or Legal Aid) for legal advice. You can do this before or after you leave the relationship.
- Contact your local Transition House, Women’s Centre or other knowledgeable organization for information and support.

- Seek legal advice about different kinds of parenting time: reasonable, supervised or unsupervised, specified or unspecified
Consider what type of parenting time you want.
- Seek legal advice about different types of decision-making responsibility: joint, sole or divided decision-making responsibility.
Think about what type of parenting arrangement you want.
- Speak with a lawyer about the best way to resolve your parenting issues: court, negotiation, conciliation, or doing nothing for now.
- Take action. With help from your lawyer and support person, begin taking steps to resolve your parenting issues: make a court application, make arrangements for negotiation or conciliation, or wait and take no action for the time being.

TIP

Abusive partners may try to persuade a survivor to enter into an agreement quickly and without the help of lawyers. This is often a red flag and may mean that survivors may be pressured into unsafe parenting arrangements or giving up important entitlements like child or spousal support. Seek legal advice before agreeing to any parenting arrangement.

How do I settle parenting issues with my ex-partner?

You and your ex-partner can settle your parenting arrangements by agreement or court order.

You and your ex-partner can agree on some (or all) parenting issues, either on your own or with the help of your lawyer. If your ex-partner has used family or intimate partner violence you should always have a lawyer help you with this. It is common for abusive partners to use parenting

arrangements to continue to exercise power and control. A lawyer can deal with your ex-partner on your behalf and help make arrangements that protect you and your children's interests. You should always write these agreements down and have a copy on hand.

If you do reach an agreement with your ex-partner outside of court, it could be set out in a **separation agreement**. Such agreements may not be enforceable unless each parent has had the opportunity to obtain separate legal advice from a lawyer before signing the agreement. You should always talk with a lawyer before you agree to a parenting arrangement or separation agreement. You and your ex-partner should not use the same lawyer.

You may choose to file the separation agreement with the court if you wish. The effect of registering your plan with the court makes it a court order, which then becomes enforceable by the courts.

If you can't reach an agreement, you will have to go to court.

Do I have to go to court to sort out parenting arrangements?

If you cannot agree on parenting arrangements, you will have to go to court. Either you or your ex-partner can apply to court to have a judge issue a parenting order.

African Nova Scotian Survivors

The Nurturing Strong African Nova Scotian Families program is a province-wide parenting program for African Nova Scotian parents. Trained facilitators offer this culturally specific parenting program to address the needs and realities of African Nova Scotian parents and children. This program is offered through Family Resource Centres across the province. To learn more or read about the program content, see www.nurturingstrongansf.com

How does the judge make decisions about parenting?

Whenever a judge is making, changing, or enforcing a parenting order they must be guided by what is in “the best interests of the child.” That is the only relevant consideration. For example, the *Divorce Act* says: “The court shall take into consideration only the best interests of the child of the marriage in making a parenting order or a contact order.”

All parties (you, your ex-partner, and anyone else who wants parenting time, contact time or decision-making responsibility) will have an opportunity to give information on what they feel is best for the child.

The judge will make their decision about what is in the child’s best interests by considering a long list of factors. Some of these factors include:

- the child’s physical, emotional and psychological safety, security and well-being

- the child's needs
- the child's relationship with siblings, grandparents, and other important people in their life
- the history of who took care of the child in the past and who has done so since separation
- the child's relationship with each parent
- each parent's future plans for the child's care
- the impact of any family violence (see more information below)
- the parents' willingness and ability to communicate and cooperate with each other
- any civil or criminal proceeding, order or condition relevant to the safety, security and well-being of the child
- the wishes of the child if appropriate
- the child's cultural, linguistic and spiritual upbringing, including Indigenous or African Nova Scotian heritage, for example
- the parents' willingness to facilitate and support the child's relationship with the other parent.

Family violence plays an important role in determining what is in the best interests of a child. If a person has engaged in family or intimate partner violence, it may speak to their ability to care for and meet the needs of the child, and to cooperate with the other parent. It may also impact the child's safety and well-being. For example, if your ex-partner is verbally abusive to you, it may impact your ability to communicate with your ex-partner regarding the child. See more details below.

What is a parenting plan?

A **parenting plan** is a written plan setting out parenting arrangements for a child's care. It usually covers things such as where the child will live, which parent will make decisions relating to the child, what input or decision-making power the other parent will have, and anything else that may be important to the child's well-being. Parenting plans may also set out how parents will resolve disputes.

If parents are able to cooperate, they may be able to work together to create a parenting plan. Parents can submit a parenting plan to the court to be incorporated into a parenting order (see below).

One tool that may be helpful as you begin to think about parenting arrangements is Justice Canada's free online Parenting Plan tool. Although this tool was designed for parents who are divorcing, it may be a helpful tool for anyone who is separating or thinking about how to parent apart.

If you are not able to work together with your ex-partner to make a parenting plan due to family and intimate partner violence or conflict, the parenting plan tool may still be a good source of information. You can learn more about parenting plans and access the free online tool to create your own on Justice Canada's website at www.justice.gc.ca/eng/fl-df/parent/plan.html.

TIP

What is a parenting order?

A **parenting order** is a court order that sets out all the details about a parenting arrangement, such as each parent's decision-making responsibilities, the time the children will spend with each parent, and how the children will communicate with one parent when spending time with the other parent.

TIP

In cases of family and intimate partner violence, the clearer and more detailed a parenting order can be the better. If a parenting plan or order lacks clarity and detail, it may lead to more opportunities for violence or confusion and may be more difficult to enforce or keep track of instances when it is not being followed.

Where do I get a parenting order from the court?

At the Supreme Court (Family Division). See the **Resources** section of this guide for courthouse locations.

Why should I apply for a parenting order?

Until you get a parenting order, you and your ex-partner both have rights to the children. You should get legal advice and consider applying for parenting time and decision-making responsibility as soon as possible. Your ex-partner may try to use your children and issues related to parenting time and decision-making responsibility to scare or intimidate you.

For example, your ex-partner may:

- tell you they are seeking sole decision-making responsibility and majority of parenting time, or make applications to this effect
- tell you that you are not entitled to child or spousal support
- make financial threats such as telling you that they will liquidate all their assets or go bankrupt
- tell you they will take the children away, or actually take them
- tell the police that you took the children from them
- threaten to tell or actually tell child protection authorities that you have harmed the children, when you haven't
- tell you that they can visit and contact the children (and you) any time they want.

A parenting order can set out many of the things your ex-partner can and cannot do.

TIP

Accordingly, having a clear and thorough parenting order can set out rules, guidelines and expectations about parenting and can enhance your safety and your children's safety.

A parenting order can also be used to show professionals, schools, police, day care providers etc. who has responsibilities for the child. This will help prevent unauthorized pickups of the child, for example.

What things should I consider asking for in a parenting order?

It is important to think about what might work or might not work, considering your circumstances and your ex-partner's past or ongoing behaviour. Below is a basic list of issues and questions you may wish to consider when applying for a parenting order:

Remember, of course, that the judge may not give you everything you ask for.

Types of decision-making responsibility

Do you want sole decision-making responsibility? Do you think your ex-partner will cooperate with you? What should happen if you two have shared decision-making but cannot agree? Is it safe for you to be in regular communication about your children with your ex-partner? Will they work with you safely and responsibly to make joint decisions on behalf of your children?

If it is unlikely that your ex-partner will cooperate with you, it would be important to ask for sole decision-making responsibility. If the court orders shared decision-making, consider asking for final decision-making authority if you cannot agree. For more information on decision-making responsibility, see **Chapter 5: Parenting Arrangements - Parenting Time & Decision-Making Responsibility**.

Parenting time

When will the children spend time with each parent? Do you want your ex-partner to have parenting time when it is convenient, or do you want to arrange parenting time on specific times and days? More flexible arrangements may not work well in cases involving family and intimate partner violence because they can be used by your ex-partner to gain easy and frequent access to you. It may also be more difficult to document when the order is not being followed. For more information on parenting time, see **Chapter 5: Parenting Arrangements - Parenting Time & Decision-Making Responsibility**.

Information sharing

Do you want your ex-partner to have access to your children's personal information? Is there any reason you would not want them to access school, medical, or other records? Do you want them to be able to access the children's information directly, or do you want to give it to them?

Police enforcement

Do you want to consider requesting a clause in the order indicating that police can assist with enforcing the order? This may be done if your ex-partner is abusive, and you fear they may not return the children. See **Chapter 5: Parenting Arrangements - Parenting Time & Decision-Making Responsibility** for information on police enforceability of family court orders.

Notice provision

If the schedule is flexible, do you want your ex-partner to give you notice before picking up the children? For example, you could ask for two-days notice, which means that they must notify you two days before any visit. In cases of family and intimate partner violence, a more specific schedule is often preferred to ensure that it is being followed appropriately.

Emergency contact information

Do you want current contact information for your ex-partner so that you can reach them in an emergency? What contact information are you comfortable providing your ex-partner in case of emergency? Examples may include a friend's number, a cell phone, or e-mail address.

TIP

Remember that while your case is ongoing, with your lawyer's permission you may be able to use their office as your contact for non-emergencies.

Communication

How will you communicate safely with your ex-partner about issues affecting the children? Some suggestions may include providing your ex-partner with an e-mail address that you use only for communicating with them, a written communication book that is passed back and forth, only by telephone, only through a third party, or through special parenting apps that are designed for this purpose (for example, Our Family Wizard). Is the situation so serious that no-contact should be ordered between you and your ex-partner?

Program records

You may want to ask that parenting time be based on whether your ex-partner is attending any programs they have been ordered or volunteered to do. For example, if they are being drug tested, if they are on probation, or if they are attending counselling or other programs, do you want to ask for a court order that requires your ex-partner to provide a record of successful completion to the court before having unsupervised parenting time, for example?

Any stipulations about who can be around the children?

Are there specific individuals who should be authorized to transport the children? Would it be helpful to specify that the children cannot be around anyone drinking or using illicit substances during parenting time?

Will supervised parenting time/exchanges be required?

Do you feel like supervised parenting time or supervised exchange is required in your case to keep you and/or the children safe? Do you want to use a supervised parenting time and exchange program or service if one exists in your area? Do you want a friend or relative to supervise the parenting time or exchange? Do you want to be present during a supervised exchange?

Parenting time location(s)

Is there a specific location where parenting time should occur? Is there anywhere it shouldn't occur (for example, at the home of a particular friend or family member)?

Transfers and exchanges

How will the child be transported between parents? Who will transport the child between parents? Should a third party (such as a family member, friend or a professional) assist with transfers of the children between you and your ex-partner? Should transfers take place in a specific location such as school or another public setting?

Scheduling parenting time

What scheduling issues are there? Are there any times or dates when parenting time wouldn't work for you or your child? Is the schedule likely to change due to holidays, school breaks (March break or summer vacation), or appointments?

Virtual communication time

When or how can parents communicate with the children virtually (i.e. by telephone or video call)? May the child contact each parent whenever they wish, or should more specific times apply?

Denying parenting time

In what circumstances are you permitted to refuse parenting time? (For example, if your child is sick or if your ex-partner arrives under the influence of drugs or alcohol.)

Holidays and special occasions

It is often important to have specific times and dates set out in advance in a court order for important occasions such as birthdays, holidays, Honoured Parents' Days, religious or cultural occasions etc. What might this schedule look like?

Travel

Should your ex-partner be allowed to travel out of the town/province/country with the children? How much advance notice should be required? What should the maximum duration of this travel be? Is your ex-partner likely to cooperate with applying for a passport for the child or providing consent for you to travel with the child? If not, is it necessary to ask the court if you can apply for a passport for the children on your own? Who will hold their passports? Will you want to take the children anywhere? Should there be any restrictions on travel? Is your ex-partner likely to return the children?

Documents

Who will hold on to important documents like the children's health cards or birth certificates?

Moving

Do you want to be able to move away with the children in the future? Do you want to have any restriction as to where the children will live?

Dispute resolution

How will you resolve disputes? Will you use a mediator, lawyer or trusted professional? Who will pay for this? Is dispute resolution appropriate in your circumstances?

Remember that parents have a duty to try and resolve issues through dispute resolution where it is safe and appropriate to do so. Dispute resolution may not be appropriate in some circumstances where there is family and intimate partner violence, significant conflict or a power imbalance between you and your ex-partner.

TIP

Reviewing or changing the plan

Do you want to include a provision for a “review” of the parenting order to see how it is working? Note that if you do have a review in your parenting order, this may lead to unanticipated changes in the parenting order, so you may want to consider whether this would be useful to include in your order.

What are my responsibilities with a parenting order?

The exact scope of your rights and responsibilities will be set out in your order. In addition, everyone named in a parenting order has a duty:

- to act in the child's best interests
- to protect their child from conflict
- to try and resolve matters without a judge
- to give accurate and up to date information to the court.

If you have experienced family or intimate partner violence, some forms of dispute resolution without a judge may not appropriate.

What is family violence?

Family violence is a legal term used in family court that includes intimate partner violence as well as violence that takes place between any family members (for example violence by a parent toward a child).

In Nova Scotia, parenting arrangements are decided under the law set out in the *Divorce Act* (if you are married and divorcing) or the *Parenting and Support Act* (if you are not married, or if you are married and separating, but not divorcing). Both laws talk about **family violence** and say that a court must consider any family violence when making decisions about parenting. The rules in these two laws are similar, but there are some differences. It is important to talk to a lawyer about these rules.

Family violence is more than hitting or physically hurting someone. It may also include things like:

- psychological or emotional abuse (for example: yelling or insults, controlling who you see, or how you dress, posting images of you online or threatening to do so, refusing to follow court orders etc.)

- financial abuse (for example: not giving you access to bank accounts or money, not letting you work, refusing to pay child or spousal support, getting a credit card in your name without your knowledge etc.)
- sexual abuse (for example: unwanted sexual touching, refusing to let someone leave the house unless they perform a sexual act, forcing someone to watch pornography etc.)
- stalking and harassment (for example: following you, watching your home or workplace, hacking into your social media or email accounts, installing monitoring devices etc.)
- failing to provide the necessities of life (for example: not providing proper food or clothes to you or the children, withholding basic necessities etc.)
- threatening to harm (or actually harming) other people or animals, like a family pet or a loved one
- threatening to damage (or actually damaging) property
- engaging in a pattern of “coercive and controlling behaviour” (see more on this below).

These are just examples of behaviours that can be considered family violence, but other acts may also constitute family violence.

Family violence does not include actions you take to protect yourself or others. Your ex-partner does not have to be charged with a criminal offence for an incident or pattern of behaviour to be considered family violence in family court.

To see how **family violence** is defined in both the *Divorce Act* and the *Parenting and Support Act*, see the **Legal Terms** section of this guide.

What is coercive and controlling behaviour?

Coercive and controlling behaviour refers to a pattern of abusive behaviour that is aimed at controlling or dominating another family member.

The controlling family member might use emotional, psychological, sexual, financial or other forms of abuse. It includes, but is not limited to, things like:

- intimidating or harassing you
- threatening to harm you, a family member, other persons, pets or property
- restricting your access to money
- controlling personal things about you, such as what you wear, or who you can talk to or spend time with
- stalking
- damaging your property on purpose.

This is often combined with physical violence but doesn't have to be. Coercive and controlling behaviour is very dangerous, and often it does not stop after separation. It is also more likely to affect parenting and the children in part because of its ongoing nature. People who use coercive and controlling violence may try and use the children after separation to

continue the behaviour, for example by withholding the children or refusing to make child support payments. It is important for you to tell your lawyer or a judge if you think your ex-partner is coercive and controlling.

Does family and intimate partner violence affect decisions about parenting?

Yes. If your ex-partner was abusive to you or your children, it can impact what type of parenting order is appropriate.

When talking about parenting time and decision-making responsibility in family court, your ex-partner's abusive behaviour is called "**family violence**." By law, a judge must consider family violence when setting out what parenting arrangements are best for the child.

Specifically, the court will consider the impact of any family violence including:

- the ability of the parent who has been abusive to care for and meet the needs of the child
- the appropriateness of making an order that would require parents to cooperate on issues affecting the children.

How does family and intimate partner violence impact decisions about parenting?

It impacts the **best interests of the child**.

Under the law, judges must make parenting decisions based on the "best interests of the child" or in other words, what is best for the child's wellbeing and safety.

There is a long list of factors (set out above) that judges will look to when figuring out what is in the "best interests of the child." Family violence is one of these factors. A person who uses family violence may be:

- less able to care for and meet the child's needs, and
- less able to have parenting arrangements which require cooperation and communication with the other parent.

This is the case whether or not the violence was directed at the child.

Children experience family violence in different ways. Even if they are not targeted or never see it directly, indirect exposure to family violence (hearing about violence, seeing that their parent is fearful) counts as family violence and may impact their safety and wellbeing.

TIP

If possible and appropriate, courts usually want the child to stay connected to both parents. Even if your ex-partner was violent, your lawyer may recommend that you allow visits. To ensure this is arranged as safely as possible, review **Chapters 5 & 6** of this guide on parenting arrangements.

When considering the impact of family violence on the child's best interests, the court must consider:

- the type of violence, and how often and when it occurred
- any harm caused to the child
- any steps taken by the person who used family violence to prevent further family violence from happening, and
- any thing else that may be relevant.

The court may also consider additional factors such as:

- whether the violence is part of a pattern of coercive and controlling behaviour (discussed above)
- any compromise to the safety of the child or other family member
- whether the family violence causes the child or other family member to fear for their own safety or for that of another person.

You do not need to show that family violence happened repeatedly or very recently for it to impact the child's best interests. All instances of family violence are relevant to the child's best interests.

The court will also consider any other court proceedings or orders that may speak to the safety or wellbeing of the child. This may include things like:

- criminal charges or convictions
- Emergency Protection Orders or peace bonds
- child protection proceedings or documents.

Will the judge believe me if I say there is family or intimate partner violence?

Because most family and intimate partner violence happens in private, it can be difficult to prove. Many survivors do not report abuse when it happens or perhaps even tell anyone, and for many people it can be very difficult and take a very long time to leave a partner after violence has taken place. This makes some survivors worried that they will not be believed.

Many judges are aware of the barriers a survivor may face in leaving an abusive relationship. Many judges also understand that just because there are no records or reports of abuse does not mean that it did not occur. These facts should be considered by the court when assessing if there has been family or intimate partner violence.

Judges will still, however, require evidence to be able to conclude that there has been family violence (see below for examples of evidence of family violence). This is especially true if your ex-partner denies being abusive or says it never happened. It is important to know that your own personal testimony and written statements about what happened is an important form of evidence for the court to consider.

What evidence do I need to show that there has been family or intimate partner violence?

Some examples of evidence that might be available to show the court that there has been family or intimate partner violence include:

- your own written statements, oral testimony and recollections of what happened, including any notes or documentation you have
- journal entries
- written statements or testimony in court from people who have experienced, seen or heard, firsthand, the violence or who have seen the effects of the abuse (for example, a friend or family member, doctor, Elder, spiritual leader, therapist or teacher)
- child protection documents
- expert reports (for example from a psychologist)
- emergency protection orders or peace bonds
- 911 calls or police reports
- records of criminal charges or convictions
- neighbours or witnesses who may have seen or heard any family or intimate partner violence
- photos or recordings of injuries or instances of violence
- hospital or medical records
- previous or subsequent partners of your ex-partner who may be able to speak to any violence in those relationships
- text messages, emails or social media posts.

You do not have to prove every instance of family violence to a judge. Even one incident can impact decisions about the best parenting arrangements for the child. It may also be helpful to take note of any time the children were present when the violence occurred or evidence that the children have been made aware of or impacted by the family or intimate partner violence.

If you are telling your lawyer or a judge about family or intimate partner violence, try and tell the whole story as well as you can remember it. It may be helpful to write everything down to help you stay organized.

Judges are more likely to question your story if it changes over time or if you avoid answering questions about it. If you make a mistake, it is okay to say so and correct yourself.

It can be very difficult for a survivor to re-visit and recall the details or timeline of family and intimate partner violence they have experienced. It is normal for people who have experienced violence or trauma to forget some of the details of what happened. Working with an advocate or support person can be a helpful way to gather your thoughts and prepare for court in a supportive environment.

TIP

What if my ex-partner accuses me of family or intimate partner violence?

Some abusive ex-partners will try to claim that you have committed family or intimate partner violence. Judges are required to consider all claims of family violence. A judge will assess whether they believe your ex-partner is telling the truth, which will involve hearing their story and considering any evidence.

If your ex-partner claims that you were violent, it is important that you correct this claim. For example, it may be wise for you to present your own evidence to confirm or show that they are not telling the truth.

If, however, some of what they say is true, it may be helpful for you to show any steps you have taken to make sure it doesn't happen again (for example: attending therapy or other programming).

What are interim orders and agreements?

Interim orders or interim agreements are temporary orders or agreements that may be made before a final order is issued. Parents may reach an interim agreement regarding parenting arrangements, or the court may make an interim order for parenting time and decision-making responsibility. Interim orders and agreements may also deal with issues such as child support or spousal support.

An interim order is usually made until a final hearing on parenting can be held. For example, when you first leave your partner, you may apply to the Supreme Court (Family Division) for an interim order that sets out the times and days that each of you will exercise parenting time.

The interim order will remain in place until your lawyers negotiate a permanent agreement or the final parenting order is made by the court.

Unless there are significant problems with the interim order or agreement, courts may be reluctant to make substantial changes. It is best not to agree to an interim arrangement unless you believe you can live with it in the long-term and have had an opportunity to get legal advice. If an interim agreement is decided between you and your ex-partner, make sure it is in writing. You should not sign any agreements without first talking with a lawyer.

TIP

Can a parenting order from the court be changed?

Yes, sometimes. Either parent can apply to the court to have a written agreement or court order for decision-making responsibility and parenting time changed. This is called a **variation**. The parent making the application must show that there has been a significant enough change in circumstances affecting one or both parents or the child to justify a change. The parent must also show that the change is in the “best interests of the child.”

Before you ask for a variation, review your court order as it may have a section dealing with how to make changes, and you may have to consider a dispute resolution option first if it is safe and appropriate to do so.

Do I need a lawyer to apply for a parenting order?

You don’t have to have a lawyer, but it is best if you try to find one, especially if there has been family or intimate partner violence. A lawyer will represent your rights and concerns and deal with your ex- partner’s lawyer (or with your ex-partner directly if they don’t have a lawyer).

For more information about finding and working with a lawyer, see **Chapter 7: You and Your Lawyer**.

Can I see a lawyer and start a court application before I separate?

Yes. If you are planning to leave your partner, you can apply for Legal Aid or consult with a paid lawyer and complete the paperwork for your court application before separation. If you leave during an emergency, see a lawyer, or begin your Legal Aid application as soon as possible. You may be able to get help finding a lawyer or applying for Legal Aid from your local Transition House, Women's Centre or Family Resource Centre.

If you begin your application before separation, make sure your lawyer and the court staff know not to send any paperwork to your home or to your ex-partner until you've separated. If your ex-partner finds out about your plan to separate or your court application before you leave, the risk to your safety may increase.

TIP

What types of assessments might the court order?

Sometimes in a family law matter, the judge may order an assessment to help the judge reach a decision around parenting. Assessments are reports completed by a professional such as a psychologist or social worker. Assessments may be useful when a professional opinion is required. Below, you will find information about some of the assessments a court may order.

Assessments may be ordered by the court or agreed to between your and your ex-partner. It is important to know that you do not have to agree to have an assessment completed. You may wish to speak with your lawyer as to whether an assessment is appropriate in your case.

Parents will typically be expected to contribute to the cost of the assessment, based on their income and number of dependents. However, if your income is below a certain level, you may not have to pay anything. You may also hire someone privately to conduct an assessment.

Not all assessors have expertise in family and intimate partner violence. If a judge orders the assessment, you may be able to provide input about the assessor. Speak with a Transition House or other knowledgeable advocate to find out which assessors understand violence, trauma and how it affects survivors and children.

You may also try to find an assessor who is representative or understanding of any important identity factors in your family or community (for example, if you are African Nova Scotian, Muslim or part of the 2SLGBTQIA+ community).

TIP

Parenting Capacity Assessment

In some cases where the parties cannot agree on a plan for parenting time and decision-making responsibility, a judge may order a **Parenting Capacity Assessment**. A trained professional (usually a psychologist or a social worker) prepares an assessment of the parties and their relationship to the children, including their ability to safely parent the children, and may make a recommendation to the court about parenting arrangements.

Voice of the Child Report

A **Voice of the Child Report** is usually used to assist the court to determine parenting arrangements for older children (for example, these are more likely to be ordered for children over 12).

The child meets with a professional who then prepares a report for the court about the child's preferences around parenting issues. The child does not make decisions about parenting, but the report may be used as one piece of information to help the court make decisions about parenting arrangements.

You may want to ask the judge for a Voice of the Child Report if you and other parent have significant disagreements on the parenting arrangements and you think your child is able to speak to their own preferences and interests.

Psychological/Psychiatric Assessment

A psychologist or psychiatrist may assess a parent, including psychological concerns that may affect their ability to parent. The assessor may make recommendations about parenting arrangements or proposed therapy or treatments.

For survivors who are African Nova Scotian, leaders and important community members such as Aunties or ministers may often be considered best suited to provide assessments that are culturally appropriate and understanding of their needs and experiences. Unfortunately, such individuals are not often deemed to be appropriate assessors by the court unless they also have the professional designations required by the court (such as a social worker or psychologist for example). Speak with your lawyer about where and how to find the most appropriate assessor in your circumstances.

What if I leave the relationship and take my child with me?

If you are thinking of leaving to escape an abusive relationship and taking your child with you, you should consult with a lawyer or contact Legal Aid immediately as you may consider applying for a court order as soon as possible. You may also want to contact your local Transition House for information about what to do in this situation. You should not try to take the children out of the province or the country without a court order or agreement in place, as your ex-partner could accuse you of kidnapping the children.

If there is no immediate danger

If you have left the relationship and taken your child and you don't believe either you or your child is in immediate danger, your lawyer may

advise you to tell your ex-partner where the child is and allow them to have parenting time with the child, if this is safe. If you are waiting for a court date, speak to your lawyer about the best way to establish a temporary schedule for the child to see the other parent.

If you or your children are in imminent danger

If it is not safe for you to contact your ex-partner, you should speak to your lawyer about whether to arrange parenting time. If you believe you or your children are in danger or that your ex-partner may keep your child or leave the area with your child, your lawyer may advise you to wait until you go to court. Your lawyer may also recommend that you make an emergency court application to settle interim (temporary) parenting time and decision-making responsibility issues.

What if I leave the relationship without my child?

If you leave the relationship and don't take your child with you, it can be difficult to get the child back. If you need to flee for your safety, or if you leave your child behind for some other reason, you should keep in frequent contact with the child and begin legal proceedings as soon as possible. If it is unsafe to contact your ex-partner, speak to a lawyer about getting parenting time with

Consider taking your child with you when you leave if you are worried about their safety or concerned your ex-partner will stop you from seeing them. It is very important to get legal advice, if possible, before leaving.

TIP

your child. Always think about your own safety and consider contacting your local Transition House for support and assistance.

Can I move away with my children if my ex-partner is a danger to me?

Moving away with your children is a complicated area of the law. In family law, this is called a “relocation.” Relocation is any move that will likely have a significant impact on the child’s relationship with the other parent. For example, this could be a proposed move to a new city a few hours away. It is very important to get legal advice if you want to move away from your ex-partner and take the children with you.

Usually, the signatures of both parents are needed to get a passport for a child. However, it may be possible to have a statement included in your family court order which allows you to apply for a passport for your child without your ex-partner’s signature or consent.

TIP

Usually, you must give your child’s other parent a specific amount of advance notice in writing if you are planning to move with your child and you must tell them certain details such as when and where you are moving. Your ex-partner can apply to the court to object to the move, at which time the court will be responsible for making the decision. If you want to move and take the children with you, your ex-partner will have to agree, or you will have to get a court order.

It is important to make sure that when you give notice of an intent to move, it is given in the proper format and within required timeframes. Speak with your lawyer to be clear about what applies in your circumstances and to ensure you have provided the correct information.

TIP

Before you move, you should also first look to your parenting agreement or order if you have one, as it may have a section about relocation or moving. If you have a court order or agreement, you must follow it and do what it says before you move. It may talk about things like giving notice of a planned move or set out the geographic area where your child must live. If your order does not say anything about moves, it is important to speak to your lawyer about which laws and notice requirements apply to you.

In some limited circumstances, if you think that notifying your ex-partner that you plan to move with the child would put you or your family at risk, you can ask the court to allow you to move without notifying your ex-partner.

Moving away with the children is a complicated legal issue and it is very important to get legal advice in this situation. Speak with a lawyer right away if you think that you want to move and/or change the requirement to notify your ex-partner. Your ex-partner may make allegations that you have unlawfully moved the children if you move with the children without permission, written agreement or a court order allowing the move.

TIP

How do courts make decisions about whether I can move with my child?

A court will determine if it is in your children's best interests to move with you. Depending on the current parenting arrangements, either you or your ex-partner will have to prove the move is, or is not, best for the child.

The court will look at a lot of factors to make this decision. In addition to the “best interests of the child” factors listed above, a judge will also look at several additional factors, some of which include:

- your reason for moving
- the impact your move will have on the children (for example, their school and family relationships) and on the current parenting arrangements
- whether you and your ex-partner have been following any parenting arrangements so far, and are likely to follow them in the future
- any restrictions against moving or relocating in any other court orders or agreement
- the parenting plan you are suggesting to put in place after the move.

The more detail you can provide in answering these questions (for example: where you will live, how you will earn income, what supports you will have in the new location, what childcare or school will look like for the children, who will bear extra costs associated with parenting time) the better. You are not expected to tell a judge whether you will go ahead with the move if your request to take the children with you is denied.

Family and intimate partner violence is an important factor for a judge in deciding if you should be able to move with your children. When there is a history of family and intimate partner violence, it may be in their best interests for you to move with them. For example, it may be best for the

children for you to be far away from your ex-partner and/or somewhere that you have more supports from family and friends. It is important to raise family and intimate partner violence with a judge if you are seeking to move with the children.

Can I take my child out of the province?

It depends on what your parenting agreement or court order says. Double-check any court orders and agreements between you and your ex-partner to make certain there are no limits on taking your child out of the province or country. If you are not sure, get legal advice.

If you have sole-decision making responsibility you may take the child out of the province temporarily unless your order says otherwise (for

TIP

It is a good idea to seek legal advice before taking your child out of the province or country. If you fear your ex-partner may try to take your child out of the country, tell your lawyer immediately.

example, on vacation within Canada). You may need a letter of permission from the other parent or the permission of the court for international travel. Some parenting agreements or orders say that the parents cannot leave a certain area (like the province) without written consent of the other parent or court order.

If you do not have sole decision-making responsibility, you may need the permission of the other parent. It is best to get this permission in writing.

If you want to permanently take the child to live somewhere else, you will need to get the consent of the other parent or permission from the court,

depending on the agreement or court order. This is discussed more above.

If you need to take the child out of the province prior to having a court order or agreement in place, it is important to have the other parent's permission. If this is not possible, speak to your lawyer.

You should bring all paperwork with you any time you leave the province or the country with your child. You may need your legal agreement or court order to prove to authorities that you have permission to travel with your child. New Canadian women should carry immigration paperwork with them at all times.

TIP

What information about my child is my ex-partner entitled to?

Generally speaking, parents are entitled to know about their child's well-being, including things like health and schooling, unless a court order or agreement states otherwise. Your ex-partner may be able to ask you or others (like the school) about this information and get an answer.

If this is not safe or appropriate in your case, raise it with your lawyer or a judge. The judge can order that this information not be given out or specify how this communication takes place. If the other parent is not entitled to this information, make sure you give a copy of the court order to places that hold information about your child (the school, your family doctor etc.).

Can my ex-partner use my mental health against me?

In some cases, an ex-partner may raise your physical, mental, or emotional health in court as an issue affecting your parenting. Whether the judge agrees will depend on the evidence. If these factors have contributed towards acts of family or intimate partner violence or may affect parenting of the children, it may be more likely a judge will find them to be relevant. In those cases, however, a judge will also consider any steps you have taken to work on your mental health, including counselling or medications.

It is important to know that if your ex-partner raises your mental health, there may be a court order to produce the records of your doctor, therapist, or any other professional providing you with treatment. It is best to seek legal advice if these issues arise.

Criminal cases and other legal proceedings

Will the judge know about criminal charges or if child protection is involved?

You need to tell your lawyer and the court about any legal proceedings that might be relevant to your child's safety or well-being. They generally do not know this information unless you provide it to them. This includes:

- any criminal law or child protection order or cases involving your family

- any Emergency Protection Order or other order involving you or your family (such as a peace bond).

The judge must consider these proceedings when they make decisions about parenting. Usually, the court learns about this from you and your ex-partner. Don't assume that the court staff or the judge already knows about these other matters. Don't assume that your ex-partner will provide this information. Courts are not all connected, and family court will typically rely on you to bring this information to their attention. Do this as early as possible.

These other proceedings are relevant to parenting time and decision-making responsibility even if they don't involve the child directly. For example, if there is an assault charge against another family member, this could impact what type of parenting arrangement is in the child's best interests.

Letting the court know about other ongoing proceedings or any relevant orders (like criminal release conditions for example) will also help the court with the coordination of proceedings. For example, if family court is not aware that there is a no-contact order in an ongoing criminal matter, the court might inadvertently make a conflicting parenting order requiring contact that could confuse the parents and create safety risks.

Police, lawyers, judges and child protection workers all work within specific areas or jurisdictions. In some cases, there may be confusion about whose jurisdiction you are in. Generally speaking, family court matters and child protection matters are heard in the jurisdiction or area where the child lives, and criminal court matters are dealt with where the offence occurred.

TIP

Can I get a copy of my ex-partner's criminal record?

A criminal record is a police document that is protected under privacy legislation. Generally, this is not something that you can have access to.

However, if your ex-partner's criminal history is relevant to your family court matter, you should tell the judge if you know about any relevant charges (for example: assault charges, anything dealing with children).

There are several ways you may be able to get a copy of their criminal record and other important evidence, such as police files containing details of charges and criminal activity.

Your lawyer, or you if you are self-representing, can:

- ask your ex-partner's lawyer (the "other side") to provide the information
- ask your ex-partner to sign a consent form so that the information can be provided to you
- ask the court to direct the other side to disclose (provide) the information to you

- make an application for an order for production requiring the police to provide information to you.

You may also be able to get certain documents from the courthouse such as an Information (a document that sets out the details of an alleged offence), a release order or an undertaking. Typically, you will have to know information such as the full name of the person, their date of birth, the offence and date of offence. Victim Services may also be able to help you get copies of releases orders or undertakings. See the **Resources** section for contact details.

TIP

Is my ex-partner's criminal history important in family court?

Yes, if it relates to the safety and well-being of your child. The history doesn't have to deal with your child directly to be relevant. For example, if it deals with your safety, this impacts your child and what is in their best interests.

Tell your lawyer, court staff and the judge about any criminal history you know of.

What if my ex-partner has criminal convictions from another province?

Tell your lawyer and the court about any of your ex-partner's criminal convictions you know of, regardless of where or when they occurred.

The court will also likely not know about matters outside of the province unless you tell them. Don't rely on the judges or court staff to find this information on their own.

Using the methods above, your lawyer can try to help find out whether your ex-partner has a criminal record anywhere in Canada through the Canadian Police Information Centre (CPIC).

Is there any way to get hold of police files if we are not before the family court?

Your ex-partner's police records are considered their private information, which means they are protected by legislation called the Freedom of Information and Protection of Privacy Act (FOIPOP). However, if you are included in their records (for example, as a victim), you may be able to make a request for them through a FOIPOP officer. Information about third parties, including your ex-partner, will be blocked out.

How do I make a Freedom of Information (FOIPOP) request?

The FOIPOP application process may change depending on who you are seeking information from. For example, the RCMP, regional police and child protection authorities all have their own application procedures. It is best to ask the organization you are requesting information from for details on how to make a FOIPOP request. You can call them without giving your name or ask for help from a Transition House or Women's Centre worker. In most cases, you will simply be given an address and asked to put your request for information in writing. (See the **Resources** chapter at the back of the guide for FOIPOP details.)

How will I know if the criminal court ordered my ex-partner to do any programs?

Using the methods above, your lawyer can ask for your ex-partner's sentence orders, child protection records as well as disclosure of their probation files. This information would tell you if they were ordered to do any programs, such as drug testing, a domestic violence intervention program, or anger management counselling.

How will I know if my ex-partner has completed the programs?

Your lawyer can use the methods above to ask for disclosure from the programs your ex-partner has been referred to. You may also want to talk with your lawyer about asking for a clause in your family court order that requires your ex-partner to complete certain programs and to disclose their program records to you or to the family court.

What about their driving record?

Your ex-partner's driving record may be relevant to your children's safety if they drive the children anywhere. If your ex-partner has been convicted of driving offences such as driving under the influence of alcohol/drugs or driving without insurance, these convictions would be part of their court record. The Registry of Motor Vehicles maintains these records.

Your lawyer can ask for this information using the methods above.

Chapter 7

You and Your Lawyer

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Do I need a lawyer?

While it is possible to represent yourself in family court, it is not advisable. When dealing with serious issues such as parenting, it is important to work with someone who has a professional understanding of the law and court systems.

Sometimes your ex-partner may want you to start agreeing to arrangements that may become permanent down the road (such as parenting schedules or selling property for example). It is best to get legal advice early on before making any of these major decisions, so you understand the consequences of making these decisions.

You should get legal advice before agreeing to any parenting arrangements or other important family law issues. It may be a red flag if your ex-partner is trying to pressure you to come to an agreement quickly and without a lawyer. The Supreme Court (Family Division) offers free, basic summary legal advice to anyone without a lawyer. Find more information about Summary Advice Lawyers in **Chapter 3: Preparing for Family Court** and find contact info for court locations in the **Resources** section at the end of this guide.

TIP

What happens in a lawyer-client relationship?

The lawyer-client relationship is a professional relationship based on trust. This relationship typically operates in stages:

Stage 1: The client gives the lawyer information

During this intake stage the client gives the lawyer as much relevant information and documentation as possible. This may include things like

financial information or information about the history of the family and the relationship with your ex-partner (including any family or intimate partner violence).

Stage 2: Legal analysis

At this stage, the lawyer studies the case and looks for all the legal issues based on information provided by the client. The lawyer may conduct research at this stage to determine how these issues may be decided by the court.

Stage 3: The lawyer gives legal advice

Based on the lawyer's analysis of the case, the lawyer gives the client legal advice. For example, the lawyer might advise the client to make an application for the majority of parenting time (i.e. having the children in their care more than 60% of the time).

There is a difference between **legal information** and **legal advice**.

TIP

This guide, for example, provides important legal information. But this is general information that applies to everyone. *Only lawyers can provide legal advice.*

Legal advice on the other hand, is when a lawyer takes information about the law and applies it to your specific case. They can then give you advice about what you should do in your situation or provide an opinion about what the outcome of your case may be.

This is one of the reasons why it is important to speak to a lawyer. Every case is different so a lawyer is the only one who can give you specific advice based on your situation.

Stage 4: The client instructs the lawyer

After considering the lawyer's advice, the client gives the lawyer instructions on what to do next. For example, if the client agrees with the lawyer's advice, they may instruct the lawyer to begin a court application for the majority of parenting time, for example. If they do not agree, they must reach an agreement with their lawyer about what to do next.

Stage 5: The lawyer takes action

Based on the client's instructions, as well as rules of the court, ethical standards, the law and other factors, the lawyer takes action. In this example, the lawyer may file an application with the court for the majority of parenting time, draft an **affidavit** and prepare for a court hearing.

You and your lawyer may continue to make decisions during your family court proceeding. If there is new information, the lawyer's analysis of the case may change, and they may give the client new advice. For example, if a child is abused during parenting time, the lawyer might advise the client to make an application to suspend parenting time or for supervised parenting time.

TIP

What should I look for in a lawyer?

These are some qualities to consider when you are looking for a lawyer:

- experience dealing with survivors of family and intimate partner violence
- skill and experience in the area of law you need (for example, family law)

- willingness to really listen to you and allow you to make decisions
- give you time to make decisions
- willingness to explain legal procedures and the legal process so you understand what is going on
- willingness to answer your questions
- willingness to let you bring a support person or interpreter with you to appointments
- cultural competency
- willingness to respond to your phone calls or emails promptly and act in a timely manner
- an open and complete billing arrangement, so you know what you are being billed for, when you are being billed, and when you need to pay.

Why is it important for survivors to find lawyers who understand family and intimate partner violence?

It is only by recognizing the dynamics of family and intimate partner

TIP

Don't be afraid to ask questions. You will very likely have many questions and will need many legal issues explained to you.

violence and how they may play out in the short and long-term that lawyers can work towards achieving family court orders that keep their clients and their children safe. A lawyer who does not understand family and intimate partner violence may encourage a survivor to agree to

certain parenting arrangements without recognizing potential dangers.

They may not even ask survivors about their experiences or raise it in family court.

It is also important to discuss safe communication with your lawyer. Ensure that your lawyer knows how they can contact you in a safe manner. For example, if you have not yet left the relationship, you may want to let your lawyer know not to send mail to your house or leave voicemails at certain phone numbers.

TIP

How do I find a lawyer who understands family and intimate partner violence?

If you qualify for Legal Aid, you may be assigned a lawyer. If you are not receiving Legal Aid, you may be able to find a lawyer who understands family and intimate partner violence by contacting your local Transition House, Women's Centre, Family Resource Centre or Victim Services office. Alternatively, you may want to ask other survivors directly, for example, during a support group meeting or parenting class or even through a search online.

Trust is essential to the lawyer-client relationship. It is very important when you are looking for a lawyer that you feel like you trust them, that they are listening to you, and you feel comfortable sharing information about your case and expressing your needs.

“My lawyer tried to pressure me to agree to unsupervised access because he thought that is what the judge wanted to hear, but I wouldn’t do it. When we finally went to court the judge agreed with me and ordered supervised access. I’m so glad I didn’t do what my lawyer recommended.”

What is Legal Aid?

Legal Aid refers to legal services provided free to clients and paid for by the government. See the **Legal Aid** section in this chapter below for more information.

How else can I find a lawyer?

Lawyers are listed on the internet, in the phone book and may even be active on social media. There is also a directory of lawyers on the Nova Scotia Barristers’ Society webpage. You can find this on their website at www.members.nsbs.org/LawyerSearch.

You can also use the Legal Information Society of Nova Scotia’s Lawyer Referral Service. Through this service you can get a referral to a lawyer in your area who will provide a consultation of up to 30 minutes for \$20 plus tax. You can go to their website at www.legalinfo.org or call 1-800-665-9779 (toll-free in Nova Scotia) or 902-455-3135.

You may also have an Employee Assistance Plan (EAP) through your workplace. These plans may include a free or low-cost meeting with a

lawyer. Check with your employer, human resources, or your plan to see if this might be an option for you.

"My lawyer was awesome! She really listened and I felt like she was really fighting for me."

Francophone Survivors

Francophone women looking for a French-speaking lawyer can contact the L'Association des juristes d'expression française de la Nouvelle Écosse (AJEFNE). AJEFNE provides legal information in French, as well as helpful links to Francophone resources. French leaflets are available on a range of topics, including Legal Aid, Language Rights and Family Violence. Contact details are in the **Resources** section at the back of the guide.

Deaf and hard of hearing survivors and survivors with disabilities

Survivors with disabilities, deaf survivors and hard of hearing survivors looking for a lawyer with knowledge of disability issues can contact ReachAbility, an organization working to ensure equality for Nova Scotians with disabilities. ReachAbility has a legal referral service that provides clients a free one-hour consultation with a lawyer specializing in the area relevant to the client's needs, for example, family law. Interpreters for this consultation are provided free of charge to deaf and hard of hearing clients. See the **Resources** chapter of this guide for contact details.

How will a lawyer bill me?

Many people cannot afford to hire a lawyer because of the cost. While this is true in many cases, there are different ways that a lawyer may bill you. You should ask any lawyer you may wish to hire how they will bill you.

The most common way for lawyers to charge for their services is on an hourly basis. Your bill will depend on the amount of time the lawyer spends working on your case, as well as the cost of any related expenses.

Other lawyers may charge a flat rate, which means they charge a set fee for a certain type of work, regardless of the amount of time they spend working on your case.

Some lawyers have a sliding scale for billing. This means that you will pay less money if you have a lower income.

In some instances, a lawyer may allow you to pay in monthly installments or even once you receive money from your case. If you are experiencing financial difficulty, you could ask your lawyer if they would consider delaying billing you until you start receiving support or get a division of property.

Most lawyers will ask for a retainer, which is a deposit of money needed to start the case. This money goes toward your final bill.

I didn't qualify for Legal Aid and I'm not sure I can afford a lawyer. What other options do I have?

If you've been denied Legal Aid and aren't sure you whether you can afford to hire a lawyer, you may consider the following:

- Appeal your Legal Aid denial (see more information on this below)
- Speak to the Summary Advice Lawyer at the court (for more information on this see **Chapter 3: Preparing for Family Court**)
- Contact the Lawyer Referral Service at the Legal Information Society of Nova Scotia for a low-cost legal appointment.
- Speak to a lawyer about billing options. They may have flexible fee arrangements based on income or may be able to defer billing you in some circumstances.
- Some lawyers may offer an initial consultation free of charge or at a low cost. Call a law firm to inquire if this is possible.
- Ask a lawyer if they offer "unbundled legal services" or "legal coaching" (see more information below).
- Nova Scotia Legal Aid offers times where you can chat online with a family law lawyer without having to qualify for Legal Aid. Visit the calendar at www.nslegalaid.ca to see when this is offered.
- Represent yourself. Although this is not ideal, in some circumstances survivors may have to represent themselves in court for part or all of their case. There are many resources available to assist people who are representing themselves in court. For more information see **Chapter 3: Preparing for Family Court**.

What are unbundled legal services?

“Unbundled legal services” (sometimes called “legal coaching”) means that a lawyer does not fully represent you, but may provide legal advice, support or services for certain parts of your case.

For example, they may be able to provide some legal advice or help with:

- writing letters or helping you fill out forms
- understanding what to ask the court for
- coaching you on how to make legal arguments
- doing legal research or writing a trial brief
- giving you advice on whether you can move or relocate with your child
- helping you prepare for direct and cross-examination of witnesses.

The lawyer may want you to sign a “Limited Scope Retainer” showing that you understand they are not your lawyer for the full case. Unbundled legal services may be one way to save money if you can’t afford a lawyer for the full case.

Not all lawyers will advertise that they offer unbundled legal services. It may be worth calling a law firm or lawyer to ask if this may be an option or to ask about what other ways you may be able to keep costs down. Some lawyers do advertise unbundled legal services and you can find a directory of those lawyers at www.representingyourselfcanada.com/directory.

TIP

What are my responsibilities when I deal with my lawyer?

When dealing with your lawyer, it is important for you to:

- think about questions for the lawyer in advance (for example, after you read the legal information in this manual)
- try to learn as much legal information as possible on your own or with a support person so you can focus on getting legal advice at your appointments with your lawyer
- bring all of the documents relevant to your case to your lawyer
- arrive for your appointments on time
- ask questions
- take notes during your meetings
- thoroughly read any documents your lawyer sends to you
- keep all the documents together and organized
- have reasonable expectations and be prepared for delays and disappointments
- be honest and open with your lawyer and provide information about any family or intimate partner violence in your relationship
- tell your lawyer about any past or current proceedings or orders related to you, your partner or your children, including any criminal charges or convictions, child protection involvement, immigration matters,

TIP

Trust your own instincts. If you do not feel comfortable with your lawyer, you may consider finding a new one. If you are dealing with Legal Aid, you can ask your local Transition House or Women's Centre to advocate for a different lawyer.

whether you've had a peace bond, Emergency Protection Order or other no-contact order

- tell your lawyer if you are afraid for yourself or your children
- If you want to bring a support person with you make sure you advise the lawyer ahead of time.

What should I find out during my first meeting or phone call with a lawyer?

Here are some things to consider asking about at your first meeting with your lawyer:

- the lawyer's area of expertise
- the lawyer's fees and billing arrangements
- safety and safety planning during the family law process.

You may wish to ask some of the following questions:

- How does the law affect my situation?
- What choices do I have?
- How long will my case take?
- What will you do next?
- What happens if there is an emergency?
- When will I hear from you next?
- What should I do to prepare myself?
- How will you keep in touch with me and how often?
- What should I do next?

- Is there anything I should not do?
- Is what I want realistic?
- What is your hourly rate?
- Will I have to pay for anything else (i.e., photocopying, couriers, court filing fees, etc.)?
- Could anything make the cost increase?
- How much is your retainer?
- What ways can I pay (i.e., e-transfer, credit card, cheque, etc.)?
- Can I pay on a monthly basis?
- How can I keep costs down?

For some suggestions on how to keep costs low with your lawyer, see “10 Tips for a Cost-Effective Lawyer-Client Relationship” at www.nsrlpe.com under “SRL Resources”.

TIP

What will my lawyer need to know?

Your family lawyer will ask you a lot of questions as they begin to prepare for your parenting application.

Your lawyer will need to know things like:

Information about you

- your current and past employment
- your income.

Your relationship with your ex-partner

- the history of your relationship with your ex-partner
- how you and your ex-partner interact, including how you resolve conflicts (i.e., their temperament with you)
- who else is aware of the history of your relationship (i.e. neighbours, friends, family, police etc.)
- whether you or your ex-partner are in new relationships and for how long
- whether you or your ex-partner have a history of drug or alcohol use, or a history of mental health issues.

Financial information

- who has control or possession over money, bank accounts, or financial information.

Information about the children:

- details about your children, including their ages, and possibly their views and preferences on where they want to live
- who cared for the children during the relationship
- what sort of relationship your children have with you, your ex-partner and other family members
- any cultural, linguistic, religious, spiritual upbringing or heritage of the children, including being Indigenous or African Nova Scotian
- whether your children have any specific needs
- what kind of parenting arrangement you want and why.

Other legal proceedings

- any existing court orders or agreements even if they are from another province or country
- whether you or your ex-partner have any criminal charges or convictions
- whether police or child protection have been involved in your family or whether you have applied for an Emergency Protection Order or stayed in a shelter.

If there was family or intimate partner violence in your relationship, your lawyer should also know details about this including:

- if your ex-partner has ever hurt your children
- if your ex-partner has access to weapons and whether they have used or threatened to use them
- if your ex-partner has threatened to harm or has harmed a family pet
- if your ex-partner has damaged or threatened to damage property
- if your ex-partner has stalked or harassed you
- if you or your ex-partner have been involved with child protection authorities or police
- if you would like your address and other information kept out of court documents
- whether you or your ex-partner have taken any steps to address the violence (i.e., therapy, seek shelter, intervention program etc.)

- whether your partner has had a history of trying to coerce and control you.

Family or intimate partner violence is always relevant and important to know about in family law cases, especially when it comes to decisions about parenting. Even though it may be difficult, it is important to let your lawyer know about any family violence so they can help get you the safest parenting arrangements possible. A support person or advocate may be helpful to help you gather your thoughts and prepare to have this discussion with your lawyer.

TIP

What should I bring to my first appointment with my lawyer?

You should ask your lawyer or your lawyer's assistant what they would like you to bring to your first appointment. It may be helpful to your lawyer if you bring the following items to your appointment:

- written notes on your situation, including a timeline with dates of marriage (if applicable), separation, children's birth dates, your current and former addresses, details of abuse
- any records you have kept of incidents of family or intimate partner violence or parenting visits (see the end of **Chapter 5: Parenting Arrangements - Parenting Time & Decision-Making Responsibility** for sample reporting forms)
- any evidence of family or intimate partner violence including photos, emails, text messages or voicemails
- names and addresses of witnesses to any violence towards you or your children

- copies of statements you've made to the police, Information forms (from police), your ex-partner's undertakings, recognizances and probation orders, a list of your ex-partner's criminal charges or convictions, any reports or documentation from child protection authorities, if you have them
- court documents and any existing agreements or court orders, including peace bonds or Emergency Protection Orders.

TIP

If you do not have copies of police statements, court records or criminal undertakings, you can contact your local Victim Services office to help you request these.

What is solicitor-client privilege?

Solicitor-client privilege or "lawyer-client privilege" means that nothing you communicate to your lawyer (in person or in writing) can be shared with anybody else without your permission. This means that you can, and should, tell your lawyer everything they need to know about your case without fear that it will be repeated. This also means that lawyers do not have a duty to report to child protection to the same degree that others do.

Ask your lawyer about any exceptions to solicitor-client privilege.

What is a conflict of interest?

A conflict of interest means that a lawyer or law firm cannot represent any client whose interests are opposed to a current or past client in the same or a related matter. Any prior contact between a lawyer and client might

raise the issue of conflict of interest. For example, even if your ex-partner had an initial meeting or conversation with a lawyer or any lawyer at that lawyer's firm, that law firm may not be able to represent you now.

TIP

It is important to contact a lawyer as soon as possible. If your ex-partner already contacted a law firm (even if they did not hire that lawyer), that firm may have a "conflict of interest" and will likely not be able to take you on as a client.

What if my lawyer recommends that I agree to something I don't want?

It is important to recognize that lawyers must often tell clients things they don't want to hear. For example, an experienced lawyer might believe the client's wishes are unrealistic, or even that they are not in the children's best interests. If you have discussed your situation with your lawyer and do not believe that what they are recommending is in your or your child's best interests, you do not have to agree.

That said, many survivors report feeling pressured by their lawyers to agree to conditions they are uncomfortable with. If you find yourself in this position, have a conversation with your lawyer about your discomfort, why you are uncomfortable, and what alternatives may be available (including any risks to such alternatives).

Examples of conditions that lawyers may ask you to agree to are:

- more parenting time for your ex-partner, including overnight visits
- unsupervised rather than supervised parenting time

- supervision by members of your ex-partner's family rather than a professional or neutral person
- mediation or conciliation instead of court
- shared or joint parenting arrangements rather than the majority of parenting time.

"My lawyer wanted me to agree to unsupervised access, but I'd taken Grade 12 Law and I knew my rights; I knew the lawyer had to take my instructions. When we went to court I asked for supervised access and the judge ordered it."

Why do lawyers suggest cooperative and shared parenting arrangements?

Family lawyers understand that family laws encourage as much contact with each parent as is consistent with the best interests of the child. Courts typically encourage the child's relationship with both parents in most circumstances. Sometimes, courts may prefer to see shared parenting or cooperative decision-making arrangements rather than giving majority of parenting time and sole decision-making responsibility to one parent where they think this is in the best interests of the children involved.

However, there is no automatic assumption or expectation that both parents will equally share parenting responsibilities in family law. Many

judges recognize that when there has been a history or family or intimate partner violence, requiring parents to cooperate in parenting orders may lead to more opportunities for violence. This means that family law matters need to be decided on a case-by-case basis and it is never simply assumed that shared parenting is in a child's best interests.

If you believe a shared parenting arrangement is not in your child's best interests, you should be clear with your lawyer as to why. Ongoing family or intimate partner violence, for example, may mean cooperative or shared parenting will not be a safe arrangement and will not be in the best interests of your children.

What challenges might survivors have with their lawyers?

Many survivors have positive experiences with their lawyers. However, some do experience one or more of the following problems. In some cases, the lawyer may:

- not return phone calls or refuse meeting requests
- fail to understand family and intimate partner violence and related safety issues
- dismiss a survivor's fears and concerns
- refuse to take a survivor's instructions.

It is important to understand the scope of your lawyer's role. A lawyer's job is to provide legal representation to their client. However, even if a lawyer has a good understanding of family and intimate partner violence, lawyers are not trained therapists or counsellors, and will not have the time to provide that support. Family law proceedings can take a significant emotional toll on survivors. Survivors should consider looking for support and care elsewhere such as through a skilled therapist or counsellor, Transition House or Women's Centre staff, etc.

TIP

"Many of the authority figures that abused women come in contact with are men (for example police officers, lawyers, and judges in the court systems). It is easy for abused women to be intimidated and fearful of these authority figures and this can lead to them being bullied or intimidated into agreeing to things that they don't feel comfortable with. For example, in my experience, I was bullied by the police into letting my ex come into my home to see the kids after he called them because I told him one of my sons had a 104° temperature and couldn't go for the evening visit. Then, when my ex was left alone with the kids he was able to say hurtful things about me which were upsetting to the kids, while a police officer gave me a lecture about getting along for the kids' sake."

What if I have a problem with my lawyer?

Talk to your lawyer about any problems and bring someone else to the meeting if you think it would be helpful. If you cannot resolve the issue this way, you may wish to get a second opinion from another lawyer.

If the problem is serious, you may consider making a complaint to the Nova Scotia Barristers' Society (NSBS).

Visit the NSBS website to learn how to make a complaint: www.nsbs.org (click on "Concerns with a Lawyer") or call 902-422-1491.

If you are using Legal Aid, you may be able to apply to change lawyers. If you are not using Legal Aid, you can change lawyers at any time.

Remember that you will normally have to pay your former lawyer's bill before your lawyer will release the file to your new lawyer.

What is the Nova Scotia Barristers' Society?

The Nova Scotia Barristers' Society (NSBS) sets out rules for lawyers and hears complaints about lawyers. If a lawyer has acted wrongly, the NSBS may reprimand or penalize the lawyer. If you wish to make a complaint against a lawyer, you should contact the Nova Scotia Barristers' Society (see above).

Legal Aid

Legal Aid refers to legal services provided free to clients and paid for by the government.

Most Legal Aid clients have low-income levels or they are on Income Assistance. In Nova Scotia, there are Legal Aid offices with staff lawyers around the province.

If you are eligible for income support, you should apply as soon as possible. Once you are on Income Assistance, it is likely you will then qualify for Legal Aid.

TIP

You may be able to get Legal Aid if:

- you meet their financial guidelines, AND
- your legal problem is one that Legal Aid covers. In Nova Scotia, Legal Aid largely deals with family law (including child protection), criminal matters and social justice law (such as Income Assistance or residential tenancies matters)

You can learn more about Legal Aid Nova Scotia at www.nslegalaid.ca.

Indigenous and African Nova Scotian Survivors

Nova Scotia Legal Aid has both an Indigenous and African Nova Scotian social worker who can assist with family and other legal matters. They can provide support throughout the court process, help you apply for Legal Aid and connect you to culturally appropriate resources. Learn more at www.nslegalaid.ca or call the Indigenous social worker at 902-476-3473 or the African Nova Scotia Social Worker at 902-223-4517.

How do I apply for Legal Aid?

You can apply for Legal Aid online at www.nslegalaid.ca.

You may apply in person at the office nearest you.

Lastly, you can also apply by obtaining an application form from Legal Aid and mailing it to your nearest Legal Aid office.

You will likely need to provide information such as your name, date of birth, contact information and provide financial information such as your income, expenses and debts and any assets (such as a house, car, RRSP etc.)

To locate a Legal Aid office, visit their website or see the **Resources** section at the end of this guide. For more information, call or visit your local Legal Aid office.

It is very important that you attend court when you are supposed to, even if you have not met with a lawyer. If you don't attend court on a day when your matter is scheduled to be heard the judge could make a decision in your absence. If you are waiting for an appointment with Legal Aid, tell the judge and ask for an adjournment.

TIP

What is a Legal Aid Certificate?

In some circumstances, a Legal Aid office will provide a client with a Legal Aid Certificate, which can be given to a non-Legal Aid lawyer in exchange for legal services. This means the lawyer will be paid by the government for part or all of the time that they work for you. It is sometimes difficult to find a lawyer to take a certificate, so be prepared to contact several lawyers or ask Transition House or Women's Centre staff for guidance. In some cases, Nova Scotia Legal Aid may help a client find a lawyer willing to take a certificate.

TIP

If you cannot find a lawyer in your area who will accept a Legal Aid certificate, Legal Aid may be able to help you find a lawyer and may cover some extra costs so that you can hire a lawyer further away, for example by reimbursing the lawyer's travel costs (or a portion thereof) to get to court appearances.

What happens if my Legal Aid Certificate runs out before my case is finished?

Legal Aid certificates generally pay for a limited number hours to resolve parenting issues. Since cases involving family or intimate partner violence may often require more time than this, the lawyer may be able to apply for additional hours if they are working on a certificate.

What happens if I have to go to court before I've met with my lawyer?

If possible, the Legal Aid office may try to fit you in before your court date. If this is not possible, you will need to go to court and ask the judge for an adjournment. An adjournment is when court is re-scheduled for some reason. Explain to the judge that you have applied to Legal Aid, or that you intend to apply, but that you haven't yet met with a lawyer. If possible, give the judge some idea when this is likely to happen.

Who qualifies financially for Legal Aid?

To qualify for Legal Aid a person must be on Income Assistance or have an income below a level defined by Legal Aid. The level of income you

must have to qualify for Legal Aid will depend on your family size and will include your current spouse or common-law partner's income.

It is always worth applying for Legal Aid. In some circumstances, people may qualify for Legal Aid even though their income is above the level of income Legal Aid has set out to qualify. Even if Legal Aid cannot provide full representation, they may be able to provide some level of service ranging from full service free of charge, full service with a financial contribution (which will typically cost much less than a paid lawyer) or a one-time summary advice appointment.

If you apply for Legal Aid and are denied, you should appeal (see below under "What if my Legal Aid application is rejected?" for more information).

What if I am denied Legal Aid because I am entitled to matrimonial property, but I'm not divorced yet?

Some survivors are denied Legal Aid because they are legally entitled to half the matrimonial property. For example, if a person separates from their married spouse, even if they are not receiving support from the spouse, they may still be entitled to half the matrimonial home. Even if they have no income now, Legal Aid may calculate their income based on their right to half of the matrimonial home. This may put their income over the limit to qualify for a Legal Aid Lawyer.

There are a few options in this situation:

- You may qualify for Income Assistance, if you have left your married spouse and have little or no income. Once you are receiving Income Assistance, you may qualify for Legal Aid.
- You can appeal the Legal Aid decision (see below for more information).
- You can approach a lawyer and see if the lawyer will take your case on the understanding that you will pay once your divorce is settled.

Immigrant and Newcomer Survivors

If you are a permanent resident or citizen, you can apply for Income Assistance. If you are a sponsored immigrant, your first source of funding should be your sponsor, but if your sponsorship has broken down you may still be able to get social or other financial assistance. If you are currently receiving financial assistance as a Government-Assisted Refugee or a Privately Sponsored Refugee, your assistance will not be cancelled if you leave your partner. If you are not sure what financial assistance you are entitled to, you can contact your local Income Assistance office. You may want to bring an advocate with you for support. See the **Resources** section for contact details.

How long can I have a Legal Aid lawyer for?

As long as your income remains below the level to qualify for Legal Aid there is no limit to how long you can have a Legal Aid lawyer. However, you must inform Legal Aid if your income changes.

What if my Legal Aid application is rejected?

If you are denied Legal Aid for any reason, you should try to appeal to the Nova Scotia Legal Aid Commission.

Even if you are denied a full Legal Aid lawyer, Legal Aid may still be able to assist to provide some legal advice to you.

You must write to Legal Aid explaining your legal problem, your circumstances, and why you believe you need Legal Aid services. Write, email, or deliver your appeal to:

Appeal Committee
Nova Scotia Legal Aid Commission
1701 Hollis Street, Suite 710
Halifax, Nova Scotia B3J 3M8
mail@nslegalaid.ca

If your appeal is not successful you must decide whether to represent yourself in court or consider whether you are able to hire a lawyer yourself. You may be able to afford some help from a private lawyer to help you prepare.

For more information on representing yourself in family court matters, see **Chapter 3: Preparing for Family Court.**

More information about appealing a Legal Aid denial can be found at www.nslegalaid.ca

If you appeal a rejected Legal Aid application, you can contact Dalhousie Legal Aid Service in Halifax for help with the appeal process or to ask for a copy of their Legal Aid Appeals pamphlet. Find their contact info in the **Resources** section at the end of this guide. You may also want to contact your local Transition House, Women's Centre or Family Resource Centre for help with your appeal.

TIP

Can I switch lawyers if I don't like mine?

According to Nova Scotia Legal Aid policy you must accept whichever lawyer you are assigned when you apply. However, if there is a serious problem between you and your lawyer, you can appeal to Legal Aid to change lawyers or to obtain a certificate for a non-Legal Aid lawyer. Again, if you are making an application to change lawyers you may want to seek the support of your local Transition House, Women's Centre or Family Resource Centre staff.

What is Dalhousie Legal Aid Service?

Dalhousie Legal Aid Service provides Legal Aid services to clients in Halifax Regional Municipality. In some cases, Dalhousie Legal Aid may serve clients outside of this area. Dalhousie Legal Aid can help with youth criminal law and family law, as well as other areas such as landlord/tenant disputes, Legal Aid appeals, Income Assistance appeals, child protection hearings, and poverty law issues. Because it is a teaching clinic, third year

law students work with clients under the supervision of staff lawyers. For contact details see the **Resources** chapter at the back of the guide.

How do I apply to Dalhousie Legal Aid Service?

Dalhousie Legal Aid Service is partnered with Nova Scotia Legal Aid. Anyone who wants assistance from Dalhousie Legal Aid needs to apply through Nova Scotia Legal Aid for a certificate. Contact the Dartmouth (902-420-8815) or the Halifax Legal Aid (902-420-3450) office for more information about how to apply. There is no fee for obtaining a certificate.

Remember that in the Supreme Court (Family Division), those without lawyers can access free legal advice and information from the Summary Advice lawyer (also known as Summary Advice counsel) including: understanding legal terms, how to start or respond to a court application, the implications of agreeing or not agreeing to a court order, court processes, legal documentation, how to apply to Legal Aid, and other aspects of family law. You can make an appointment with the Summary Advice lawyer by calling the court. For more information on Summary Advice Lawyers, see **Chapter 3: Preparing for Family Court**.

TIP

Chapter 8

Child Protection

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What does it mean for a child to be “in need of protective services”?

When child protection believes there is a “substantial risk” to a child, the child is then considered to be “in need of protective services” and they can intervene in the child’s life.

“Substantial risk” means there is a real chance of danger that is apparent based on the evidence child protection collects during their investigation. An investigation may be started when someone makes a report to child protection that a child is at risk.

A child can be in need of child protective services under any of the following categories, or several at once:

Physical harm

A child can be found to be in need of protective services if they have suffered physical harm, either directly by a parent or guardian or because the parent or guardian failed to supervise and protect the child appropriately. Alternatively, a child can also be in need of protective services where there is a substantial risk that a child will suffer physical harm, even if they have not already.

Exposure to intimate partner violence

A child can be found to be in need of protective services if they have been exposed to or made aware of violence by or toward a parent or

another person living with the child, and the parent refuses to obtain services or treatment to remedy or alleviate the violence.

While this is typically family or intimate partner violence, it can include violence by an outside party toward a parent, guardian, or another person residing with the child. This can be seen where a parent is a member of a gang and there have been repeated violent incidents involving a parent or another person residing in the home that the child has witnessed or been made aware of.

TIP

This is often where survivors of abusive relationships may become involved with child protection. If a survivor does not leave an abusive partner or allows the child to be exposed to family or intimate partner violence, the survivor may be seen by child protection as failing to protect a child from a risk of future physical harm. See the sections at the end of this chapter for more information.

Sexual abuse

A child can be found to be in need of protective services if they have been sexually abused by a parent or guardian, or by another person where a parent or guardian knew or should have known of the possibility of sexual abuse and failed to protect the child. Alternatively, where there is a substantial risk that the child will suffer sexual abuse, even if they have not already, the child can also be in need of protective services.

Medical treatment

A child can be found to be in need of protective services if they require medical treatment to cure, prevent or alleviate physical harm or suffering, and the child's parent or guardian does not provide, refuses to allow, or is unable to consent to treatment.

This is typically seen in cases where parents do not believe in, or refuse to access modern medicine when a child needs it. Usually, it is medical professionals who will report parents for the child to be placed in the care of child protection temporarily to allow child protection to authorize any necessary treatment. For example, if a child needs a blood transfusion and the parents refuse to consent, child protection may step in to grant a medical professional permission to give the child life-saving treatment.

TIP

Untreated mental, emotional, or developmental condition

A child can be found to be in need of protective services if they suffer from a condition that, if not remedied, could seriously impair the child's development and the child's parent or guardian does not provide, refuses, is unavailable, is unable to consent, or fails to cooperate with the provision of services or treatment.

TIP

This is very similar to the medical provisions above, however it is often schools that recognize and report these issues rather than medical professionals.

Emotional Abuse

A child can be found to be in need of protective services if they have suffered from emotional abuse inflicted by a parent or guardian of the child or caused by the failure of a parent or guardian to supervise and protect the child appropriately. Alternatively, if there is a substantial risk that the child will suffer emotional abuse and the parent or guardian does not provide, refuses, is unavailable, or unable to consent to, or fails to cooperate with services or treatment to remedy or alleviate the risk of harm, the child may be found in need of protective services.

Criminality

A child may be found to be in need of protection where they are under 12 years of age and have killed, seriously injured, or on more than one occasion injured another person, or caused loss or damage to another person's property, either due to a lack of supervision or with the encouragement of a parent, and the parent does not provide or refuses to cooperate with services or treatment necessary to prevent further incidents.

This applies to children under 12 as they are too young to be charged with a criminal offence under the *Youth Criminal Justice Act*. Typically, any time a child under 12 comes into contact with the police in circumstances where a child over 12 would be charged, the police will speak to the parents and also report to child protection.

Neglect

A child may be found to be in need of protection if the child is experiencing neglect, or there is a real risk that the child will experience neglect in the future and the parent is unable or unwilling to cooperate with services or treatment to remove the risk to the child.

“Neglect” is defined as ongoing and serious failure to provide adequate food, clothing, shelter, supervision, affection, cognitive stimulation, or any other similar necessity.

Why do agencies have different names, like DCS, child protection, the Agency, or MFCS?

Sometimes you will hear child protection called “the Agency”, the Department of Community Services or DCS, or even MFCS. In this manual we refer to “child protection” as the people and department that carry out child protection services.

Previously, different child protection offices across the province operated under different departments and even as children’s aid societies (some people may still refer to them as “CAS”). Today, all child protection work in Nova Scotia is currently conducted by either the Department of Community Services (DCS), or Mi’kmaw Family and Children’s Services (MFCS).

MFCS operates in First Nations Communities, and all other child protection concerns are handled by DCS. Names like “child protection”, and “the Agency” are terms that refer to DCS. When dealing with social

workers, lawyers, or the courts, the terms are often used interchangeably as they all refer to the same thing.

Both DCS and MFCS operate under the same law, however MFCS has some additional obligations and takes a more community-based approach (see the section below on MFCS). Both organizations are government funded and have the same basic mandate: to protect children.

What is the *Children and Family Services Act*?

Nova Scotia's *Children and Family Services Act* is the written law ("legislation") that sets out the rules around child protection. This legislation is what gives child protection its authority and governs the decisions of the court when child protection issues arise. You can find the *Children and Family Services Act* online at:

www.nslegislature.ca/sites/default/files/legc/statutes/children%20and%20family%20services.pdf.

You can also look at this Act at your local Transition House, Women's Centre, Family Resource Centre, or library.

Indigenous Survivors

First Nations children living in First Nations Communities in Nova Scotia, are served by Mi'kmaw Family & Children's Services (MFCS). MFCS delivers culturally relevant services and programs to all 13 Communities in Nova Scotia and has main offices in Shubenacadie, Eskasoni and Bear River. Like all child protection offices in the province, MFCS operates under Nova Scotia's *Children and Family Services Act*. For more information, visit www.mfcs.ca.

In addition to the provincial legislation, MFCS is also governed by federal legislation called *An Act Respecting First Nations, Inuit and Metis Children, Youth and Families*. This Act operates on a principle of cultural continuity, meaning there is an obligation for MFCS to ensure that all efforts are made to keep a child within their community and maintain their own traditions, customs, and language throughout child protection involvement. One way MFCS does this is by requiring the child's band to be notified when a court proceeding is starting and allowing a member of the band, called a Band Designate, to participate in all court proceedings.

For children living outside of First Nations Communities, at the present time the Department of Community Services oversees these child protection cases, however certain obligations, including giving notice to the band and allowing a Band Designate, continue to apply if one or both parents are Indigenous.

See the **Resources** chapter at the back of the guide for contact details.

In Nova Scotia, there is a Friendship Centre in Halifax called the Mi'kmaw Native Friendship Centre. Friendship Centers are extremely helpful at providing resources and support for families living outside of First Nations Communities. Connecting parents with a Friendship Center as soon as possible when child protection is involved may be very helpful for their case. Friendship Centers can provide cultural context to child protection social workers. They can also provide excellent resources for parents, including housing support and culturally appropriate counselling.

TIP

What is Mi'kmaw Family and Children's Services?

Mi'kmaw Family and Children's Services (MFCS) work with children and families living in First Nations Communities. DCS, at this time, works with everyone else, including Indigenous peoples living outside of First Nations Communities.

Indigenous parents and children have the same rights and resources available to them regardless of whether they live in First Nations Communities, including access to a Band Designate and Jordan's Principle.

What is a Band Designate?

Whenever a Mi'kmaw individual is involved in a child protection proceeding, the band they belong to must be served with written notice. The band is then entitled to have someone, known as a "Band Designate", attend court appearances and speak on behalf of the band. The Band Designate can help connect the family with resources, and their authority on cultural issues is given significant attention by the court.

What is Jordan's Principle?

Jordan's Principle is an organization that a Band Designate or social worker can connect Mi'kmaw and other First Nations individuals to.

Jordan's Principle can provide funding for specific purposes or provide items a family needs. This can be anything from childcare funding to a culturally competent educational assessment or a car seat.

Jordan's Principle applies a trauma informed, child-centred approach to ensure First Nations children have the supports and resources that they need. They are typically very responsive and work more quickly than many other services in the province.

Immigrant and Newcomer Survivors

What is considered acceptable for children varies from culture to culture, just as social norms vary. Whether or not it is socially acceptable to use physical discipline, to keep a child home from school to help out with younger children or to leave children home alone at a young age, are all examples of social norms that vary from culture to culture.

It is important for newcomers to Canada to familiarize themselves with the social norms in Canada. Using the examples above, in Canada physical discipline is not typically acceptable although there are some limited exceptions. For example, spanking a young child (under 5 years old) on the bum with an open palm after several warnings is considered acceptable by the Supreme Court of Canada. However, any type of physical discipline that involves using an item or a closed fist, or that is done to an older child or without warning, is considered abuse. It is a fine line, meaning it is generally advisable to avoid physical discipline altogether. Keeping children home from school to help out is not acceptable, nor is leaving a child under the age of 10 home alone at all. Children between 10 and 12 years old can be left alone for short periods of time, and children over 12 are considered old enough to be left alone during the daytime.

Sometimes cultural misunderstandings can arise with child protection. When these problems arise it is very important for parents to speak to their lawyer and draw their attention to what is normal in their own culture. The lawyer can then take steps to explain the situation before it leads to further problems.

For more information, you can also contact the Immigrant Services Association of Nova Scotia (ISANS), the Canadian Association of Muslim Lawyers (CMLA), or the YMCA Immigrant Services. Contact details are in the **Resources** chapter.

Do people have to report to child protection if they think a child is at risk?

Yes. Under the *Children and Family Services Act* everyone has a duty to report if they know or even suspect that a child may be in need of protective services. It is an offence not to report such information. It is also an offence to knowingly report false claims against someone.

TIP

In an emergency involving risk to a child, you can always call 911. Child protection has after-hours emergency duty workers on call.

Some professionals have a heightened duty to report when they think a child is at risk. This includes doctors, nurses, teachers, and social workers. Even if information would normally be subject to confidentiality rules, such as that shared between a doctor and a patient, they must report it if they believe there is a risk or that harm has occurred.

TIP

The one exception to this duty to report is lawyers. If something is covered by solicitor/client privilege, a lawyer can only break that privilege in very limited circumstances. This protection of the client's relationship with their lawyer is what allows lawyers to properly represent their clients, and parents to be fully open and honest with the lawyer who is representing them in child protection cases.

Will child protection workers apprehend my children?

Taking a child from the home either temporarily or permanently should only happen when a child is believed to be in immediate danger of harm or neglect, and there are no other available options to protect the child.

Other options may include having someone supervising the parenting, or removing a person from the home if contact with that person is causing or is likely to cause the child to be in need of protective services.

Do I need a lawyer if my child is taken into care by child protection?

Yes. Child Protection law is complicated, and the court procedures are confusing. A lawyer will be able to guide you through the process and advocate for you.

Unlike other professionals, your lawyer does not have the same duty to report you to child protection if you tell them you have harmed your child or placed your child at risk of harm. Everything discussed between a parent and their lawyer is subject to solicitor-client privilege. This means you can speak freely and openly with your lawyer without fear of what you say getting back to child protection.

If you can't afford a lawyer, you may qualify for Nova Scotia Legal Aid. For more information about lawyers, see **Chapter 7: You and Your Lawyer**.

It should be noted that the income threshold for Legal Aid is much higher for child protection matters, meaning even people who would not normally qualify for Legal Aid can get at least some assistance. See also the section below on the Nova Scotia Legal Aid Early Intervention Office.

What is the Nova Scotia Legal Aid Early Intervention Office?

When you apply for Legal Aid, if you are requesting assistance with a child protection matter, it may be referred directly to their Early Intervention Office. It will be fast tracked ahead of other Legal Aid applications, due to the short timelines and immediate consequences of child protection involvement.

The Early Intervention Office can:

- provide independent legal advice to people who do and do not qualify for Legal Aid
- assist parents during the “investigation” stage of child protection involvement, before a court appearance
- advocate for parents to get disclosure of the issues during the investigation stage
- give independent legal advice on voluntary agreements
- assist in the early stages of court matters.

Once the court proceeding begins, the matter will typically be referred to the local Legal Aid office wherever the court proceedings is taking place.

To connect with the Early Intervention Office, inquire through your local Legal Aid office, or call the Dartmouth Legal Aid office at 902-420-8897.

Nova Scotia Legal Aid also has both an Indigenous and African Nova Scotian social worker who can provide assistance during child protection and other legal proceedings. They can provide support throughout the court process, help you apply for Legal Aid and connect you to culturally appropriate resources. Learn more at www.nslegalaid.ca or call the Indigenous social worker at 902-476-3473 or the African Nova Scotia Social Worker at 902-223-4517.

What information can I receive about my case?

Before court proceedings begin it can be very difficult to get documentation from child protection about their investigation. The Nova Scotia Legal Aid Early Intervention Office can assist with this.

If you have a lawyer, and your matter is before the court, they will be provided with a copy of all court filings and disclosure of child protection's case notes. If you are representing yourself, these will be provided directly to you, although you may have to request the disclosure specifically.

After the case has closed, or if it does not go to court, you can request a copy of your child protection file through the Freedom of Information and Protection of Privacy Act. The child protection file can also be produced in a family law proceeding by court order.

TIP

Although it may be difficult, it is extremely important for you to read every piece of paper and email sent to you by child protection, and for you to keep these documents for your lawyer. Reading these documents can be upsetting and emotional, but it is much better to know the case against you so that you can participate fully. If you do not understand something, ask your lawyer to explain.

It is not uncommon for child protection workers to give parents updates on the court process or to explain what various terms mean. You should always verify and confirm any legal questions with your lawyer.

The court process

How long does the child protection process take in court?

The maximum amount of time the child protection court process can take is 18 to 24 months depending on the age of the children.

At most court appearances, there will be an opportunity for the court to decide whether the children are in need of protection and to decide whether to continue or dismiss the proceeding. That means the court process can technically end as soon as the first hearing in court (i.e., the 5 Day Hearing), but in reality, the earliest it will end is at the second court hearing (i.e., the 30-Day Hearing). However, even that is unlikely. Once

Remember, child protection authorities do not always have to go to court to protect a child. In some cases, they may make recommendations and arrange a plan that one or both parents agree to follow.

TIP

parents are before the court, the process will take at least 6 months, to a maximum of 18 or 24 months until it is finished.

What does the child protection court process involve?

There are four stages to the court process: the Interim Hearings (5-day & 30-day hearings), the Protection Hearing (90-day hearing), Disposition Hearing (180-day hearing), and the Final Hearings (maximum of approximately 18 to 24 months). Below is a chart with a brief overview of the process and timelines, followed by more detailed information of each stage.



Nova Scotia Family Law also has information on child protection, including links to a booklet and helpful videos explaining the child protection process (available in English, French and Mi'kmaq). These can be found at www.nsfamilylaw.ca/child-protection/child-protection-information-booklet-video.

TIP

Stage 1: The Interim Hearings – the 5-day and 30-day hearings

There are two “Interim Hearings” (i.e., temporary hearings): the 5-day and the 30-day hearings. At the 5-day hearing, the judge must decide if there are “reasonable and probable grounds” to believe that the child is in need of protective services. If the judge finds that child protection does not have reasonable and probable grounds for the application, then the proceeding will be dismissed.

If the judge does think there are “reasonable and probable grounds” to believe the child is in need of protective services, everyone will be back for the 30-day hearing. The judge can order that the child should be placed in the temporary care of child protection or that the child should stay at home with supervision by child protection.

Realistically, it is fairly easy for child protection to show that a child is in need of protective services at the 5-day hearing. The court has very little evidence before it at this stage, and they do not take risks when it comes to a child’s safety. That is why this order is called “interim” (temporary). This initial stage will not be complete until after the 30-day hearing (this hearing takes place 30 days of the application being filed, or the children being taken into care, whichever is earlier).

At the 30-day hearing, the judge can dismiss the application if, after hearing further evidence, the judge finds that there are no "reasonable and probable grounds" to believe the child is in need of protective services. If the judge finds "reasonable and probable grounds" to believe that the child is in need of protective services, they can order one or more of the following:

- the child will be returned home, or should stay in the home, with or without conditions and under the supervision of child protection
- a parent, guardian, or other person will not live with or have contact with the child
- the child will be placed with someone other than the parent or guardian (for example, a relative), with conditions and supervision by child protection
- the child will remain in the care of child protection (for example, foster care)
- if the child is not returned home, that the parent or guardian shall have access (i.e., visits) according to conditions set down by the court, unless access would not be in the child's best interests
- the child, parent, or guardian will have a medical or psychiatric examination or assessment or that other services be put in place such as parent education or counselling.

The order made after the 30-day hearing is still considered "interim" (temporary) because it is not until the 90-day Protection hearing that the

judge is going to make a final order as to whether the child is in need of protection.

Stage 2: The 90-day Protection Hearing

At the 90-day Protection Hearing (i.e., 90 days from the date of the application) the court must determine if the child is, in fact, in need of protective services as defined by the *Children and Family Services Act*.

If the court finds that the child is not in need of protective services, then the case will be dismissed. If the court finds that the child is in need of protective services, they judge must make a decision outlining what facts they are relying on when making their decision. Then the matter goes on to the third stage: the 180-day disposition hearing.

Stage 3: The 180-day Disposition Hearing

The Disposition must be held within 90 days of the 90-day protection hearing. At this point child protection must provide the court and the parents with their plan of care, which includes what services the parents need to complete as well as child protection's plan to maintain contact between the parents and the children. If the children are in temporary care, child protection must also explain why the child cannot be adequately protected while staying with the parent(s).

At the 180-day Disposition hearing, the court has a number of options, including:

- dismissing the case

- ordering the child be in the care and custody of a parent or guardian under the supervision of child protection
- ordering the child be returned to the care or custody of a person other than the parent or guardian, usually a relative, with supervision by child protection (the relative would have to agree to have the child placed with them)
- placing the child into temporary care and custody of child protection
- placing the child in permanent care of child protection (it is extremely rare for child protection to apply for permanent care and custody at this stage, however it is their first opportunity to do so).

The court's decision is called the disposition. The disposition order will be reviewed at least every 90 days (at Review Hearings). Once disposition is granted by the court, the clock starts running on the time limitations for child protection to end their involvement. If a child is less than 14 years of age when the application was brought to court, the remainder of the proceeding must be completed within 12 months. If the child is over the age of 14 at the time the application was brought to court, the proceeding must be completed within 18 months.

The timelines of 18 or 12 months change when a child has been in temporary care and custody before within the last 5-year period. The timeline is shortened to account for the time the children have already spent in care. Judges also have the discretion to extend the timelines in certain circumstances, though this is rare. It is important for parents to have legal advice to properly understand the timelines.

TIP

Stage 4: Final Hearings: Termination or Permanent Care Hearing

At the end of the time frame, the court must either terminate (i.e. end) the case or order the children to be placed in the permanent care and custody of child protection.

Terminating child protection's application is exactly what it sounds like. Child protection will no longer be involved with the family. If child protection feels all concerns have been addressed, and the child is no longer in need of protection, they will apply to the court themselves to end their involvement. Child protection may want the parents to get an order from family court to ensure that parenting arrangements are decided. For more information on parenting arrangements, see **Chapters 5 & 6** of this guide.

Alternatively, if child protection feels that the child is still in need of protection, and that the parents have not or cannot adequately protect them, they will apply to the court for permanent care. The parents can consent to the child being placed in permanent care, or they can dispute the application. If they dispute the application, there will be a hearing.

Permanent care hearings typically take at least a week. Child protection must prove that the child continues to need protection, and that the parents have not or cannot provide that protection. The parents can respond and dispute child protection's argument. At the end, the judge must decide either that the child is no longer at risk, and order the children home, or order that the children be with child protection. See

the section below on permanent care and custody for more details on what permanent care looks like.

What kind of services will child protection ask me to do?

This will depend on what their specific concerns are. For example, if there are concerns about substance use, child protection will likely ask for addictions counselling and urine analysis. These services are paid for and may be arranged by child protection.

There is an obligation on child protection to ensure the services they provide are culturally appropriate for the family. For example, if the parents are African Nova Scotian, child protection must try their best to find an African Nova Scotian counsellor. Where that is not possible or may cause significant delay, parents should have a conversation with their lawyer to determine whether to agree to a service that is less culturally appropriate.

Below are some examples of services child protection may ask parents to participate in.

Family Support Work

Family Support Work involves classes tailored to the needs of the parents and the concerns of child protection. They are taught by a trained individual who will teach each parent, together or separately, each of the classes. Classes can include topics like "Age-Appropriate Care of

Children", and "Positive Discipline", but they can also cover other issues such as budgeting and organizing. Typically, child protection will have a list of topics they want the Family Support Worker to cover, and if parents would like any additional topics addressed those can be added as well.

Counselling

This can include addictions counselling, anger management, couples counselling, etc. to address the particular concerns of child protection. If you already have a counsellor or can obtain one yourself you may be asked to do so, but if you are unable to, child protection will provide a counsellor for you. Remember, the counsellor will report their findings to child protection and the court. This does not mean you are expected to be perfect. The most important thing for parents to show is that they are committed and are making progress.

Drug Testing

If there are addictions issues or allegations of addictions issues, parents will usually be asked to participate in drug testing through urine analysis. This will be paid for and arranged by child protection. A qualified person will attend your home during an agreed upon period (for example between 10am and 12pm). The testing may be daily, or it may be random depending on the concerns of child protection.

If you are being drug tested it is critical to make sure child protection, the company doing the drug testing, and your lawyer know about any prescription drugs you take, as these will show up on drug tests and can skew the results if they are not accounted for. Some prescription medication breaks down into compounds found in illegal drugs. Advising child protection, your lawyer, and the company doing the drug testing of your prescription medication avoids any confusion.

TIP

Can I say no to services?

While the services are described as “voluntary,” the court may also order parents to participate. If child protection is demanding a service that parents do not agree to, they can go to court to get an order. The parents will have a chance to respond in court, at which point they can explain why they do not want to do the service and/or suggest an alternative option that they feel would achieve the same result. Alternatively, child protection and a parent’s lawyer can negotiate if the parent wants to put forward an alternative option. If child protection agrees, court can be avoided.

A lawyer will be able to give parents a better idea of what options are available and what the likelihood is of the court ordering you to participate in a particular service depending on your specific case. In some instances, particularly where the court has ordered a parent to do a service, refusal to participate may impact a parent’s ability to get their children back or may result in a hearing at the next stage.

What happens to the Canada Child Benefit if my child is taken into care?

When children are taken into the care and custody of child protection (temporary or permanent), parents may lose their Canada Child Benefit (CCB). Part of the money is kept by child protection, and part of it will go to the foster parents to assist with the care of the child. If the child is in the care of a family member, child protection will advise the family member to apply for the CCB to cover expenses while the child is in their care.

TIP

Problems can arise if child protection is late in submitting their application for the CCB, and then back dates the application to the date when the children were taken into care. For example, if the children are taken into temporary care and custody in July, but child protection doesn't apply for the CCB until October, then the parents can end up with a bill from Canada Revenue Agency for the "overpayment" they received between July and October. Speak to your lawyer as they may be able to negotiate with child protection about whether or not to "back date" the application for the CCB.

What is the Financial Stabilization Payment?

As a result of parents and service providers advocating against the CCB being transferred to child protection before the child is in permanent care, Government has developed a new program called the Financial Stabilization Payment (FSP). This program began in 2023. The FSP begins the day the child is taken into temporary care and is meant to compensate for the loss of the CCB.

Quick Facts:

- The FSP is \$500 per month, per child. If the child is recognized by the Canada Revenue Agency and receiving Child Disability Benefits, the FSP will be adjusted to \$700 per month for that child.
- The FSP is NOT income for the purposes of Income Assistance or Income Tax, just as the CCB and child support are not income.
- Payments are made to parents through direct deposit. Parents will need to provide bank details to child protection so that payments can be received.

Further information can be provided by child protection and Income Assistance workers, or parents can speak to their lawyers.

Temporary Care

Can I visit with my children if they are placed in temporary care?

You will be allowed to have visits with your child if they are placed in temporary care, except in the most extreme circumstances where it is not in the child's best interests or if the child is refusing to see you. Visits may be supervised or unsupervised, depending on child protection's concerns.

What if my child has a disability or needs special care?

Any disability or special needs of a child should be taken into consideration by child protection when they are finding a placement for a child. For example, if a child has medical needs that need daily attention, the foster parent will be trained on how to provide that care prior to the child being placed with them. Some foster parents have training from their professional lives, such as nurses or other health care workers, and their placements are reserved for children with medical needs.

Any needs a child has should be brought to the attention of the social worker as early as possible so that they can be properly accommodated. If they are not being accommodated, the parents' lawyer can bring this to the attention of the court. The court is bound to act in the best interests of the child and will ensure accommodations are made as much as possible.

TIP

Can I get my children back if they are placed in temporary care?

Before child protection places a child in temporary care, they must exhaust all other options. They are required by law to take the "least intrusive" measures to keep children safe. At the beginning of a child protection proceeding, it is the goal of all parties to have the children returned and for the family to be reunited.

If parents cooperate with child protection and successfully complete the services required of them and have fixed the risk to the children, child protection may support the return of the children.

Ultimately, it is the decision of the court whether or not the children will be returned to the parents. If the parents and child protection agree the children should be returned to the parents' care, the court will accept that and make an order returning the children home. However, if child protection does not support the children being returned, and instead applies for the children to be placed in permanent care, the parents will have to go to court to fight that decision.

What are access visits?

Access visit are "fully supported" visits between parents and a child who is in temporary care or sometimes in a family placement. Fully supported means they happen at the child protection office and are supervised by an access worker from child protection. An access worker will pick up the child from their foster placement or family placement and bring them to a child protection office where the parents will meet them. They will then be fully supervised by one or more access workers in a designated room for a set amount of time.

Access is the right of the child, not the right of the parent. Parents do not have the right to demand access if it is not in the child's best interests.

Access workers take notes on any incidents or concerning behaviours and those notes become part of child protection's case. They also document if parents are late, not engaged with the children, etc.

TIP

What is supervised access?

Supervised access is usually the next step after "fully supported" access visits, but this can also be the starting point for some families. How much supervision is needed is determined by child protection based on the level of risk to the children and the amount of progress parents are making.

These visits can take place at the parents' home, in the community, or at another agreed upon location. The supervision can be done by an access worker, or it can be done by an agreed upon third party such as an approved family member, friend, or another support worker. Parents can put forward the names of individuals to act as supervisors such as grandparents, siblings, or close family friends. Child protection will then investigate the proposed supervisors, and either approve them or reject them depending on whether they are deemed safe and trustworthy. Having a supervisor the parents know tends to make everyone involved, especially the children, more comfortable.

If the parents do not have any proposed supervisors to put forward, or if child protection does not approve their proposed supervisors, then child protection will provide supervisors.

If all goes well and progress continues to be made, supervised access will then graduate to partial supervision. It is rare that parents will start with partial supervision, usually it is either fully supervised or not supervised at all. Partial supervision means someone checks in on the access visit at

least once but does not stay for the entire visit. This is the last step before removing supervision all together.

During access visits, it is important to do your best to stay calm. Your children feel your emotional energy and respond to it. The calmer you are, the calmer they will be.

TIP

Do not miss a visit unless there is an emergency, and if that happens let the access worker know as soon as possible. A missed bus is not a good reason to miss a visit. Ask the access worker or your social worker if there is anything you can bring to your visits, such as healthy snacks or toys for your child to play with during the visit.

What are family placements?

Family placements are when children are placed with family members instead of in the care of child protection. Technically, child protection is supposed to try to find family placements first, however that does not always occur. Any family member offering to take the children must be assessed by child protection first, so it is not uncommon for children to spend a short period of time in foster care while child protection confirms it is in their best interests to stay with the suggested or offering family member.

Parents can put forward various family members to be considered as options for placement, even if child protection does not ask them to. Alternatively, family members can come forward and ask child protection to place the children with them, or even apply to participate in the court proceeding and ask the court to consider them as a placement for the children.

The court is required to consider whether it would be in the child's best interests to be placed with a family member, neighbour, or someone from the community. This is considered part of least intrusive measures principle, as it is assumed that keeping the child with family or at least within their community is less disruptive to that child than staying with strangers.

Indigenous Survivors

Mi'kmaw Family and Children Services will do everything in its power to keep the child within their own or another First Nations community. This may result in a child being further away from their parents geographically than necessary, but ensures the child is not separated from their cultural heritage.

Will my child's care be culturally appropriate?

TIP

The *Children and Family Services Act* recognizes the importance of maintaining and preserving a child's culture, racial and linguistic heritage. Child protection has a responsibility to ensure that their staff and social workers are participating and growing in their understanding of cultural differences. This includes awareness of one's own values, biases and stereotypes and the responsibility to develop culturally sensitive plans of care.

While child protection has an obligation to maintain the relationship between a child and their culture, the reality is it often falls on the parents and their lawyers to make sure this happens unless the child is Indigenous. For newcomers to Canada and other minority groups, how culturally appropriate a child's placement will be may depend on the cultural awareness of the social worker involved.

There are steps parents and their lawyers can take to ensure the child does not lose their cultural connections while in care. First, it is important to bring the cultural connection concerns to the attention of child protection and if necessary, the attention of the court. Second, if child protection is not providing culturally appropriate care, parents can provide the social worker with a list of options or ideas to be passed on to the foster parent. In some instances, the parents and foster parent have direct contact via email or text message and the parent can provide these suggestions directly.

Suggestions may include where to buy culturally appropriate food, information and dates of important cultural events, contact information for religious centers the child is used to attending that the foster parent can arrange to take them to, etc. During access visits, parents can bring their child homemade food and speak in the child's first language to maintain those connections as well.

TIP

If child protection is resistant to parents communicating with their child in a different language, the lawyer can advocate for a translator to be provided by child protection so that the child's language is maintained without risking the ability to supervise the parent and child interaction.

Lastly, if parents undergo assessments in the child protection process, they are entitled to have a culturally appropriate assessor. Parents and their lawyers should insist that any assessments, counselling, etc. be performed by someone trained and/or experienced with their cultural location to avoid the risk that a resulting report may be inaccurate.

Parents or their lawyer can do this by asking child protection for details around the assessor's qualifications and cultural competency.

If your child has specific cultural needs, speak to the social worker. You may consider providing the social worker with a list of specific items the child requires such as particular hair or skin care products or food items for example. You may also want to suggest a connection to local church (for example, the MEETing Place or the New Horizons Baptist Church) or a nearby family from the same community with whom the child can stay connected.

TIP

Permanent Care

What is permanent care?

When a child is placed in the permanent care of child protection they will be placed in foster care or a group home, and may thereafter be adopted. Permanent care orders automatically end when any of the following occur:

- the child reaches the age of 19
- the child is adopted
- the child marries.

When the child reaches the age of 19, they can request services from child protection continue until they reach 21 years of age. Once they reach the age of 16, they can apply themselves to end the order placing them in the permanent care of child protection.

Child protection is required to develop a cultural connection plan for a child in permanent care or who is adopted. Where practical, the

permanent care placement should be culturally appropriate for the child, including consideration for their language and religious practices.

Can I visit my children if they are placed in permanent care?

You may, in some instances, be allowed to have visits with your children if they are placed in permanent care. This is at the discretion of child protection, unless it is negotiated before court proceedings end and put into the final court order. If your child is placed for adoption or has been adopted, you may no longer be able to visit them regardless of the order.

Anyone who is entitled to have access with a child who is involved in an adoption is entitled to notice of the adoption proceedings 30 days before the adoption is finalized. This means parents with access rights have 30 days to object to the adoption before it is made final by the court.

Can I get my children back if they are placed in permanent care?

You only have 30 days to appeal a judge's decision giving permanent care and custody of a child to child protection. You make the appeal to the Nova Scotia Court of Appeal by filing a Notice of Appeal and serving it on child protection within 30 days of the order for permanent care and custody of the child. If successful on appeal, the permanent care order may be overturned.

In some very limited instances, a parent may be able to bring an application to terminate the permanent care order after the 30-day limitation period has passed. You should speak with a lawyer about your situation.

Child protection and family court

Can child protection become involved in a situation that is before the family court?

Yes. Regardless of whether parents of a child are involved in a family court proceeding, child protection may become involved with the parents if a referral is received by child protection and a decision is made to start an investigation.

If child protection decides the need to become involved and begin a court application, the family court proceeding that was interrupted will typically be put on pause (called “held in abeyance”) until the child protection matter is complete.

Can child protection become involved in a situation where a family court order already exists?

Yes. The process would be the same regardless of whether a family court order already exists. If the court gives child protection an initial interim (temporary) order, that order takes the place of any existing family court order. For example, if a family court order allows a parent unsupervised

access (i.e. visits) but child protection has an order saying that the parent must have supervised access, the child protection order must be followed, and the parent will have supervised access.

Sometimes, while investigating a report of abuse or neglect, child protection will tell a parent not to allow access to the other parent, or not to allow unsupervised access, which may violate the terms of a family court order. When this happens, the parent should make certain that child protection is aware of the existing family court order and contact a lawyer or the Nova Scotia Legal Aid Early Intervention Office as soon as possible. They may be required to file an "Application to Vary" (i.e. change) the family court order, in which case child protection will provide the parent or their lawyer with a letter stating their position (for example, whether access with the other parent should be supervised or suspended, etc.).

Should my family court lawyer be involved in my child protection matter?

If you are already in family court when child protection becomes involved, you should absolutely speak to your family court lawyer. If they are a Legal Aid lawyer or if they have child protection experience, they may agree to represent you with the child protection matter as well. Alternatively, they can refer you to a lawyer who practices child protection law to represent you until child protection is no longer involved.

How do I get evidence from my child protection file for use in family court?

The child protection file can be produced through a Motion for Production in family court. This is a step taken during your family court proceeding before trial. Essentially you are applying to the court for an order requiring child protection to produce a copy of your file. This is the quickest way to obtain a copy of your child protection file, particularly if all parties agree the child protection file is relevant and important to the custody case.

Alternatively, you can also make an application for your file through the Freedom of Information and Protection of Privacy Act (FOIPOP). This option is more time consuming, but only the person applying would receive a copy of the file.

If you apply through a Motion for Production, all parties as well as the court will receive a copy of the file. Whether or not that is a good idea is a strategic decision that should be discussed with your lawyer. If you apply through a FOIPOP, only you receive a copy of the file.

TIP

Do child protection social workers testify in family court?

Child protection social workers testify regularly in child protection proceedings, they are typically the main source of evidence for child protection.

Child protection social workers can also testify in family court about parenting arrangements when they have been subpoenaed to do so, however this is very uncommon.

What if a child protection worker says my child is at risk and gives me verbal advice, but does not open a file or put the concerns in writing?

In Nova Scotia, any contact by a child protection worker with a client is documented. If a child protection worker has expressed concern about your child's safety or given you verbal advice on how to protect your child without putting those concerns in writing, and you are already involved in the family court process, you or your lawyer can ask child protection to put their instructions in writing. Often this will be in the form of a letter indicating they want the child to be supervised with the other parent, or whatever instructions they have given you. You or your lawyer can then use this letter in your family court matter to support your case.

If you are not involved in family court and the worker only gives you verbal advice, or if you do not agree with the advice or it places restrictions on your parenting abilities, see the section above on the Nova Scotia Legal Aid Early Intervention Office.

What can child protection do if my children are at risk during parenting time ordered by the family court?

Child protection can take action if the terms of a family court order result in risk of harm to children. For example, if a parent begins using illegal drugs during their parenting time and the children are at risk of harm because of this behaviour, child protection can investigate and become involved, either by giving the other parent advice or by beginning an application in court.

Child protection and family or intimate partner violence

Does child protection get involved in cases of family or intimate partner violence?

Family or intimate partner violence is a serious concern for child protection and exposure to intimate partner violence is believed to be harmful to children. Section 22(2) of the *Children and Family Services Act* includes information about when a child can be found to be in need of protection that may include a child's exposure to, or awareness of family or intimate partner violence.

Whenever police intervention is required in cases of family or intimate partner violence, police will confirm whether there was a child present. If there was a child present, they will make a report to child protection. Child protection will then investigate to confirm what exactly the child

was exposed to, and what steps the parents have taken to ensure the child is not exposed to intimate partner violence again. This may be a joint investigation with police involvement.

If the parents have taken adequate steps, the file may be closed at the investigation stage. If they have not, child protection may ask that certain steps be taken voluntarily, or they may begin a court application to ensure the child is protected.

Can child protection take my child if my partner has been abusive to me?

If your child has witnessed or been made aware of intimate partner abuse, they may be considered by child protection to be in need of protective services. Child protection can intervene at this point.

Again, the question will be whether the parent has taken adequate steps to protect the child. The safety of the child depends on the parent's safety. In some cases, child protection authorities may insist that the survivor does not have contact with their abusive partner if they want the child to remain in their care. Child protection could also demand that the abusive partner leave the home or else the child will be taken into care.

Child protection may or may not need seek a court order to remove the abusive parent from the home depending on the level of cooperation of both parents and how high they feel the risk to the child to be.

What will child protection do if family or intimate partner violence continues after separation?

The parents' relationship would be considered by child protection, but if the family or intimate partner violence continues, the child may continue to be harmed or be at risk of harm despite the parents' separation. If the survivor is cooperating with child protection, they will do what they can to keep that child with that parent. Sometimes this will include a court application where they request the child stay with the survivor, with limitations on contact with the abusive ex-partner. In other instances, this may not require court involvement.

What is "failure to protect"?

This biggest risk children face when there is family and intimate partner violence can be if the survivor returns to the abusive partner or is manipulated into doing what the abusive partner wants rather than following directions from child protection. Child protection may consider this to be a "failure to protect" the child on the part of the survivor parent.

For example, if the survivor allows the abusive partner to return to the home despite being told by child protection that they must not be allowed around the children, child protection will consider that a failure to protect the child as the survivor is allowing the child to continue to be exposed to family or intimate partner violence.

Unfortunately, this does not take into consideration the challenges in leaving a violent relationship and the reality that the vast majority of survivors will return to the abusive relationship more than once before being able to leave permanently. Only the safety of the child is considered by child protection.

When one parent is abusive and the other is considered to have "failed to protect" the child, child protection will likely start a court application and may remove the children from the care of both parents if a less intrusive option cannot be found.

What can child protection do if they believe I cannot protect myself or my child from the abusive parent?

Child protection can become involved with a family when the parents are abusive, neglectful, or are unable to protect their children from harm. If the survivor cannot protect themselves or their child, child protection may intervene. A parent's ability to protect their child is assessed throughout child protection investigations and involvement. Where the child continues to be at risk, child protection can apply for a court order to protect them from an abusive parent.

Children have a right to see their parents, however if it is unsafe for this to take place, child protection will take steps to create a safe environment for parenting time. This may include supervised access (see the section on supervised access above for more information). If even supervised

access is unsafe, the abusive parent may not be allowed to see the children at all, however it is very rare for that to occur.

What can I do if I believe my child is at risk, but child protection won't get involved?

A parent should report new information in writing to child protection so that they may assess the risk of harm to the child. Ideally, child protection will investigate and determine whether the child is at risk to the satisfaction of the reporting parent. Unfortunately, that is not always the case. If a parent does not agree with the decisions made in their case, they should seek legal advice.

Another option is for a parent to apply for an Emergency Protection Order (EPO) or make an emergency application to the Supreme Court (Family Division) seeking an order temporarily suspending access with the abusive partner or requiring the abusive partner to be supervised during their parenting time.

The Supreme Court (Family Division) decides whether or not to hear emergency applications on a case-by-case basis, meaning there is no guarantee of having your matter heard in a timely manner. If the family court determines that it is not an emergency, you must wait for a court date to become available. For more information about Emergency Protection Orders, see **Chapter 1: Leaving a Person Who Has Been Abusive - 12 Tips for Survivors with Children**. For more information on

emergency applications to the Supreme Court (Family Division) see

Chapter 3: Preparing for Family Court.

TIP

Sometimes, applying to the family court through a private application (an application without child protection being involved), is the best option for a parent to protect themselves from getting into trouble. Parenting time is the right of the child, and if one parent is denying another parent access, the parent being denied could make an application for **Contempt** or **Denial of Time**, which could get the parent trying to protect the child into trouble with the court.

What if an abusive partner makes a false allegation about the survivor to child protection?

Abusive partners may falsely report the other parent of their children to child protection authorities. They may do this after separation as a way of harassing their former partner or to distract child protection from the risk they pose to the children. In some cases, the abusive partner may threaten to report the survivor prior to separation to try to stop them from leaving.

Child protection will investigate reports that a child may be at risk. However, they are also aware of the dynamics that can exist between separated partners. They consider the source of the information in assessing the credibility of the report and how far they will get involved. If a false allegation is made, it is in the survivor's interest to cooperate fully to allow child protection to determine as quickly as possible that there is no reason to intervene. If the matter is already before the family court, the survivor should make the child protection social worker aware of that as

well. Often if the matter is already before the family court and there is no significant or immediate risk, child protection may not get involved.

Through the *Children and Family Services Act* an individual who makes a referral falsely and maliciously can be prosecuted. Realistically, when an abusive partner makes repeated and unsubstantiated claims, child protection will flag that individual and no longer investigate allegations made by them. Their referrals will be noted in the child's file, along with a note indicating that there is a history of false allegations and/or intimate partner violence, and that the allegation is unreliable and therefore not investigated.

What support is available to survivors who are involved with child protection?

If you are involved with child protection and have experienced family or intimate partner violence, you may want to contact a Transition House, Women's Centre, Family Resource Centre or intervention program for support. There are many additional resources and websites that may be useful and can be found in the **Resources** section of this guide.

Child protection can make counselling referrals as well and help survivors access counselling specific to family and intimate partner violence recovery.

This would be in addition to, and not instead of, legal representation.

Chapter 9

Taking Care of Yourself

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Understanding the effects of family and intimate partner violence

Dealing with an abusive ex-partner, responding to the demands of the legal system, and meeting the needs of children can be very challenging, especially when you are doing all three at once.

During this time, it is important for you to find ways to look after yourself. Here are some ideas to get you started.

"It is essential that you realize that you can recover from intimate partner violence. You used many coping skills (good and bad) to survive the abuse and the challenges of the entire court process. You survived, and it is important for you to focus on that. Your next challenge is to learn how to nurture yourself and to concentrate on taking care of your own emotional, physical, and/ or spiritual needs, to become the person you truly deserve to be."

Susan MacPhee (Former Women's Counsellor, Alice Housing)

It may be helpful to understand how the family and intimate partner violence in your relationship has affected you. Understanding this can help you see that feelings and behaviours you may worry about are completely normal and are to be expected under the circumstances.

If the violence that you have endured has left you with strong feelings to process and difficulty coping with your current reality, this is nothing to be ashamed of. It is important to be gentle and nurturing with yourself as you heal from the harm that you've experienced.

For example, many survivors leaving abusive relationships experience strong feelings of rage, anxiety, depression, self-hatred, guilt, shame, and loss of confidence. Others describe feeling isolated, unable to cope as parents, or experience suicidal ideation. Many turn to drugs or alcohol as a way of coping.

Remember that you are in the process of moving into a new kind of normal. As you and your children begin to heal, the effects of the abuse will lessen. Healing is possible, and so is a new life in which you feel safe, validated, and cared for.

"One thing that really helped me through this was talking to other women who have been through the same things. I went to various groups offered through Transition House and they really helped me understand what I went through, and helped me work towards moving on in my life."

For more information on the affects of family and intimate partner violence and what to expect after leaving an abusive relationship, you

may want to speak with Transition House or Women's Centre staff, or a mental health professional.

Find good support people for you and your children

Survivors and their children may need different kinds of support as they move through the legal process and begin to heal after an abusive relationship. Depending on your needs and circumstances, you may want one support person or even several.

Survivors

A survivor's support person might be a friend or relative, a mental health professional, a staff person from a Transition House, Women's Centre, or Family Resource Centre, a doctor, a spiritual leader, Elder or even a lawyer. A support person can help you by accompanying you to court, listening to you when you need to talk, driving you to counselling appointments, explaining the court system, or simply by looking after your children sometimes.

Many survivors may feel most comfortable and most supported within communities that understand their culture, identity, and have lived experiences that parallel their own.

For example, Indigenous survivors of family and intimate partner violence may feel it is important to build a support network that reflects and honours their culture. This may include Elders, Mi'kmaw Family Healing Centre staff, and other professionals such as social workers from Mi'kmaw

Family and Children's Services who understand and are representative of Indigenous cultures.

Similarly, Black and African Nova Scotian survivors may find the most meaningful support from organizations that are culturally relevant and that center Black experiences, such as the Nova Scotia Association of Black Social Workers and other organizations that focus on Black and African Nova Scotian communities.

Survivors from the 2SLGBTQIA+ community may find the greatest strength, support, and connection from advocates and support people who are also from this community.

The same is true of survivors with disabilities, survivors who are new to Canada, and survivors from any community or identity group that is marginalized or targeted by various forms of discrimination.

No matter who you are or what your experience has been, it is important that you find people who can validate you, listen to you, and help you feel safe. No matter what kind of violence you have experienced, no matter how much your abusive partner tried to isolate you from your loved ones, you are worthy of a community of support, care, and compassion.

Children

A child's support person might be a friend or family member, a Transition House children's worker, a coach, a teacher, a doctor, a mental health professional, a guidance counsellor, or a spiritual leader among others.

They might support your child by talking, attending legal or other appointments, doing an activity such as sports or crafts, or simply "being there."

It is important to acknowledge that you cannot be everything for your child and that it is healthy and reasonable that they get support and care from other sources as well.

If your child has been subjected to family violence, including if they have experienced it firsthand or simply been aware that abuse is happening in the home, this can be traumatizing and can have significant impacts. This can mean that children may need time to open up and trust others with their feelings. In the aftermath of family violence, children may simply need to be in the company of others who give them attention and treat them with kindness.

Here are some qualities you may want to look for in a support person for yourself or your children:

- Listening – Does the person really listen to you, or just look for opportunities to talk or tell you what you "should" do?
- Understanding – Does the person understand the dynamics and challenges of family and intimate partner violence? Or are they judgmental and blaming, suggesting that you are somehow responsible for the abuse? Victim blaming is never appropriate or justified.
- Credibility – Does the person know what they are talking about? If the person is a professional, what are their qualifications or sources

of knowledge and experience? What is the person's reputation in the community?

- Dependability - Does the person do what they say they are going to do and keep their word?
- Confidentiality - Can the person be trusted? Have you known this person to gossip about others in the past? If the person is a professional, are they required to share your personal information with anybody else?
- Respect - Do you feel the person respects you? Do they value your ideas, thoughts, feelings and concerns?
- Patience - Is the person calm and supportive, or are they easily frustrated? Does the person remain patient even when you change your mind, express your worries, or ask lots of questions?

Build general health

It is important for you and for your children that you find ways to keep healthy.

Some of the following tips may not be suited for everyone's life and experiences. We acknowledge that there may be various barriers that prevent people from engaging in exercise and eating food that is considered healthy and nutritious. These barriers include food insecurity, wealth disparity and the rising cost of living, the time demands placed on single parents, and various other factors.

The point we want to make is that it's important to prioritize your health, but **it's equally important not to internalize shame or self-criticism if you don't fit someone else's standard of perfection.** Be gentle with yourself and remember that your mental health is just as important and essential as your physical health.

Exercise

Regular exercise, including walking, provides more energy and a healthier body with which to deal with stress.

Each of us needs a "safety valve" activity or outlet for pent-up emotions. Exercise can relieve tension and reduce stress by drawing attention away from mental/physical anxiety. It can also be a way of helping to release or process emotions.

Exercise can also have a grounding effect on the body and nervous system, which can be deeply helpful in healing from the effects of trauma. When a person has been through trauma, such as violence of any kind, this can make them feel disconnected from their body. Grounding practices can help survivors feel a sense of emotional and physical safety again.

Many survivors have said that yoga in particular has helped them feel grounded and reconnected to their body and sense of safety. If you don't have a gym or fitness membership, there are many free yoga classes and free exercise classes online that you can take in the comfort of your own space and at your own pace.

Remember that if you do want to exercise, the goal isn't perfection or any notion that you need to change your body. Instead, the goal can be joy, self-nurturing, setting your own pace and timeline, self-acceptance, and feeling grounded and safe as you are.

Nutrition

When you're healing from trauma, it can be helpful to develop a nutritionally balanced diet as much as possible within the resources you have.

When someone has been through trauma, their immune system may feel out of whack for a while afterwards and they may be more prone to colds, flus, and other ailments. Attention to proper nutrition can be a form of insurance against illness and can help you to deal with stress more effectively.

That said, don't take on extra stress by putting pressure on yourself to "eat well" all the time. We live in a world where the cost of living seems like it is always on the rise and the price of nutritious food can present a significant challenge for many people. It is all about balance - do the best with the resources you have, but always be gentle with yourself and honour your boundaries, values, and capacities.

If you are able to, it can be a good idea to try to quit or reduce smoking, and limit alcohol and caffeine intake and other substances which may negatively impact your mental and physical wellness.

Think about all of these tips with a goal of harm reduction rather than a meeting a standard of perfection. It may take a while for you to figure out your needs and what is right for you. Remember that you are in charge – of your body, your choices, and your journey through healing.

Sleep and Rest

In order to be alert and cope with stress, it is important to allow your body enough sleep (7 or 8 hours for most).

Whenever possible, take regular breaks to allow your body to “recharge its batteries.” We live in a world that tells us we are only worthwhile if we are busy all the time. This is not true. Human beings need rest. Resting IS being productive. Rest is absolutely essential to our health and wellness.

Rest and relaxation are all the more important after someone has experienced abuse or trauma of any kind, because that person’s body and mental resources are depleted.

You are worthy of rest, and it’s okay to take whatever time you need to hibernate and care for yourself.

“At a time when abused women are tired and battle weary they need to be at their strongest. I know there were times I let things slide because I was so tired of fighting. I had a lot of support (family, friends, Transition House), and I still had moments where I didn’t fight back and didn’t understand what was really going on.”

"My ex used to do things just for the shock value to get a reaction from me. It took me a while to realize it was calculated in order to make me look or act crazy. It was his last-ditch effort to make me look like an incompetent parent who was explosive and unpredictable. But then I started to see that I was losing credibility because of him and I learned to rise above it. I hope other women don't fall into the same trap."

Pick your battles

Picking your battles means deciding where to put your energy.

It can be tiring and time-consuming to deal with everything that comes up, so it is important to figure out which things need your attention now and which things can wait.

For example, it may be frustrating if your children return from a parenting visit dirty and report that they ate candy for lunch. But it is not as important as if your child reports that your ex-partner was drinking and driving. The drinking and driving requires immediate action, while hygiene and junk food issues can often be left, at least for now.

Picking your battles means being clear about your priorities and saving your energy for what really matters.

"Looking back now I wish I hadn't given him the power that I did... I stood and listened to him, I reacted to his comments, I tried to fight back, I gave him an audience. Someone told me along the way, "He only has the power that you give him," and when I realized that this was true things changed for me!"

Fall apart when, and where, it's safe

Many people going through a crisis fall apart sometimes, and that is okay. Falling apart might mean a good cry, complaining about your ex-partner to a friend or, for some survivors, it might mean some kind of breakdown and total release of emotions.

The most important thing about letting off steam is that you do it in a way that is safe for you and your children. For example, if you become distressed in court it may affect how you are perceived by the judge.

To protect children, who are likely to be upset by your distress, it is important to "keep it together" as well as you can when they are around. For example, some survivors arrange appointments or phone calls with lawyers, police, child protection authorities, and Community Services during school hours so that children don't overhear worrying conversations or see the survivor upset.

"I used to tell my lawyer to call before three o'clock when my kids were at school. I knew I might end up crying on the phone or telling him things the kids shouldn't overhear."

"One thing I learned through my ordeal was to try my best to keep my emotions and emotional thinking in check when dealing with issues that came up. As hard as it is, it is extremely important to keep your eyes open, your ears open and control what you say and do. How you behave and portray yourself can help you or hurt you when dealing with the courts, Family Services, and lawyers."

"This may sound weird, but the thing I'm most proud of in my life is the thing that's been the hardest to deal with. I am so proud of how I've handled this whole situation - the criminal and family court proceedings, the multiple investigations by child protection. I've developed as a person. I have more courage, endurance and self-respect than I did before. I never stooped to the level my children's father did; I never lied and I have always put my kids first."

Make space for other things

You might feel like there is no room in your life for anything outside of children, parenting arrangements, harassment from your ex-partner and ongoing court proceedings! But no matter how much you have going on, it is possible to make a little space for other interests.

You might start by escaping into a book when you have five minutes to spare. You deserve to nourish yourself and engage in activities that bring you peace and fulfilment.

Some survivors who have separated from abusive partners decide to look up old friends or relatives or take up activities they haven't done in years. You might go walking with a friend, volunteer in the community, or join a scrapbooking club. Sometimes it is simply about finding a quiet space inside yourself by meditating or sitting quietly and just "switching off." Remember, you are rebuilding your life and that takes time.

"My therapist used to say to me: "I've lived through lots of terrible things and some of them actually happened!" It took me a long time to understand that I could control my thoughts and reduce my stress – no matter what was going on with my ex. In the beginning I was always terrified, always thinking about the worst possible outcome. Now I concentrate on what is actually happening here and now, not what might happen. Managing my thoughts is also a way to control how much he still affects me. The less I think about him, the less he is part of my life."

Build self-esteem

Self-esteem isn't just about seeing your good qualities. It's about being able to see all of your abilities and weaknesses together, accepting them, and doing your best with what you have. You don't have to be perfect to be worthy of love.

Self-esteem is created through more than self-acceptance and self-love. It also comes from the choices we make and the connections we make with others who can help us feel a sense of wholeness and meaning. If you accept and care for yourself and nurture your relationships with good people, you are more likely to make healthy choices and take positive actions that are right for you.

Many Transition Houses and Women's Centres have groups and programs to help support survivors' self-esteem. Mental Health counsellors, spiritual leaders, Elders, friends, and other support people can all help you build your self-esteem.

Checklist of stressful thoughts

The way you think about things is also important. These are ways in which our thinking does not match the reality of the situation. When we let stressful, intrusive, and negative thoughts take over, this can impact how we see ourselves and our world.

How we think can affect how we feel, so be cautious to avoid negative thought patterns. For example:

- All-or-nothing thinking: You look at things in absolute, black-and-white categories.
- Overgeneralization: You view a negative event as a never-ending pattern of defeat.
- Mental filter: You dwell on the negatives and ignore the positives.
- Discounting the positive: You insist that your accomplishments or positive qualities don't count.
- Jumping to conclusions: 1) Mindreading: You think that you know what people think about you; 2) Fortune telling: You predict, with no evidence, that things will turn out badly.
- Magnification or minimization: You blow things out of proportion or you shrink their importance.
- Emotional reasoning: You reason from how you feel: "I feel like an idiot, therefore I must be one."
- Should statements: You criticize yourself or other people with "should" and "shouldn't", "must" and "mustn't", "ought to" and "have to."
- Labelling: Instead of saying "I made a mistake," you tell yourself "I'm a loser" or "I'm worthless."
- Personalization and blame: You blame yourself for something you weren't entirely responsible for, or you blame other people and overlook the ways that you contributed to a problem.

It's important to pay attention to your body and mind so that you can understand and respond to your feelings. Stress manifests both in

obvious ways and in ways that we don't always immediately recognize. For example:

Physical signs of stress

- muscle tension – back, legs, neck, etc.
- headaches
- digestive problems (for example, nausea, indigestion, ulcers, diarrhea)
- eating changes (for example, compulsive eating, loss of taste, loss of appetite)
- eating disorders (anorexia, bulimia, compulsive eating)
- sleep disorders (for example, insomnia, restless sleep, nightmares, excessive sleep)
- teeth grinding – may lead to aching jaws
- increased perspiration – palms of hands, body
- heart problems (for example, palpitations, rapid or changing heartbeat, chest pain)
- breathing (for example, problems catching breath, deep sighs)
- skin problems (for example, hives, rashes, acne, eczema)
- sexual difficulties (for example, decreased desire)
- high blood pressure.

Psychological signs of stress

Mental or emotional

- anger/irritability, hyperactivity (for example, pacing, impatience, restlessness)
- depression, pessimism, lack of caring
- nervousness
- decreased concentration and disorganization
- loss of memory and confusion
- difficulty making decisions
- self-consciousness (for example, decreased confidence)
- decreased ability to be flexible
- feelings of being overwhelmed
- impaired performance (for example, decreased problem-solving skills).

Behavioural

- pacing, fidgeting
- nervous habits (nail-biting, foot-tapping)
- increased eating, smoking, drinking
- crying, yelling, swearing
- blaming
- throwing things.

Recognize what you can change and accept the things you can't

"Picking your battles" is about knowing there are lots of things you could try to change but recognizing that some are far more important than others. This tip is about recognizing the difference between the things we can change and those we can't.

When it is necessary and possible to change something, we can find the courage to take action, and when it is unnecessary or impossible to take action then we can try to be peaceful and accepting. Remember how far you have come and recognize that you are not responsible for fixing every problem that exists. It's okay to let yourself have some peace and rest for a while.

Legal Terms

This section contains simple explanations of some terms you may hear as you go through the family court process. These are not legal definitions.

Access

This is an old family law term that is no longer used in the *Divorce Act* or *Parenting and Support Act* although it may still come up from time to time in court. The term “access” referred to the right of a parent who does not live with their children to visit or spend time with them. See “Parenting Time,” “contact” or “interaction” instead.

Action

A legal procedure where one party (person) sues another party (person).

Adjournment

A delay or postponement of a court hearing or trial.

Affidavit

A written statement of facts that is sworn under oath as being the truth.

Age of Majority

The age of majority is 19 years in Nova Scotia. The age of majority refers to the age at which you are considered an “adult” under Nova Scotia law.

Answer

The formal response by the Respondent to a Petition for Divorce, setting out their response to the items asked for in the petition such as parenting time, decision-making responsibility, support, and the division of property. The Respondent has a certain number of days to file an Answer after they receive the Petition for Divorce. In a divorce, the spouse applying for the divorce is called the Petitioner and the other spouse is called the Respondent.

Appeal

A review by a higher court of a decision made by a lower court. There must be legal grounds or reasons to appeal, such as that the lower court has made an error. You can't appeal just because you disagree with or do not like the judge's decision. Usually, you have 30 days from the date of the court's decision to appeal the decision to a higher court.

Appearance

When a person comes to court, either voluntarily or after being summoned.

Appellant

The person who appeals a legal decision.

Applicant

A person who starts an application in court. For example, an application for parenting arrangements for a child.

Application

Filing an application is the first step in asking for a court order (for example, making an application for exclusive possession of a home).

Arrears

Being late in paying a debt or money that you owe (for example, failing to pay child support on time).

Balance of Probabilities

More likely than not that something happened. This is the standard of proof in civil law, including family law. In criminal court the standard of proof is higher - "beyond a reasonable doubt."

Best Interests of the Child

This is the test that family law uses to make decisions about parenting arrangements. The court has a list of factors to consider when making decisions in the best interests of the child including the child's needs, their safety and wellbeing, and the presence of family violence, among others. The judge must decide what is best for the child, not what is best for either of the parents.

Case Law

Case law reflects how the courts have previously interpreted laws. Lawyers often refer to previous case law to support their arguments or requests made in court. It is also called the common law.

Certificate of Divorce

The final document issued by the court at the end of a divorce proceeding. The court sends the parties a Certificate of Divorce at least 31 days after the Divorce Judgement has been issued, provided the Divorce Judgment has not been appealed. A Certificate of Divorce says that the divorce is final; it means that the parties are free to remarry, for example.

Chambers

A process for a judge to hear applications for some court orders. Chambers applications are still heard in a courtroom.

Child Support

Money paid by one parent to the other parent to contribute to the children's living expenses.

Child Support Guidelines

The Child Support Guidelines are rules for calculating how much child support a parent will have to pay. The guidelines include child support tables for each province and territory. There are also rules for calculating

special or extraordinary expenses, claims of undue hardship, and child support amounts in cases of split or shared custody. The federal Child Support Guidelines are used when parents are divorcing or already divorced. The provincial Child Support Guidelines are used in all other situations, such as when parents were not married to each other, lived together in a common-law relationship, or are married and separated, but not divorcing.

Child Protection

Child protection services exist to protect children 18 or under from abuse and/or neglect. You may also hear office this referred to as "child welfare," the Department of Community Services ("DCS") or "the Agency."

Collaborative Family Law

A cooperative approach used as an alternative to court. Partners work together with a lawyer to resolve their issues and come to an agreement on parenting arrangements, support and/or property division.

Conciliation

Conciliation is a process that begins after one of the parties starts a proceeding in the Supreme Court (Family Division). A conciliator is a court officer who helps you sort out what to do about your situation and what the next steps might be. Conciliation usually takes place when both parties do not have a lawyer.

Consent Order

This is a court order where the parties have come to an agreement and that agreement has been approved by a judge. As long as the agreement is in the best interests of the child, courts will make an order based on this agreement.

Common-law Spouses

A relationship where two people live together as spouses but are not married. Different laws set out different amounts of time before two people become common-law spouses.

Complainant

The person who lays information with the police that an offence has been committed. For example, you are the complainant if you report to the police that your spouse has assaulted you.

Contempt

Contempt of court means that a person has purposely disobeyed or disregarded a court order without good cause. If the judge finds that this is the case, the judge can impose a fine or imprisonment, although this is rare.

Corollary Relief Order

A court order issued as part of a divorce proceeding. It addresses issues such as parenting time, decision-making responsibility, child support, spousal support, and the division of matrimonial assets.

Costs

Refers to money to be paid by one side if there is a contested hearing or trial between the parties. Costs are intended to help compensate the successful party for their legal expenses as a result of being in court. A judge may order costs at the end of a trial. A judge may order costs against a person who fails to follow the court's directions or instructions before or during the trial or who refuses a reasonable offer to settle.

Cross-Examination

After a witness has been questioned in direct examination, the other side has a chance to ask questions of the witness.

Custody

This is an old family law term that is no longer used in the *Divorce Act* or *Parenting and Support Act* although it may still come up from time to time in court. The term "custody" referred to responsibility for making the decisions involving the children and where the children live. See "decision-making responsibility."

Damages

Monetary compensation that a court may award for financial or property losses, emotional or physical injuries, loss of earnings, and costs of care.

Date Assignment Conference

A date assignment conference is usually a short appearance with the trial judge to make sure that everything is ready for trial. This includes ensuring that all the necessary disclosure and documents have been filed, determining which witnesses (if any) will be called during the trial and determining how long the trial will take.

Decision-Making Responsibility

Refers to how major decisions about a child will be made and who will make these decisions (such as decisions around education, health care, religion and significant extra-curricular activities).

Defendant

The person sued in a civil action or charged with a criminal offence.

Denial of Time Application

Under the *Parenting and Support Act*, a Denial of Time application may be made by a person who has not received the parenting time that was agreed to or that was ordered in a parenting order. The application may be made to request the enforcement of the parenting time or contact time that was denied.

Dependent Child

In Nova Scotia, a child under the age of 19 who is not able to care for, or provide for themselves. It can also apply in matters of child support to a child over 19 who is unable to care for themselves because of a disability and to a child over 19 who is attending university or college.

Direct Examination

When one side in a legal proceeding asks questions of their own witness.

Disclosure

One party providing information they have to the other party (for example, a parent providing documents that show their income so that the appropriate level of child support payments can be assessed).

Discovery

A pre-trial procedure in which one party obtains information held by the opposing party concerning the case.

Divorce Act

The *Divorce Act* is a federal law that applies to spouses who are married and are seeking a divorce. The *Divorce Act* also deals with parenting arrangements and child and spousal support.

Divorce Judgement

An order of the court that says that two people are divorced. The divorce judgment becomes effective on the 31st day after the date of the judgment unless one of the spouses appeals.

Emergency Protection Order (EPO)

A court order used in domestic violence cases where the victim is in immediate and urgent need of protection. EPOs can include a range of conditions, such as prohibiting the partner from contacting the victim or giving the victim sole possession of the home and/or temporary care of the children.

Evidence

Information given by the parties or witnesses, either in person or in writing (in an affidavit); the judge hears or reviews the evidence and uses it to reach a decision.

Exclusive Possession/Exclusive Occupation

The right of one party to be the only one to use a home or other asset, usually a matrimonial home (the family home) or its contents. The Supreme Court (Family Division) may award exclusive possession when one of the parties applies for it, or the parties may include it as a term in a separation agreement.

Exhibit

A paper, document, or piece of physical evidence provided to the court at a trial or hearing or as part of an affidavit.

Ex Parte

An application made by a person in the absence of, and without notice to, the other party.

Family Dispute Resolution

Refers to settling disputes or differences outside of court. This may also be referred to as Alternative Dispute Resolution (ADR). An example of this is resolving disputes out of court through mediation or negotiation.

Family Violence

Family Violence is defined in both the *Parenting and Support Act* and the *Divorce Act*. The definitions in both laws are similar, but there are some differences.

Divorce Act

family violence means any conduct, whether or not the conduct constitutes a criminal offence, by a family member towards another family member, that is violent or threatening or that constitutes a pattern of coercive and controlling behaviour or that causes that other family member to fear for their own safety or for that of another person – and in

the case of a child, the direct or indirect exposure to such conduct – and includes

- (a) physical abuse, including forced confinement but excluding the use of reasonable force to protect themselves or another person;
- (b) sexual abuse;
- (c) threats to kill or cause bodily harm to any person;
- (d) harassment, including stalking;
- (e) the failure to provide the necessities of life;
- (f) psychological abuse;
- (g) financial abuse;
- (h) threats to kill or harm an animal or damage property; and
- (i) the killing or harming of an animal or the damaging of property;

Parenting and Support Act

“family violence, abuse or intimidation” means deliberate and purposeful violence, abuse or intimidation perpetrated by a person against another member of that person’s family in a single act or a series of acts forming a pattern of abuse, and includes

- (i) causing or attempting to cause physical or sexual abuse, including forced confinement or deprivation of the necessities of life, or
- (ii) causing or attempting to cause psychological or emotional abuse that constitutes a pattern of coercive or controlling behaviour including, but not limited to,

- a. engaging in intimidation, harassment or threats, including threats to harm a family member, other persons, pets or property,
- b. placing unreasonable restrictions on, or preventing the exercise of, a family member's financial or personal autonomy,
- c. stalking, or
- d. intentionally damaging property,

but does not include acts of self-protection or protection of another person.

Filing (a Court Document)

Legal documents delivered to (filed with) the court clerk in a court proceeding, to be given to a judge and become part of the court's official record of your case.

Hearing

A courtroom procedure in front of a judge at which evidence and information may be presented to decide some issue of fact or of law, or both. Also called a "trial."

Information

A sworn statement by a person requesting a peace bond or alleging that an accused committed a criminal offence. An information gives the time and place of an incident and the law that may have been broken.

Interaction

Interaction refers to communication involving the child other than parenting time or contact time. For example, this may be phone calls, emails or video calls, sending gifts or cards, attending school or other activities or receiving copies of report cards.

Interim Order

A temporary order dealing with some matters until the final decision of the court is reached (for example, an interim order for parenting time and decision-making responsibility).

Jurisdiction

The power of a court to hear a case. Jurisdiction also refers to the area in which the judgments or orders of a court can be enforced or executed (for example, a geographical area such as Nova Scotia).

Leave of the Court

The court's permission to proceed with certain types of applications.

Legal Advice

Taking general legal information and applying this information to the specific facts of a case. For example, a lawyer may tell a person what they should do or what a likely outcome of their case may be based on the facts that the person has given them. Only a lawyer can provide you with legal advice.

Legal Aid

Legal representation and advice for people who cannot afford to hire a lawyer and whose income is below a specified level.

Legal Information

Tells you something general about the law or the legal system. It is not tailored to the specific facts of your case. For example, a court clerk, Transition House worker or even this guide can provide you with general legal information.

Litigant

A person involved in a legal case. Also called a "party."

Litigation Guardian/Guardian Ad Litem

An adult who starts or defends a legal proceeding on behalf of a person who is not mentally competent or who is under the age of majority (under 19 years old in Nova Scotia). Certain requirements must be met before a person can act as a litigation guardian, including that they be represented by a lawyer.

Maintenance Enforcement Program (MEP)

A provincial government program that assists in enforcing court orders for child and spousal support. The payer makes support payments through the program. If the payer fails to make the payments required by

the court order, the MEP may take action to enforce the order. For more information visit www.gov.ns.ca/just/mep.

Matrimonial Assets

Property acquired by either or both married spouses before or during their marriage. Not all assets are matrimonial assets. For example, inheritances, business assets, and payments one spouse receives from an insurance claim are usually not considered matrimonial assets, but they might be, depending on the circumstances. You should get legal advice on your own situation to determine what property of yours or your spouse's is considered a matrimonial asset.

Matrimonial Home

Where the married spouses lived together before (and sometimes during) separation.

Mediation

A type of family dispute resolution in which a trained, impartial mediator helps the parties reach agreements about parenting arrangements and sometimes also about child support, spousal support, and the division of matrimonial assets and debts.

Parenting Information Program

A program that assists parents to help their children deal with issues relating to the separation or divorce of their parents.

Parenting Capacity Assessment

This is a report that looks at each parent's ability to parent and what parenting arrangements may best meet the child's needs. This report will be prepared by a professional. There may be a fee, however, it is often based on income. The assessor's focus is on what is in the best interests of the child.

Parenting and Support Act

The *Parenting and Support Act* is a provincial law that applies to those persons who are not seeking a divorce and would like an order relating to parenting arrangements, support or exclusive occupation of the home.

Parenting Order

A court order that sets out details about a parenting arrangement, such as each parent's decision-making responsibilities, the time the children will spend with each parent, and how the children will communicate with one parent when spending time with the other parent.

Parenting Plan

A written plan setting out parenting arrangements for a child's care. It usually covers where the child will live, which parent will make decisions relating to the child, what input or decision-making power the other parent will have, and anything else that may be important to the child's well-being. Parenting plans may also set out how parents will resolve disputes.

Parenting Statement

A document used in the Supreme Court (Family Division) that sets out parenting arrangements. The parent requesting a court order for parenting time and decision-making responsibility must complete this document. If the other parent disputes the claim regarding parenting time and/or decision-making responsibility, then they must also complete a Parenting Statement.

Parenting Time

Refers to the time that a child spends in the care of one of their parents or a person who has a parenting role, and includes time when the child is at daycare or in school.

Parties

The person or people on one side of a dispute or an agreement. Parties are the people who have the right to appear in court and to seek an order from the court.

Payor

The person who pays child or spousal support.

Peace Bond

A formal signed promise to the court not to contact a person or go to a place. For example, a peace bond may be signed by your spouse agreeing not to contact you.

Petition for Divorce

An application to the Supreme Court (Family Division) to start a divorce.

Either spouse may file a petition for divorce with the court, or both spouses may file a joint petition.

Petitioner

A person who starts a divorce proceeding.

Pro Bono

“For the public good.” This is when a lawyer represents a client for free or at a very low rate. Not all lawyers are involved in pro bono work, but it is considered a valuable way to help and to give back to the community. It is not the same as Legal Aid.

Provincial Court

In Nova Scotia, the court that deals with most criminal matters. Every adult charged with a criminal offence comes to Provincial Court first, and many criminal trials take place there. However, trials of cases involving very serious offences are heard in the Supreme Court, including all trials involving a jury.

Re-direct

After cross-examination, a person (or their lawyer) may have another opportunity to ask their witnesses questions about any new information brought up in cross-examination.

Receiving Parent /Recipient

The person (such as a parent) who receives child or spousal maintenance or support.

Recognizance

An agreement signed by a person charged with a criminal offence before they are released by the court, promising:

- to return to court on a certain date
- to stop a specific behaviour
- not to have contact with certain people or places.

Registered Domestic Partnership

In Nova Scotia, couples who are in a common-law relationship can sign a registered domestic partnership agreement. Although it is not the same as marriage, it gives them many of the same legal rights and obligations that married people have such as an equal division of matrimonial property when they separate.

Respondent

A person against whom an application or a petition for divorce has been started.

Retainer

The advance payment required by many lawyers in private practice as a deposit before they will begin work on your case.

Rules of Court

Procedures that must be followed and forms to be used when seeking an order from the court. The Rules are called the Civil Procedure Rules in the Supreme Court (Family Division).

Separation

Two people who are married to each other or in a common-law relationship separate when they live separate and apart with the intention to separate. In some cases, you may even be living in the same house while separated as long as you have the intention to separate. You do not need an official document in order to be "legally" separated.

Separation Agreement

A contract between two spouses, common-law partners or registered domestic partners to live apart on certain terms and conditions, which usually include parenting arrangements, support, and the division of matrimonial assets and debts. A separation agreement may reflect an agreement that has been reached between the parties after mediation, a court process such as a settlement conference, negotiated with the assistance of lawyers or as set out by the parties to the agreement. You should not sign a separation agreement without getting advice from a lawyer. Do not use the same lawyer as your spouse. Judges will rarely change the terms of a signed agreement.

Service

To give a legal document to someone in person. It is important to have a person other than yourself serve court documents and to verify the identity of the person who is receiving the documents - called being "served". Once this is done, the person who served the documents must swear an affidavit of service which is proof of service. The affidavit is then filed with the court. For example, the spouse who petitions for divorce must arrange to have the Petition for Divorce served on the other spouse by someone else. Once this is done, the person who served the Petition must swear an affidavit of service. There are companies that you can hire to serve documents for you. You can find them listed under Bailiffs at www.yellowpages.ca or through a search online.

Settlement Conference

A short meeting with a judge who is not going to be the judge at the trial. At this meeting, the parties briefly explain to the judge their own positions on each issue. The judge then gives a brief opinion based on how they think the case could be resolved. This meeting is used to help settle cases before trial.

Spouse

A spouse is a husband, wife or partner. A spouse may be a married spouse or common-law spouse. In divorce law a spouse is either of two persons who are married to each other.

Spousal Support

Money paid by one spouse to another to contribute to the other's living expenses. The support can be paid either by a set amount every month or in one lump sum.

Spousal Support Guidelines

Guidelines that may assist a judge or parties in setting an appropriate level of spousal support to be paid from one person to another. The guidelines are complicated, and you should get legal advice about how they might apply to your situation.

Statement of Expenses

A document used in the Supreme Court (Family Division) that sets out all expenses that you have. This document must be completed by both parties when they are asking a court to order one or more of the following:

- child support in an amount other than the Child Support Guidelines amount
- child support that includes special or extraordinary expenses
- spousal support
- a division of property.

Statement of Income

A document used in the Supreme Court (Family Division) that sets out all your sources of income (this will be "gross income": income before tax

and other deductions). You must file this Statement if you want a court to order one or more of the following:

- child support
- spousal support
- a division of property.

If you are only seeking the amount of child support set out in the Child Support Guidelines, only the parent paying support must provide this statement. The spouse filing the Statement will need to provide other information along with the Statement, such as pay stubs and income tax returns.

Statement of Property

A statement of property sets out what assets you own and the debts you owe. You must file a Statement of Property if you are asking the Supreme Court (Family Division) to make an order dealing with property, spousal support, or both.

Statement of Special or Extraordinary Expenses

A document used in the Supreme Court (Family Division) that sets out the specific amounts requested as child support for special or extraordinary expenses. These expenses are described in section 7 of the federal Child Support Guidelines and section 7 of the Nova Scotia Child Support Guidelines. The person asking for the support is required to complete this document.

Statement of Undue Hardship Circumstances

A document used in the Supreme Court (Family Division) that sets out the reasons a parent is claiming “undue hardship” regarding child support. This means they are claiming they cannot pay the amount that the Child Support Guidelines says they should pay based on their income and number of children. Each parent must provide the court with information on the income of each member of their household.

Subpoena

A document issued by the court that requires a person to give evidence at a court proceeding such as a trial.

Summary Advice Counsel

A lawyer at the courthouse (Supreme Court (Family Division) only) who can help you and provide information if you don’t have a lawyer. The lawyer will not represent you in court.

Supervised Parenting Time

A service provided by a third party that enables a parent to visit their children in a safe, neutral, and child-focused setting with the supervision of trained staff or volunteers, or even a family member.

Support

See “child support” or “spousal support” above.

Supreme Court of Canada

Canada's highest court and final court of appeal. For more information visit www.scc-csc.gc.ca/AboutCourt/role/index_e.asp.

Swear (Affirm)

Before a party or a witness gives evidence at a trial or hearing he or she will be required to swear to tell the truth. You can swear on a holy book, such as the Bible, or make a solemn affirmation (a promise). Indigenous individuals can affirm on an eagle feather if desired. The process of swearing to tell the truth or taking a solemn affirmation is often referred to as "being sworn."

Testimony

The evidence that a witness gives under oath or affirmation, in an affidavit (sworn statement) or at a hearing or trial.

Trial

A court proceeding where both parties have the opportunity to present their case before a judge. They can call witnesses to give evidence and can give evidence themselves. Following the presentation of the evidence, the judge will reach a decision on what orders to make. Also called a "hearing."

Undue Hardship

A condition that makes it difficult or impossible for a parent to make the amount of child support set out in the Child Support Table or makes it difficult for the receiving parent to support the child on that amount. There are rules about when such a claim for undue hardship can be made. You should get legal advice if you want to make a claim or if the other parent makes a claim.

Unrepresented/Self-Represented Litigant

A person attending court without a lawyer.

Variation

An application to change an existing court order (for example, an application to change a parenting order).

Voice of the Child Report

This is a report that is usually made by a professional to assist in determining parenting arrangements for older children. In preparing the report, the child meets with a professional who then prepares a report for the court about the child's preferences around parenting issues. The child does not make decisions about parenting, but the report may be used as one piece of information to help the judge make decisions about parenting arrangements.

Waive

To give up a right.

Warrant

A court document that orders police or other peace officers to arrest someone. The court can issue a warrant if someone fails to appear in court or does not obey a court order.

Witnesses

People who give evidence to the court.

2SLGBTQIA+ Terms

This chapter contains explanations of some terms you may come across as you go through this guide.

Note: This glossary has been adapted with permission from the Youth Project's 2SLGBTQIA+ Word Bank.

2SLGBTQIA+

Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Asexual, and all other identities under this umbrella.

Cisgender

When someone's gender identity aligns with their assigned sex at birth.

Cis Man

A person who was assigned male at birth and is a man.

Cis Woman

A person who was assigned female at birth and is a woman.

Assigned sex at birth

Based on the body that an infant is born into, they will be assigned biologically male, female, or intersex. Sex, while primarily based upon reproductive anatomy, is also influenced by chromosomes and

hormones. While sex is assigned to us at birth, it is not fixed and can be changed over the course of someone's lifetime.

Gender expression

The choices that you make in your outward appearance (publicly or privately) to express your gender identity through clothing, hair cut or style, ways of walking and talking, etc.

Gender identity

A personal experience of how you feel and think about your gender.

Non-binary

An umbrella term for gender identities that falls outside of the binary genders. The experience of being non-binary is not universal, people can feel like both a man and a woman, like neither or that they have no gender at all, or more fluid in their gender identity and expression. This is why there are many other specific labels that non-binary people might use to articulate their experience such as genderqueer, gender nonconforming, agender, bigender, genderless, gender-creative, etc.

Trans or Transgender

An umbrella term for anyone whose gender identity does not align with their assigned sex at birth.

Transgender is an adjective that describes the relationship between someone's assigned sex at birth and gender identity, thus saying Transgendered or Transgendering are grammatically incorrect. Other terms that are inappropriate to use are Transsexual (this term was used to medicalize the experience of being trans) and Tranny (a derogatory term towards trans people).

Trans Man

A person who was assigned female at birth and is a man.

Trans Woman

A person who was assigned male at birth and is a woman.

Two-Spirit

Created by a group of elders and band leaders at a conference in Winnipeg in 1990, Two-Spirit is a term used within some Indigenous communities that encompasses cultural, spiritual, sexual and gender identity.

From Trans Care BC, "The term reflects complex Indigenous understandings of gender roles, spirituality, and the long history of sexual and gender diversity in Indigenous cultures. Individual terms and roles for Two-Spirit people are specific to each nation. Due to its cultural, spiritual, and historical context, Two-Spirit is to be used only by

Indigenous people. However, not all Indigenous people who hold diverse sexual and gender identities consider themselves Two-Spirit". It is important to learn and understand the history of colonialism and the impacts that assimilation, residential schools, and child protective services had on erasing the legacy of the wide gender and sexual diversity within Indigenous communities nationally and all over the world. This is why the term "Two-Spirit" can only be used by Indigenous people.

Queer

The word queer has a long history with many meanings, experiences, and feelings attached to it. Initially, queer was defined as "strange," "different," or "weird." This word became a derogatory slur when people outside of the 2SLGBTQIA+ community started to use it to other, discriminate against, and marginalize 2SLGBTQIA+ people, equating their experience with gender and sexual orientation as something that is not okay, abnormal, and can be "fixed". Some 2SLGBTQIA+ community members have reclaimed "queer" as an identity and/or as an umbrella term for the whole community.

In this context, queer is an infinite, non-specific, flexible way to identify as part of the 2SLGBTQIA+ community. However, because of the history of this word as a derogatory slur, not everyone has reclaimed this word, and it can feel very painful for some to be reminded of it. It is important that we mirror the language that someone uses for themselves. If they don't use queer as a self-identifier, we shouldn't assign that label to them.

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The following is a list of some of the resources you may need, including those mentioned in the guide. You may wish to contact your local Transition House or Women's Centre to find other useful resources in your area.

If you are in immediate danger, call 911

For additional help in finding supports near you, contact Nova Scotia 211, available 24/7 (<https://ns.211.ca/>)

Call or text 211

Toll-free outside Nova Scotia: 1-855-466-4994

Reach out to VRS to connect with 211: <https://srvcanadavrs.ca/en/> (Services for the Deaf/Hard of hearing community)

If you need help or information about domestic abuse, you can also call the provincial, 24-hour, toll-free number at 1-855-225-0220.

Transition Houses

Transition Houses offer emergency shelter, information, help with legal matters, and support for survivors in abusive relationships.

Transition House Association of Nova Scotia

General inquiries: 902-429-7287

Provincial toll-free line: 1-855-225-0220 (24/7)

www.thans.ca

Bryony House (Halifax Regional Municipality)

Distress line: 902-422-7650 (24 hours)

Text: 902-422-7650

Shelter main number: 902-423-7183

www.bryonyhouse.ca

email: staff@bryonyhouse.ca

Autumn House (Amherst)

24 Hour Crisis Line: 902-667-1200

Business phone: 902-667-1344

www.autumnhouse.ca

email: info@autumnhouse.ca

Autumn House serves Cumberland County.

Cape Breton Transition House (Sydney)

24 Hour Help Line: 902-539-2945; Toll Free: 1-800-563-2945

Outreach phone: 902-562-3045

Childcare Counsellor phone: 902-562-1336

Education/Fundraising: 902-562-4190

<http://cbtha.com>

email: cbtranshouse@ns.aliantzinc.ca

Cape Breton Transition House serves Cape Breton Regional Municipality and Victoria County. Cape Breton Transition House also has two second-stage housing units in Glace Bay and Sydney.

Chrysalis House (Kentville)

24 Hour Help Line: 902-679-1922; Toll-free: 1-800-264-8682

Administration phone: (902) 679-6544

www.chrysalishouseassociation.org

ed@chrysalishouseassociation.org

Chrysalis House serves West Hants, Kings, and Annapolis Counties.

Harbour House (Bridgewater)

24 Hour Help Line: 902-543-3999; Toll-free: 1-888-543-3999

Administration phone: 902-543-3665

Childcare Counsellor: 902-543-9970

Outreach phone: 902-543-9970

www.harbour-house.ca

email: ed@harbour-house.ca

Harbour House serves Lunenburg and Queens Counties.

Juniper House (Yarmouth)

24 Hour Help Line: 902-742-8689; Toll-free: 1-800-266-4087

Administration phone: 902-742-4473

www.juniperhouse.ca

email: juniperhouse@juniperhouse.ca

Outreach

Yarmouth Outreach: 902-742-0231

Digby Outreach: 902-245-4789

Shelburne Outreach: 902-749-7170

Juniper House serves Yarmouth, Digby and Shelburne Counties and has outreach offices in these locations.

Leeside Transition House (Port Hawkesbury)

www.leesidesociety.ca/leeside-transition-house

24 Hour Help Line: 902-625-2444; Toll Free: 1-800-565-3390

Phone: 902-625-1990

director@leesidesociety.ca

Leeside Transition House serves Richmond and Inverness Counties and the Town of Port Hawkesbury.

Mi'kmaw Family Healing Centre - We'koqma'q

www.thans.ca/mikmaw-family-healing-centre/

24 Hour Help Line: 902-756-3440; Toll Free: 1-800-565-3440

Phone: (902) 756-3440

Program Supervisor Email: katerina.basque@novascotia.ca

Director Email: beverly.walker@novascotia.ca

We'koqma'q Family Healing Centre serves all First Nations on Cape Breton Island and Paq'tnkek First Nation and is one of two shelters designed to serve First Nation People. Programming includes individual and group support for women, men and children.

Mi'kmaw Family Healing Centre - Millbrook

www.thans.ca/millbrook-family-healing-centre/

24 Hour Help Line: 902-893-8483; Toll-free: 1-800-565-4741

Phone: 902-893-8483

Program Supervisor Email: brooke.paul@novascotia.ca

Director Email: beverly.walker@novascotia.ca

Millbrook Family Healing Centre serves all First Nations on mainland Nova Scotia except Paq'tnkek First Nation and is one of two shelters designed to serve First Nation People. Programming includes individual and group support for women, men and children.

Naomi Society (Antigonish)

902-863-3807

www.naomisociety.ca

info@naomisociety.ca

Naomi Society offers second stage housing and services in Antigonish (Town & County) and Guysborough County.

Tearman House (New Glasgow)

24 Hour Help Line: 902-752-0132; Toll free: 1-888-831-0330

Administration phone: 902-928-0774

Shelter phone: 902-752-1633

Outreach phone: 902-752-2591

Childcare Counsellor phone: 902-755-6390

www.tearmann.ca

tearmann@ns.sympatico.ca

Tearmann House serves New Glasgow, Pictou, Antigonish, and Guysborough Counties.

Third Place (Truro)

24 Hour Help Line: 902-893-3232; Toll free: 1-800-565-4878

Business Line: (902) 893-4844

Women's Outreach: (902) 895-9740

Children & Youth Outreach: (902) 893-3232

Outreach Email: outreach@thirdplaceth.ca

Director Email: director@thirdplaceth.ca

www.thirdplaceth.ca

support@thirdplaceth.ca

Third Place Transition House serves Colchester and East Hants Counties and Truro.

Nisa Homes

www.nisahomes.com

halifax@nisahomes.com

Toll Free: 1-888-456-8043 ext. 409

Located in Halifax. A transition home for women and children in an unsafe home environment, abusive relationship or who are homeless or in need of a safe space. Services are catered toward immigrant, refugee and non-status women. Also includes services and supports such as spiritual support or immigration and status assistance.

Shelters

Adsum House (Halifax)

www.adsumforwomen.org

902-423-4443

email: adsum@adsumforwomen.org

Emergency shelter, housing, programs and services for women, youth, children and trans individuals who are experiencing homelessness.

Barry House (Halifax)

www.shelternovascotia.com/shelter-services

902-422-8324

For women and gender diverse individuals who are experiencing homelessness.

Metro Turning Point (Halifax)

www.shelternovascotia.com/shelter-services

902-420-3282

A harm reduction, emergency shelter for men and gender diverse individuals.

902 Man Up Overnight Emergency Shelter (Halifax)

www.ns.211.ca/services/north-park-street-overnight-emergency-shelter-halifax/overnight-emergency-shelter-halifax/

902-414-7676

Overnight shelter for all genders in the Halifax Regional Municipality.

Phoenix Youth Shelter (Halifax)

www.phoenixyouth.ca

Intake/General Inquiries: 902-446-4663
shelter@phoenixyouth.ca

Emergency Shelter for youth 16-24 who are experiencing homelessness in Halifax.

Souls Harbour Rescue Mission (Halifax)

www.shrm.ca

General Inquiries: 902-405-4663

Emergency shelter for men in Halifax

Salvation Army Men's Shelter (Halifax)

www.halifaxcentreforhope.com

902-422-2363

office@halifaxcentreforhope.ca

Short-term emergency shelter for men 19 and older

Haven House (Truro)

www.trurohomeless.ca/home

902-843-2538

Emergency and transitional beds to unhoused individuals aged 16 and older. This organization also provides housing support.

Shyft (Yarmouth)

www.shyft.ca

902-881-3111

Transitional housing for youth ages 16-24. Shyft also programs programs, referrals and workshops for youth.

Pictou County Roots for Youth (New Glasgow)

www.pcrootsforyouth.ca/programs/youth-navigation/

902-695-2775

Includes Roots House Youth Shelter for youth 16-24 who are experiencing homelessness. Located in New Glasgow.

Viola's Place Society (New Glasgow)

www.violasplacesociety.com

902-752-0550

Emergency Shelter services located in New Glasgow.

Beacon House Winter Shelter (Lower Sackville)

www.ns.211.ca/services/beacon-house-winter-shelter-lower-sackville/

General Inquiries: 902-864-1584

Gender inclusive shelter in Lower Sackville.

Community Homeless Shelter (Sydney)

902- 564-9487

communityhousing@cbcha.ca

Emergency shelter for people experiencing homelessness.

Second stage housing

Alice House

902-466-8459

www.alicehouse.ca

livesafe@alicehouse.ca

Second-stage housing and supportive counselling for women and children in Nova Scotia (HRM).

Naomi Society

902-863-3807

www.naomisociety.ca

info@naomisociety.ca

Naomi Society offers second stage housing and services in Antigonish (Town & County) and Guysborough County.

Brenda's Place - Second Stage Housing

Provided by: Tearmann Society for Abused Women

902-755-3123 or 902-752-0077

secondstage@teermann.ca

Coverage area: Pictou, Antigonish and Guysborough Counties

Cape Breton Transition House

Outreach Worker: 902-562-3045 ext. 208

www.cbtha.com/

Second stage housing units are in Glace Bay (MacAdum House) and Sydney (Callwood House)

Welkaqnik Next Step Shelter

General Inquiries: 902-895-1523

Toll Free: 1-800-565-4372

www.ncns.ca/welkaqnik-next-step-shelter

socialmanager@ncns.ca

A next step shelter providing Mi'kmaq/Aboriginal survivors of family violence a safe affordable shelter for a period of up to one year.

Women's centres and sexual violence support

Women's Centres Connect

902-755-4647

coordinator@womenconnect.ca

www.womenconnect.ca

Find a women's centre in Nova Scotia.

Antigonish Women's Resource Centre & Sexual Assault Services Association (Antigonish)

www.awrcsasa.ca/

902-863-6221

info@awrcsasa.ca

Provides supports and services to women and girls (ages 16+) including crisis intervention, referrals, Sexual Assault Nurse Examiner (SANE) Program, advocacy and accompaniment, information and support, and systems navigation.

Avalon Sexual Assault Center (Halifax)

902-422-4240

www.avaloncentre.ca

Support for survivors of sexual assault/abuse. Website has many resources, including ones on law and the legal system.

Sexual Assault Nurse Examiner (SANE) 24-Hour Response Line

902-425-0122

Every Woman's Centre (Sydney)

www.everywomanscentre.com/ewc_main.html

902-567-1212

woman.centre@ns.sympatico.ca

LEA Place Women's Resource Centre (Sheet Harbour)

www.leaplace.com

902-885-2668

leaplace@ns.sympatico.ca

Pictou County Women's Resource and Sexual Assault Centre (New Glasgow)

www.womenscentre.ca

902-755-4647

info@womenscentre.ca

Sexual Assault and Harassment Phone Line (Dalhousie Student Union)

902-425-1066

Confidential service available to Dalhousie University and University of King's College students who have been impacted by sexualized violence.

Legal Advice for Sexual Assault Survivors

www.novascotia.ca/sexualassaultlegaladvice/

To register: Call 211

Up to 4 hours of free, independent legal advice for sexual assault survivors aged 16 or older. You do not have to report to police or take legal action if you use this service.

The Lotus Centre (Truro)

www.thelotuscentre.net

902-895-4295

coordinator@thelotuscentre.net

Second Story Women's Centre (Lunenburg)

www.secondstory.ca

902-640-3044

info@secondstory.ca

Strait Area Women's Place (Port Hawkesbury)

www.leesidesociety.ca/strait-area-womens-place

902-625-1614

Tri-County Women's (Digby, Yarmouth and Shelburne)

www.tricountywomenscentre.org

Toll Free: 1-877-742-0085

info@tricountywomenscentre.org

Yarmouth Office: 902-245-6866

Digby Outreach: 902-742-0085

Shelburne Outreach: 902-875-4777

Women's Place Resource Centre (Middleton)

<http://wprc.ddns.net/joomla/index.php>

902-363-2030

womensplace@eastlink.ca

The Women's Place Resource Centre is based in Middleton and serves Annapolis and Kings County.

Colchester Sexual Assault Centre (Truro)

www.colchestersac.ca

902-897-4366

info@colchestersac.ca

Family resource centres

Bayers Westwood Family Resource Centre

www.facebook.com/bwfrc

902-454-9444

info@bayerswestwoodfrc.com

Chebucto Family Center

www.chebuctofamilycentre.ca

902-479-3031

info@chebuctofamilycentre.ca

The North Grove (Dartmouth)

www.thenorthgrove.ca

902-464-8234

East Preston Family Resource Center

www.eastprestondaycare.ca/resource-centre

902-462-7266

info@eastprestondaycare.ca

Eastern Shore Family Resource Association (Porter's Lake)

www.esfamily.org

902-827-1464 or toll-free at 1-866-847-1461

esfamilyresource@ns.aliantzinc.ca

Fairview Resource Centre (Halifax)

www.frcns.com

902-443-9569

Family SOS (Halifax)

www.family sos.ca

902-455-5515

info@family sos.ca

Halifax & Region Military Family Resource Centre (Halifax, Sheerwater, Sydney)

www.halifaxmfc.ca

info@halifaxmfc.ca

Halifax: 902-427-7788

Sheerwater: 902-720-1885

Sydney: 902-563-7100 ext. 7107

Halifax Military Family Resource Centre offers prevention, support and intervention programs to military families.

Greenwood Military Family Resource Centre (Greenwood)

www.facebook.com/GMFRC/

902-765-5611

home@greenwoodmfc.ca

Memory Lane Family Place (Lower Sackville)

www.facebook.com/memorylanefamilyplace/

902-864-6363

mlfp@bellaliant.com

Mulgrave Park Caring and Learning Centre (Halifax)

www.mulgravepark.ca

902-453-5089

information@mulgravepark.ca

Musquodoboit Valley Family Resource Centre (Middle Musquodoboit)

<https://mvfrc1.wixsite.com/my-vxw-site-7e6b3i>

902-384-2794

mvfrc1@gmail.com

North End Parent Resource Centre (Halifax)

www.neprc.ca

902-492-0133

parentresource@hotmail.com

Parents and Children Together Resource Centre (Dartmouth)

www.parentsandchildrentogether.info

902-434-8952

Mi'kmaq Child Development Centre

www.facebook.com/groups/6552798938/

902-422-7850

mcdcahs@ns.aliantzinc.ca

Family resource centre offering culturally appropriate programs and resources for Indigenous families.

Cape Breton Family Place Resource Centre

www.familyplace.ca

Cape Breton Regional Municipality (Sydney)

902-562-5616

Inverness County (Inverness)

902-258-3002

Port Hawkesbury/Richmond County (Port Hawkesbury)

902-625-1496

Victoria County - North of Smokey (Neil's Harbour)

902-336-2208

Victoria County - South of Smokey (Baddeck)

902-295-2956

Kids First Association

<https://www.kids1st.ca/>

Pictou County (New Glasgow)

www.facebook.com/pictoukids1st.ca

902-755-5437

pictoucpnp@kids1st.ca

Antigonish

www.facebook.com/antigonish.kidsfirst

902-863-3848

antigonish@kids1st.ca

Guysborough County

www.facebook.com/guysboroughcountykids1st

902-533-3881

guysborough@kids1st.ca

Maggie's Place

www.maggiesplace.ca

Cumberland County (Amherst)

902-667-7250

cumberland@maggiesplace.ca

Colchester County (Truro)

902-895-0200

colchester@maggiesplace.ca

East Hants Family Resource Centre (Elmsdale)

<https://www.facebook.com/ehfrc/>

902-883-4349

info@ehfrc.com

Annapolis County Family Resource Centre - Family Matters (Lawrencetown)

www.family-matters.ca/

902-584-2210

familymatters@ns.sympatico.ca

South Shore Family Resource Association

www.southshorefamilyresource.org

Better Together Family Resource Centre (Bridgewater)

902-543-3119 or Toll-free: 1-833-543-3119

Queens Family Resource Centre (Liverpool)

902-354-7176 Toll-free: 1-833-354-7176

Shelburne Family Resource Centre (Shelburne)

902-875-3256

The Family Centre (Digby)

902-245-2300 Toll-free: 1-844-246-2300

thefamilycentre1@bellaliant.com

Kings County Family Resource Centre (Kentville)

www.kcfrc.ca

902-678-5760

family.centre@kcfrc.ca

Annapolis Valley-Hants Kids Action Program (Kentville)

www.kidsactionprogram.com/

902-698-0269

kidsaction@bellaliant.net

New Ross Family Resource Centre (New Ross)

www.nrfrc.ca

902-689-2414

nrfrcaren@gmail.com

Family Resource Centre of West Hants (Windsor)

<https://frcofwh.webs.com/>

902-798-5961

frcowh@gmail.com

Parent's Place Yarmouth Family Resource Centre (Yarmouth)

www.facebook.com/ParentsPlaceFamilyResourceCenter/

902-749-1718

parentsplaceed@bellaliant.com

Native Council of Nova Scotia

www.ncns.ca/program-services/child-help-initiative-program-chip/

Truro (Serving Colchester, Cumberland, Pictou, Guysborough, Antigonish, Halifax and Hants Counties)

902-895-1738 or Toll-free at 1-800-565-4372

ncnschip@eastlink.ca

Sydney (Serving Cape Breton, Richmond and Victoria Counties)
902-567-1240
cbchip@eastlink.ca

Liverpool (Serving Kings, Queens, Lunenburg, Annapolis, Digby, Yarmouth and Shelburne Counties)
902-354-2751
email: ncnschip2@eastlink.ca

The Native Council of Nova Scotia runs the Child Help Initiative Program (CHIP) for off-reserve aboriginal families and children 0-6 across Nova Scotia.

Moving services

Shelter movers

www.sheltermovers.com/nova-scotia/

Provides free moving and storage services to anyone who is moving due to violence or abuse. Clients are referred by a person of authority or public agency. This is a free service available to client who confirm they have or are experiencing abuse. Shelter Movers serves the Halifax Regional Municipality, the Valley and the South Shore.

December 6th Fund

<https://www.ywcahalifax.com/programs/violence-against-women/>

Non-interest bearing microloans for housing costs for female identifying people 18 or older, in Nova Scotia, who are fleeing, or have recently fled, abuse or violence.

Supreme Court (Family Division)

Amherst Justice Centre

16 Church Street, 3rd floor
Amherst, NS, B4H 3A6
902-667-2256
AMHFC@courts.ns.ca

Antigonish Justice Centre

11 James Street
Antigonish, NS, B2G 1R6
902-863-7312
AntigonishFamilyCourt@courts.ns.ca

Bridgewater Justice Centre

141 High Street
Bridgewater, NS, B4V 1W2
902-543-4679
BJC.Family.Court@courts.ns.ca

Digby/Annapolis Justice Centre

119 Queen Street
P.O. Box 1089
Digby, NS, B0V 1A0
902-245-4567
scfamilydig@courts.ns.ca

Halifax Family Division

3380 Devonshire Avenue
Halifax, NS, B3K 5R5
902-424-3990

scfamilyhfx@courts.ns.ca

Kentville Justice Centre

87 Cornwallis Street
Kentville, NS, B4N 2E5
902-679-6075
Kjc-family@courts.ns.ca

Pictou Justice Centre

PO Box 1750, 69 Water Street
Pictou, NS, B0K 1H0
902-485-7350
Pictoufamily@courts.ns.ca

Port Hawkesbury Justice Centre

15 Kennedy Street
Port Hawkesbury, NS, B9A 2Y1
902-625-2665
porthawkesburyfamily@courts.ns.ca

Sydney Justice Centre

136 Charlotte Street, Suites #1 & 2
Sydney, NS, B1P 1C3
902-563-2200
sydneyfamilydivision@courts.ns.ca

Truro Justice Centre

540 Prince Street
Truro, NS, B2N 1G1
902-893-4272
trurofamilycourt@courts.ns.ca

Yarmouth Justice Centre

164 Main Street
Yarmouth, NS, B5A 1C2
902-742-0550
yarmouthfamilycourt@courts.ns.ca

Summary Advice Counsel

Amherst: 902-667-2256

Annapolis: 902-742-0500

Antigonish: 902-863-7312

Bridgewater: 902-543-4679

Halifax: 902-424-5616

Kentville: 902-679-6075

Pictou: 902-485-7350

Port Hawkesbury: 902-625-2665

Sydney: 902-563-2085

Truro: 902-893-5840

Windsor: 902-679-6075

Yarmouth: 902- 742-0500

Free, brief family law legal advice and information if you do not have a lawyer. This is a court-based service provided by Nova Scotia Legal Aid Summary Advice Counsel. You can make an appointment by calling the court in your area.

Legal Aid

www.nslegalaid.ca

Amherst

902-667-7544 or toll-free at 1-866-999-7544

Annapolis Royal

902-532-2311 or toll-free at 1-866-532-2311

Antigonish

902-863-3350 or toll-free at 1-866-439-1544

Bridgewater

902-543-4658 or toll-free at 1-866-543-4658

Liverpool Sub-Office: 902-354-3215 or toll-free at 1-866-543-4658

Dartmouth (family)

902-420-7921 or toll-free at 1-855-420-7921

Dartmouth (family - child protection)

902-420-8897 or toll-free at 1-855-420-7921

Dartmouth (criminal)

902-420-8815 or toll-free at 1-877-420-8818

Halifax (family)

902-420-3450 or toll-free at 1-866-420-3450

Halifax (adult criminal)
902-420-6583 or toll-free at 1-877-777-6583

Halifax (HRM youth)
902-420-6569

Halifax (social justice)
902-420-3464 or toll-free at 1-844-956-0955

Kentville
902-679-6110 or toll-free at 1-866-679-6110

New Glasgow
902-755-7020 or toll-free at 1-877-755-7020

Port Hawkesbury
902-625-4047 or toll-free at 1-888-817-0116

Sydney
902-563-2295 or toll-free at 1-877-563-2295

Truro, Colchester County
902-893-5920 or toll-free at 1-877-777-5920

Windsor
902-798-8397 or toll-free at 1-866-798-8397

Yarmouth
902-742-7827 or toll-free at 1-866-742-3300

HRM Duty Counsel: 902-420-7800

Sydney Duty Counsel: 902-539-7026

Legal Aid Child protection Early Intervention Office (Dartmouth)
902-420-8897

Legal and justice support services

African Nova Scotian Justice Institute

www.ansdpad.ca/ansji/

902-492-5619

Email: info@ansji.ca

Creating programs and services to address institutional racism faced by African Nova Scotians and their families.

Canadian Muslim Lawyers Association

www.cmla-acam.ca

Coverdale Justice Society

902-422-6417

www.coverdale.ca

Email: admin@coverdale.ca

Supports women, girls and gender-diverse individuals involved in the criminal justice system. Services include intensive case management, court support and navigation, assistance with bail, release, and reintegration; supportive housing, cultural services, personal development programming, counselling and jail-based outreach services at the Central Nova Scotia Correctional Facility. All services are confidential and free of charge.

The Courts of Nova Scotia

www.courts.ns.ca/

Dalhousie Legal Aid

902-423-8105

www.dal.ca/faculty/law/dlas.html

Elizabeth Fry Society

Mainland Nova Scotia

902-454-5041

www.efrymns.ca

email: ed@efrymns.ca

Holly House (Dartmouth): 902-454-5041

Truro: 902-897-0852

Cape Breton

Sydney: 902-539-6165

www.efrycb.com/home.html

email: efrycb@eastlink.ca

Assisting women, girls, gender-diverse and non-binary individuals involved with the criminal justice system. Elizabeth Fry provides housing support and may provide various program such as court accompaniment, relapse prevention, domestic violence or gender-based violence programming and healthy relations.

Emergency Protection Orders - Justice of the Peace Centre

To apply for an Emergency Protection Order call: 1-866-816-6555 toll-free or 902-424-8888

Immediate action to protect victims of domestic violence in emergency situations.

Family Law Information Program Centres (FLIP Centres)

Halifax: 902-424-5232

Sydney: 902-563-5761

Legal information, help with finding a lawyer or legal advice, referrals to community agencies, information about court programs and services. FLIP centres may be able to provide some court documents or computer access.

L'Association des juristes d'expression française de la Nouvelle Écosse

902-433-2085 or 1-844-250-8471 (English or French)

www.ajefne.ns.ca

Bilingual legal information centre providing confidential services in Nova Scotia.

Legal Advice for Sexual Assault Survivors

www.novascotia.ca/sexualassaultlegaladvice/

To register: Call 211

Up to 4 hours of free, independent legal advice for sexual assault survivors aged 16 or older. You do not have to report to police or take legal action if you use this service.

Legal Information Society of Nova Scotia

902-455-3135 or 1-800-665-9779 (toll-free)

www.legalinfo.org

Free information on all legal issues, and ways to find a lawyer, including a lawyer referral service.

ReachAbility

902-429-5878 or 1-866-429-5878

www.reachability.org

Serves Nova Scotians who face barriers to inclusion and community participation. Services include a legal referral service for a free one-hour consultation for legal advice.

Nova Scotia Human Rights Commission

902 424-4111 or Toll-free: 1-877-269-7699

<https://humanrights.novascotia.ca/>

TTY services available via 711

hrcinquiries@novascotia.ca

Nova Scotia Ombudsman's Office

902-424-6780 or Toll-free: 1-800-670-1111

www.gov.ns.ca/ombu

Victim Services

Department of Justice Victim Services

www.novascotia.ca/just/victim_Services/

Head Office (Halifax)

902-424-3309 or toll-free at 1-888-470-0773

Dartmouth (serves Halifax, Dartmouth & Halifax County)

902-424-3307 or toll-free at 1-833-424-3307

Kentville (serves Annapolis, Kings, Hants, Lunenburg, Queens, Shelburne and Yarmouth & Digby counties)

902-679-6201 or toll-free at 1-800-565-1805

Pictou (serves East Hants, Colchester, Cumberland, Pictou & Antigonish Counties)

902-485-3580 or toll-free at 1-800-565-7912

Sydney (serves Guysborough, Cape Breton, Richmond, Inverness & Victoria Counties)

902-563-3655 or toll-free at 1-800-565-0071

On their website, you can also find information about how to apply for the Criminal Injuries Counselling Program.

Halifax Regional Police Victim Services Unit

902-490-5300

Text: 902-497-4709

www.halifax.ca/fire-police/police/programs-services/victim-services-halifax

Support for victims of crime, in particular domestic violence and sexual violence. Includes a peace bond navigator program, domestic violence case coordinator and a domestic violence offender navigator.

Mi'kmaw Native Friendship Centre - Victim Support Navigator

902-420-1576

www.mymnfc.com

Child protection and adult protection

Find the child welfare agency in your area:

www.novascotia.ca/coms/department/contact/ChildWelfareServices.html

After regular business hours, call 1-866-922-2434

Annapolis County: 902-532-2337

Antigonish: 902-863-3213

Barrington Passage: 902-637-2335

Cape Breton Regional Municipality

Victoria District: 902-563-3400

Glace Bay District: 902-842-4000

North Sydney District: 902-794-5110

Colchester County: 902-893-5950

Cole Harbour: 902-435-7472

Digby: 902-245-5811

Guysborough: 902-533-4007

Halifax:

Gottingen Street: 902-425-5420

Bayers Road: 902-424-4150

Dartmouth Garland Avenue: 902-424-3298

Sackville District: 902-869-3600

Hants County: 902-798-8319

Inverness/Richmond: 902-625-0660

Kings County: 902-678-6176

Lunenburg County: 902-543-4554

Pictou County: 902-755-5950

Queens County: 902-354-3525

Yarmouth County: 902-742-0700

Mi'kmaw Family & Children's Services

Shubenacadie: 902-758-3553 or 1-800-263-8686

Cape Breton: 1-800-263-8300

Adult Protection
1-800-225-7225

Healthcare and Mental Health & Addictions Services

Nova Scotia Mental Health and Addictions Program

www.mha.nshealth.ca/en

Intake line: 1-855-922-1122

Find a location near you: www.mha.nshealth.ca/en/clinics

Offers a variety of services across the province including day treatment programs, adolescent programs, community mental health and addiction services.

Reproductive Mental Health and Addictions Service - IWK (Halifax)

902-470-8098

Acadia First Nation Community Health Center (Gold River and Yarmouth)

Gold River

www.acadiafirstnation.ca/health.html

902-627-1245

grfrontdesk@acadiaband.ca

Yarmouth

www.acadiafirstnation.ca/health.html

902-742-4337

marlarobinson-pyne@acadiaband.ca

Providing health programs and services to the members of Acadia First Nation and their families such as wellness and health-promotion clinics and parent and tot groups.

Canadian Mental Health Association

www.novascotia.cmha.ca

Halifax/Dartmouth

www.cmhahaldart.ca

902-455-5445

cmhahal@ns.aliantzinc.ca

Programs for adults experiences mental illness and mental health concerns. This branch does not offer clinical service but can help with referrals to community mental health services.

Colchester East Hants

<https://ceh.cmha.ca/>

902-895-4211

Email: cmha.ceh11@gmail.com

This branch offers direct services to individuals with mental health concerns as well as supporting group programming.

Native Alcohol and Drug Abuse Counselling Association of Nova Scotia

www.nadaca.ca

1-866-588-5954

Treatment programs centred in Aboriginal values. Based in Eskasoni with satellite offices in Glooscap First Nation, Acadia First Nation and Annapolis Valley First Nation.

Eskasoni Mental Health Services

www.eskasonimentalhealth.org

902-379-2099 1-855- 379-2099 (24/7)

Province-wide support to Mi'kmaq people, provided by Eskasoni Mental Health.

prideHealth

www.nshealth.ca/content/pridehealth

902-487-0470

A partnership between the Nova Scotia Health Authority and the IWK Health Centre, prideHealth provides the services for the 2SLGBTQIA+ community.

Sexual Health Nova Scotia

Halifax Sexual Health Centre (Halifax)

902-455-9656

admin@hshc.ca

Cape Breton Centre for Sexual Health (Sydney)

902-539-9650

cbcforsexualhealth@gmail.com

Pictou County Sexual Health Centre

Currently closed according to website

Sexual Health Centre for Cumberland County (Amherst)

902-667-7500

sexualhealthcumberland@gmail.com

South Shore Sexual Health

902-527-2868

southshoresexualhealth@gmail.com

Sheet Harbour Sexual Health Centre

902-885-3693

sheetharbourshc@hotmail.com

Services include education programs and training workshops as well as guidance and peer counselling for individuals.

IWK Health Centre

www.iwk.nshealth.ca/mental-health/community-mental-health-and-addictions

1-855-922-1122

Includes a community mental health and additions clinic for youth up to 19 years old.

Family Services of Eastern Nova Scotia

www.ensfamilyservice.ca

1-866-330-5952

Sydney: 902-539-6868

Glace Bay: 902-849-4772

Antigonish: 902-863-2358

New Glasgow: 902-752-7562

Offers individual, couple and family counselling and other programs such as cooperative parenting and anger management.

Crisis and help lines

Provincial Mental Health Crisis Line

1-888-429-8167 (toll-free)

211

<https://ns.211.ca/search/>

211 can also connect you to a women's helpline, men's helpline and all genders helpline 24/7 throughout Nova Scotia.

Avalon Sexual Assault Nurse Examiner Program

SANE 24-Hour Response Line: 902-425-0122

Neighbour Friends and Family toll free line

1-855-225-0220 (24/7)

Call or text to speak to someone confidentially if you think a neighbour, friend or family may be in a situation of violence.

Mi'kmaq Crisis Line

1-855-379-2099 (24/7)

Mental Health Mobile Crisis

902-429-8167 or 1-888-429-8167 (24/7)

Provides crisis support for children, youth and adults. Service offers telephone crisis support anywhere in Nova Scotia and a Mobile Response from 1pm to 1am to most communities in Halifax Regional Municipality.

Indian Residential School Crisis Line

1-800-721-0066 (24/7)

Hope for Wellness

www.hopeforwellness.ca

1-855-242-3310 (24/7)

Call the toll-free Help Line at 1-855-242-3310 (24/7) or use the chat box on the website to connect with a counsellor. Hope for Wellness Help Line offers culturally competent counsellors to all Indigenous peoples in Canada.

Trans Lifeline

1-877-330-6366

Trans Lifeline is a hotline providing trans peer support. It is run by and for trans people.

Youthspace

Online Chat: www.youthspace.ca

Text: 778-783-0177

Youthspace provides an online crisis and emotional support chat service for youth under 30. This service is available from 6pm-midnight (PST0 every day.

Kids Help Phone

www.kidshelpphone.ca/

1-800-668-6868 (24/7)

Text: 686868

Kids Help Phone is available 24/7 and offers free, confidential support to young people in both English and French.

Canadian Human Trafficking Hotline

1-833-900-1010 (24/7)

www.canadianhumantraffickinghotline.ca

Support is available in over 200 languages for victims of human trafficking. A chat function is available on the website.

Intervention and prevention programs

CornerStone Cape Breton Association

www.cornerstonecb.ca

902-567-0979

connect@cornerstonecb.ca

Provides psycho-educational groups and respectful relationship programming for men 18 and older who are engaged in Domestic Violence Court or who have past use of domestic violence or abuse.

John Howard Society of Nova Scotia (Halifax)

www.ns.johnhoward.ca

902-429-6429 x 115

The John Howard Society of Nova Scotia runs the Caring Dads program. Caring Dads is a group intervention program for men who have abused, neglected, or exposed their children to domestic violence.

New Start Counselling (Dartmouth)

www.newstartcounselling.ca

902-423-4675

newstart@eastlink.ca

New Start Counselling provides counselling service for people who have used abuse or violence in their intimate partner relationship. New Start Counselling provides individual and group meetings.

Peoples' Counselling Clinic (Halifax)

www.thepeoplescounsellingclinic.ca

902-832-1593

thepeoplescounsellingclinic@gmail.com

Offers counselling services around the use of violence in relationships. The Peoples' Counselling Clinic also partners with the Halifax Domestic Violence Court.

New Direction (Amherst and Cumberland County)

www.autumnhouse.ca/programs-services/mens-services/

902-667-1344

autumnhouse@ns.aliantzinc.ca

Men's Intervention Program for men who have engaged in abusive behaviour. Run by Autumn House.

New Leaf (New Glasgow)

www.newleafpictoucounty.ca

902-396-2440

newleaf@ns.aliantzinc.ca

Providing programs and services to men who have engaged in abusive behaviour.

Second Chance (Sydney)

902-567-0979

programsecondchance@hotmail.com

Second Chance provides Men's Intervention Programming.

The Bridges Institute (Truro)

www.bridgesinstitute.org

902- 897-6665

bridges@bridgesinstitute.org

A counselling centre for families with a speciality in domestic abuse and anger management.

Youth programs

Big Brothers Big Sisters

Greater Halifax

www.halifax.bigbrothersbigsisters.ca

902-466-5437

halifax@bigbrothersbigsisters.ca

Cape Breton

www.capecbreton.bigbrothersbigsisters.ca

902-564-5437

capebretonmentoring@gmail.com

Pictou County (New Glasgow)

www.pictoucounty.bigbrothersbigsisters.ca

902-752-6260

bigbrothers@bellaliант.com

Colchester

www.colchester.bigbrothersbigsisters.ca

902-895-4562

Big Brothers Big Sisters of the Annapolis Valley (Kentville)

www.annapolisvalley.bigbrothersbigsisters.ca

902-678-8641

annapolis.valley@bigbrothersbigsisters.ca

Programming includes one-on-one mentoring, in-school mentoring, youth outreach and group programs.

Boys and Girls Club

Sydney

www.bgccb.ca

902-567-0240

Dartmouth

www.bgcgh.ca

902-435-3204

info@bgcgh.ca

East Preston

www.boysandgirlsclubofpreston.com

902-829-2665

Truro

www.bgctruro.ca

902-895-5008

Boys and Girls Club provides a safe environment for youth to learn life skills, build positive relationships and develop confidence.

Community CARES Youth Outreach (Sydney Mines)

www.communitycaresyouth.com

902-544-0049

directorccyo@gmail.com

Support and resources for youth ages 16-30 including connecting to resources such as housing, legal, mental health, family and employment.

iMOVE

www.inmyownvoice.ca

Uses the arts for healing and self-expression, to enhance participants (including youth at risk) ability to make a living, and to develop their leadership skills.

LOVE Nova Scotia

www.lovenovascotia.ca

902-580-0320

info@lovenovascotia.ca

The LOVE program supports youth through programs focused on healthy relationships, resilience and emotional intelligence.

YWCA Halifax Youth Programs

www.ywcahalifax.com/programs/youth-programs/

Offers programs to youth such as YSpace (focused on cyberviolence prevention) and GuySpace (focused on violence and cyberbullying prevention)

Government programs and intimate partner violence resources

Government of Nova Scotia - Intimate Partner Violence Resources

www.novascotia.ca/just/victim_services/family_violence.asp

NS Domestic Violence Resource Centre

www.nsdomesticviolence.ca

Domestic Violence Court Program

www.courts.ns.ca/Provincial_Court/NSPC Domestic violence court.htm

Sydney: 902-563-3510

Halifax: 902-424-7404 or HfxDVCP@novascotia.ca

Early Lease Termination for Tenants Facing Domestic Violence

Call Victim Services at: 1-888-470-0773

[https://novascotia.ca/just/victim_Services/tenant Facing Domestic.asp](http://www.novascotia.ca/just/victim_Services/tenant Facing Domestic.asp)

Maintenance Enforcement Program

www.gov.ns.ca/just/mep

(902) 424-0050 or toll free at 1-800-357-9248

Intimate Images and Cyber Protection - CyberScan

902-424-6990 in Halifax or 1-855-702-8324 toll-free

www.novascotia.ca/cyberscan/

Support in situations of cyberbullying or the sharing of intimate images including help to apply for a Cyber Protection Order and/or support from CyberScan staff to help find a solution.

Leave from Work - Domestic Violence

www.novascotia.ca/lae/employmentrights/leaves.asp#domestic-violence

Information on entitlement to leave for an employee who is experiencing domestic violence (or whose child under 18 is experiencing domestic violence), including up to three days of paid leave. Includes a free 20-minute public education course.

Nova Scotia Freedom of Information and Protection of Privacy Review Office

902 424-4684 or Toll-free: 1-866-243-1564

<https://beta.novascotia.ca/programs-and-services/information-access-and-privacy>

Department of Community Services

Contact the Department of Community Services office in your region for information about child welfare, employment support and income assistance and the Disability Support Program. Find an office online at:

www.novascotia.ca/coms/department/contact/index.html

Northern Region

Cumberland District Office

General Inquiries and Child Welfare Services: 902-667-3336

Colchester District Office

General Inquiries and Child Welfare Services: 902-893-5950

New Glasgow District Office

General Inquiries: 902-755-7363

Child Welfare Services: 902-755-5950

Antigonish District Office

General Inquiries and Child Welfare Services: 902-863-3213

Guysborough District Office

Child Welfare Services & General Inquiries: 902-533-4007

East Hants (Elmsdale)

General Inquiries: 902-883-3539

Mi'kmaw Family and Children's Services - Eskasoni Office

902-379-2433

Toll Free: 1-800-263-8300

Northern Regional Office (New Glasgow)

902-755-7023

Western Region**Yarmouth District Office**

Child Welfare Services & General Inquiries: 902-742-0741

Digby District Office

Child Welfare Services & General Inquiries: 902-245-5811

Barrington Passage Office

General Inquiries: 902-637-2335

Annapolis District Office

Child Welfare Services, ESIA & General Inquiries: 902-532-2337

Middleton Office

Income Assistance & Employment Support, Housing: 902-825-3481 or Toll Free at 1-800-564-3483

Queens District Office

Child Welfare Services & General Inquiries: 902-354-2771

Lunenburg District Office

General Inquiries: 902-543-5527

Child Welfare Services: 902-543-4554

Kings District Office

Income Assistance, Employment Supports, Child Welfare Services & General Inquiries: 902-678-6176 or Toll Free at 1-877-424-1177

Hants District Office

Child Welfare Services, ESIA, FMIS/ERO: 902-798-8319

Western Regional Office

902-679-5146

Central Region**Halifax Bayers Road**

Children and Family Services: 902-424-4150

Child Welfare After Hours: Toll Free at 1-866-922-2434 or 902-424-2434

Report Child Abuse/Neglect: 902-424-5800 or Toll Free at 1-833-424-5800

Income Assistance: 902-424-4150 or Toll Free at 1-877-424-1177

Employment Support Services: 902-424-1980 or Toll Free at 1-877-424-1177

Halifax Gottingen Street

Children and Family Services: 902-425-5420

Child Welfare After Hours: Toll Free at 1-866-922-2434 or 902-424-2434

Report Child Abuse/Neglect 902-424-5800 or Toll Free at 1-833-424-5800

Income Assistance: 902-425-5420; TDD: 902-424-3939; Toll Free: 1-877-424-1177

Employment Support Services: 902-424-1980 or Toll Free at 1-877-424-1177

Disability Support Services: 902-424-6111

Dartmouth Alderney Drive

Income Assistance: 902-424-1600 or Toll Free at 1-877-424-1177

Employment Support Services: 902-424-1980 or Toll Free at 1-877-424-1177

Dartmouth Garland Avenue

Child Welfare Services: 902-424-3298

Child Welfare After Hours: Toll Free at 1-866-922-2434 or 902-424-2434

Report Child Abuse/Neglect: Toll Free at 1-833-424-5800 or 902-424-5800

Disability Support Services: 902-424-6111

Sackville

Child Welfare Services & Income Assistance: 902-869-3600 or Toll Free at 1-877-424-1177

Child Welfare After Hours: Toll Free at 1-866-922-2434 or 902-424-2434

Report Child Abuse/Neglect: 902-424-5800 or Toll Free at 1-833-424-5800

Cole Harbour

Income Assistance General Inquiries: 902-435-7472 or Toll Free at 1-877-424-1177

Central Regional Office

902-424-5074

Eastern Region

Sydney District Office

General Inquiries: 902-563-3300

Port Hawkesbury District Office

General Inquiries: 902-625-0660

North Sydney District Office

General Inquiries: 902-794-5110

Glace Bay District Office

General Inquiries: 902-842-4000

Baddeck Sub-Office

General Inquiries: 902-295-3815

Port Hood Sub-Office

General Inquiries: 902-787-4000

St. Peters Sub-Office

General Inquiries: 902-535-3000

Ingonish Satellite Office

General Inquiries: 902-285-2652

Cheticamp Satellite Office

General Inquiries: 902-224-4106

Mi'kmaw Family and Children's Services - Indian Brook Office

902-758-3553 or Toll Free at 1-800-263-8686

Eastern Regional Office

902-563-3302

Additional resources for Indigenous survivors

Mi'kmaw Legal Support Network

902-379-2042 or toll-free at 1-877-379-2042

Mi'kmaw Native Friendship Centre (Halifax)

www.mymnfc.com

902-420-1576

The Mi'kmaw Native Friendship Centre offers a variety of programs including family support services, victim services, community & culture and a Jordan's Principle coordinator.

Native Council of Nova Scotia

www.ncns.ca

1-800-565-4372

The Native Council of Nova Scotia serves Mi'kmaq/Aboriginal Peoples of Nova Scotia who continue to reside on the traditional ancestral homelands off-reserve and offers a variety of programs and services including the Native Social Counselling Agency, Parenting Journey and Social Youth Outreach program.

Nova Scotia Native Women's Association (Truro)

www.nsnwa.ca

902-893-7402

The Nova Scotia Native Women's Association delivers programs promoting equal opportunity for Indigenous women, 2SLGBTQQIA people and their families, including a priority to eliminate violence against Indigenous women, girls 2SLGBTQQIA, men and boys.

The Confederacy of Mainland Mi'kmaq

www.cmmns.com

902-895-6385

Delivers a variety of programs and services including health & social services, mental wellness and Jordan's Principle.

Jordan's Principle

www.canada.ca/jordans-principle

Additional resources for African Nova Scotian Survivors

African Nova Scotian Justice Institute

www.ansdpad.ca/ansji/

902-492-5619

Email: info@ansji.ca

Creating programs and services to address institutional racism faced by African Nova Scotians and their families.

African Nova Scotian Affairs

www.ansa.novascotia.ca

Association of Black Social Workers (ABSW)

www.nsabsw.ca

902-407-8809

office@nsabsw.ca

Offers education, counselling, support and community-based programs with the goal of contributing to the health and wellbeing of people of African descent in Nova Scotia.

Black Cultural Centre

www.bccns.com

902-434-6223 Toll Free: 1-800-465-0767

contact@bccns.com

Black Educators Association of Nova Scotia (Halifax)

<http://bea-ns.ca/adult-education.html>

902-424-7036

info@bea-ns.ca

Nova Scotia Brotherhood

<https://www.nshealth.ca/clinics-programs-and-services/nova-scotia-brotherhood-initiative-nsbi>

902-434-0823

nsbrotherhood@nshealth.ca

Nova Scotia Sisterhood

<https://www.nshealth.ca/clinics-programs-and-services/nova-scotia-sisterhood>

902-434-0299

nssisterhood@nshealth.ca

Nurturing Strong African Nova Scotian Families Program

www.nurturingstrongansf.com

902-877-3847

Valley African Nova Scotian Development Association (VANSDA) (Kentville)

www.vansda.ca

902-678-7410

Focused on increasing employment opportunities for marginalized community members and improving quality of life for African Nova Scotians and others in the Annapolis valley.

Note: See above under family resource centres for contact information for resources centres serving African Nova Scotian communities such as **East Preston Family Resource and Daycare Centre**, **Mulgrave Park Caring and Learning Centre** and the **North End Parent Resource Centre**

Additional resources for Newcomer and Immigrant Survivors

Association of Translators and Interpreters of Nova Scotia

www.atins.org

Provides access to certified professionals for people who need language services.

Halifax Refugee Clinic

902-422-6736

www.halifaxrefugeeclinic.org

Free legal and settlement services to those who cannot afford legal counsel and are claiming refugee status in Nova Scotia.

Immigrant Services Association of Nova Scotia (ISANS)

www.isans.ca

902-423-3607 or Toll Free: 1-866-431-6472

Settlement and integration services for immigrants in or coming to communities in Nova Scotia. ISANS has Specialized Settlement Support Counsellors who can provide assistance to those who have experienced domestic violence. Interpretation is available upon request.

Immigrant Migrant Women's Association of Halifax (IMWAH)

www.imwah.org

902-580-2678

info@imwah.org

Immigration Francophone Nouvelle-Écosse

<https://www.ifne.ca/>

902-433-2099

info@ifne.ca

Nova Scotia Immigration

www.novascotiaimmigration.com/

902-424-5230 or Toll Free at 1-877-292-9597

immigration@novascotia.ca

The Salvation Army - Atlantic Refugee & Immigrant Services (ARIS)

www.salvationarmy.ca/maritime/2019/10/aris-helping-immigrants-settle-into-our-communities-and-reunite-with-family-members/

902-477-5393

Rainbow Refugee Association of Nova Scotia

www.rainbowrefugeens.com

Privately sponsors, resettles, and advocates for LGBTQI+ refugees in Nova Scotia.

YMCA Centre for Immigrant Programs: Gender-Based Violence Prevention Program (GBVP)

www.ymcahfx.ca/immigrant-programs/gbvp/

902-457-1959

The Gender-Based Violence Prevention Program provides workshops in the community around an Intercultural Approach to Preventing Gender-Based Violence.

Programs focus on healthy relationships, strong families, and providing information about preventing gender-based violence.

The YMCA YREACH program offers settlement services across the province. For more information including contact information, visit www.yishfx.ca/yreach.

United African-Canadian Women's Association

www.uacwa.org

info@uacwa.org

Immigration Francophone Nouvelle-Ecosse

www.immigrationfrancophonene.ca

902-433-2099

infor@ifne.ca

Provides services prior to and after arrival including outreach and needs assessment and referral.

Additional resources for 2SLGBTQIA+ survivors

Ally Centre of Cape Breton

www.allycentreofcapebreton.com

902-567-1766

Nova Scotia Rainbow Action Project

www.nsrap.ca

902-444-2306

PFLAG Canada - Nova Scotia Chapter

www.pflagcanada.ca/nova-scotia/

1-888-530-6777

halifaxns@pflagcanada.ca

Pride Cape Breton

www.pridecb.com

902-539-4627

Youth Project

www.youthproject.ns.ca

902-429-5429

Provides services to youth 25 and under across the province around issues of sexual orientation and gender identity.

Youth Project (Cape Breton)

www.facebook.com/CapeBretonYouthProject/

902-562-3510

capebreton@youthproject.ns.ca

South House

www.southhousehalifax.org

info@southhousehalifax.ca

902-494 2432

South House is a sexual and gender resource centre supporting women and people who experience oppression due to gender and sexuality.

Additional resources for deaf or hard of hearing survivors and survivors with disabilities

Accessibility Directorate

<https://novascotia.ca/accessibility/>

Phone: 902-424-8280

Toll-free (within Nova Scotia): 1-800-565-8280

TTY: 902-424-2667

TTY toll-free (within Nova Scotia): 1-877-996-9954

accessibility@novascotia.ca

Autism Nova Scotia

www.autismnovascotia.ca/

Halifax: 902-446-4995

Bedford: 902-593-1015

Toll Free: 1-877-544-4495

info@autismns.ca

Caregivers Nova Scotia

www.caregiversns.org

1-877-488-7390

Info@CaregiversNS.org

Capital Region

902-421-7390

Cape Breton Region

902-595-0128

CapeBreton@CaregiversNS.org

Northern & Eastern Mainland Region

902-229-8464

Northern@CaregiversNS.org

Valley Region

902-680-8706

Valley@CaregiversNS.org

Western Region

902-514-1281

Southshore@CaregiversNS.org

Easter Seals (Dartmouth)

www.easterseals.ns.ca

Inclusion NS

www.inclusionns.ca

1-844-469-1174

inform@inclusionns.ca

Providing support to individuals with intellectual disabilities and their families

Nova Scotia League for Equal Opportunities

www.nsleo.com

In collaboration with Easter Seals Nova Scotia, Nova Scotia League for Equal Opportunities conducted research on the issue of women with disabilities who experience domestic violence. See more here: www.oneaction.ca/about

People First of Nova Scotia

www.facebook.com/peoplefirstns/

For people with intellectual disabilities (multiple office locations)

ReachAbility

902-429-5878 or 1-866-429-5878

www.reachability.org

Serves Nova Scotians who face barriers to inclusion and community participation. Services include a legal referral service for a free one-hour consultation for legal advice.

Society of Deaf & Hard of Hearing Nova Scotians

www.sdhhns.org

Halifax and Mainland NS

902-422-7130 Voice/TTY

sdhhns@ns.sympatico.ca

Cape Breton

902-564-0003 Voice/TTY

cbdeaf@ns.sympatico.ca

Additional resources for Francophone survivors

L'Association des juristes d'expression française de la Nouvelle Écosse

902-433-2085 or 1-844-250-8471 (English or French)

www.ajefne.ns.ca

Bilingual legal information centre providing confidential services in Nova Scotia.

Human trafficking resources

Trafficking and Exploitation Services System - TESS

www.tessns.ca

Find information about human trafficking and commercial sexual exploitation, as well as resources and supports in Nova Scotia.

YWCA Nstay Team

NSTAY@ywcahalifax.com

This program provides exploited/trafficked youth with wraparound support and connects them with the services they need.

GATE: Girls against Trafficking & Exploitation

www.efrymns.ca/trafficking-survivors

Service provided by Elizabeth Fry Society of Mainland Nova Scotia focused on programming, housing and healing.

Stepping Stone (Dartmouth)

www.steppingstonens.ca

902-420-0103

This organization provides services and support for survivors of human trafficking

Nova Scotia Provincial Human Trafficking Team (RCMP Integrated)

902-449-2425

If you or someone you know may be a victim of human trafficking, call the Nova Scotia Human Trafficking Hotline at 902-449-2425

Resources and information about intimate partner violence and family violence

Family Law Nova Scotia

www.nsfamilylaw.ca

Information about the family law process in Nova Scotia, including access to guides, resources and court forms.

Nova Scotia Advisory Council on the Status of Women

<https://women.novascotia.ca/>

No Longer On My Own

www.nolongeronmyown.ca

Centre for Research and Education on Violence Against Women & Children

www.learningtoendabuse.ca

Be the Peace Institute

www.bethepeace.ca

Break the Silence

www.breakthesilencens.ca

Ending Violence Canada

www.endingviolencecanada.org

Family Violence Family Law

www.fvfl-vfdf.ca

Luke's Place (Ontario)

www.lukesplace.ca

Justice Canada - Family Violence

www.justice.gc.ca/eng/cj-jp/fv-vf/index.html

Women and Gender Equality Canada

www.women-gender-equality.canada.ca/en.html

Stop Family Violence - Public Health Agency of Canada

www.canada.ca/en/public-health/services/health-promotion/stop-family-violence.html