

Finding Legal Help and Navigating the Justice System

WORKING WITH ABUSED WOMEN

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METRAC
ACTION ON VIOLENCE

Presenters

Roxana Parsa, Program Lawyer
METRAC

Talayeh Shomali, Justice Projects Coordinator
METRAC

About METRAC

METRAC www.metrac.org

- works to end violence against women, youth and children
- a not-for-profit, community-based organization
- 3 departments: safety, Community Justice and Youth (ReAct)



Crisis in Access to Justice

- Women are less able to afford standard legal fees (62% of Ontarians who earn less than \$20,000 are women- the lowest income group)
- In Ontario, women are among the group most likely to decide not to seek legal assistance, even when they believe it will help them.

Crisis in Access to Justice- Continued

- There is less government funding available for the kind of legal assistance they need.
- Most women need legal assistance in family and civil proceedings, whereas half of Legal Aid Ontario certificates issued are allocated to Criminal Law.

Access to Justice

- **Understand your access to justice role as the “trusted intermediary”**
 - The first contact - providing early information about basic rights and processes
 - Providing opportunities to identify issues and directing her to appropriate services
 - Facilitating greater access to legal information, advice and alternative dispute resolution processes, if appropriate
 - Helping her to understand the “legalese”

**What are some of
the barriers a
woman might face?**



First Steps

First Steps

1. Assess safety

- she is at most risk when she leaves an abusive relationship and when her partner gets notice that she is starting a legal proceeding
- make a safety plan
- ensure she and her children are safe

First Steps

- Ensuring she and children are safe:
 - Consider applying for a **Peace Bond** or a **Restraining Order**. You can do this by going to the police or to court.
 - This can put strict limits on her partner's behavior.
 - Will need to show evidence
 - For more information: <http://owjn.org/2016/08/protection-orders/>

First Steps- Continued

2. Identify potential barriers to accessing help and anticipate accommodation needs

- Help address potential barriers
 - Social Barriers
 - Power Dynamics
 - Other areas of oppression
 - Finances
- Help anticipate/meet accommodation needs
 - Accessible resources
 - Language interpreters
 - LGBTQ Positive Spaces
 - Alternative/Restorative Justice



First Steps

3. Identify legal issues and understand the problem may involve multiple areas of law

Family Issues

- separation/divorce
- child/spousal support
- child protection, CAS

Criminal Issues

- Possible assault charges
- Possible protection order

Immigration Issues

- has applied for permanent residence
- partner is sponsoring her
- risk of deportation
- refugee application denied

Important to Know

- Most lawyers will not have expertise in multiple areas of law
- There are other people other than lawyers who might be able to help (ie. Paralegals)
- The law can't address everything and may not be appropriate in every case
- There might be issues that can helped outside the legal system
- It is important to consider factors beyond a shared language

When Deciding If a Lawyer is Needed

Think About:

- How important is the issue? Does she want to go to Court?
- Does the woman have enough money to hire a lawyer? Does she qualify for Legal Aid?
- Can someone other than a lawyer help?
- Can she do some things without a lawyer and other things with a lawyer?

For a family issue:

- Can the woman and her partner talk calmly and reasonably?
- Is it safe to have contact with the partner?
- Does their partner have a lawyer?

Marissa's Story

Marissa and Paul have been dating for many years. When Marissa got pregnant, she moved into Paul's apartment and their baby son is 1 year old now. Money is tight and they fight a lot. Marissa's vision is impaired and she has to rely on Paul a lot for assistance or to set up her assistive devices. Paul is verbally abusive to Marissa, making her feel bad about her disability and that she is not contributing enough to the finances. He has slapped her several times during their fights.

Two months ago, Paul came home really drunk and was more angry than Marissa had ever remembered. She's called your women's centre looking for some information. She's increasingly afraid of Paul and she's not sure if she should call the police next time or what she can do to get help. She doesn't make a lot of money and the apartment is in Paul's name. He's threatened that if she thinks of leaving, he'll take their son and she'll be out on the street with no money or support.

First Steps

4. Do your research: find resources and legal information

Websites offer **free legal information** to help you learn more about legal rights, responsibilities, options:

- Ontario Women's Justice Network www.owjn.org
- Family Law Education for Women (FLEW) www.onefamilylaw.ca
- Family Law Information Program (FLIP) www.legalaid.on.ca
- Community Legal Education Ontario (CLEO) www.cleo.on.ca
- Steps to Justice <https://stepstojustice.ca/>
- Your Legal Rights www.yourlegalrights.on.ca
- Ontario Ministry of the Attorney General www.attorneygeneral.jus.gov.on.ca

First Steps

Example: “Understanding the Legal System”: Ontario Women’s Justice Network www.owjn.org

- The Canadian legal system – An Overview
- A Map of the Courts
- The Criminal Justice System - Basic Legal Information
- The Family Law System - Basic Legal Information
- Webinar: Your Day in Family Court: How to Prepare and What to Expect
- Overview of Legal Aid Services in Ontario
- Legal Aid Duty Counsel – Getting Help at Court
- Webinar: Looking for a Family Law Lawyer From a Woman’s Perspective

First Steps

Clients can also **get free legal information** about family law, court processes, court forms and referrals to lawyers:

- **Family Law Information Centres (FLIC)**—located at family courthouses across the province
- **Legal Aid Family Law Service Centres (FLSC)** – currently located in Toronto, North York, Brampton, Newmarket, Sarnia, Windsor, Chatham, and Welland
- **Legal Aid Family Law Offices** – currently located in Kenora, Ottawa, and Thunder Bay ONLY

To use some of these services, clients may have to show that they **cannot afford to pay** for a lawyer. Visit at www.legalaid.on.ca or call toll-free at 1-800-668-8258.

First Steps

5. Understand her story and help build an evidence file

- get her to journal/document abuse
- get the details
- help her to put the story in chronological order
- gather evidence:
 - police reports, medical reports, Court Orders
 - letters from social support worker, women's shelter
 - photos, emails, voicemail, postings on social media
 - letters or affidavits (sworn statements) from witnesses
 - support from the Children's Aid Society?



Alia's Story

Alia came to Canada as a foreign student and first met Maria at her university. Maria and Alia dated for about a year and have been married for almost 2 years. Alia's student visa will expire at the end of this school year. Maria applied to sponsor Alia to become a permanent resident months ago, but her application is still in progress.

Over the course of the last year or so, Maria has become increasingly jealous and controlling of Alia. Maria doesn't let Alia see other people without her, she needs to know where Alia is all the time and is controlling their finances. Lately, Maria has been threatening to deport Alia if she leaves the relationship. Alia has been suffering from anxiety attacks. She is so tired of the abuse and feels trapped. But she doesn't have a full time job because she is in school and is quite dependant on Maria financially. She got the number of your agency from the women's student group on campus and is looking for help.



Navigating the Legal System

Navigating the Legal System

1. Know the resource people in the system that can help

- Family Court Support Workers

- To find a Family Court Support Worker Program, visit the Ministry of Attorney General website or call the Victim Support Line at **416-314-2447** (Toronto) or **1-888-579-2888** (toll free).

- **Read more:** http://owjn.org/owjn_2009/legal-information/understanding-the-legal-system/344-domestic-violence-family-court-support-workers-program

- Victim/Witness Assistance Program Workers

- View webinar: <http://onefamilylaw.ca/en/webinar/#victim>

- **Read more:** http://owjn.org/owjn_2009/legal-information/understanding-the-legal-system/263-victim-witness-services-overview

Navigating the Legal System

2. Your role: help fill the gaps between the system “silos” and deal with the different actors

- Assist her in making sure the evidence of abuse is before the court and all the relevant legal actors
- Assist her in making the courts aware of any other relevant legal proceedings and/or Court Orders
 - Criminal court
 - Family court
 - Immigration applications
- Impress on her the necessity of “keeping her cool” and cooperating in court, negotiations, interacting with assessors, Children’s Aid Society investigators etc

Navigating the Legal System

3. Help find a lawyer and assist in preparing her to work with the lawyer

- Deciding when she needs a lawyer
- Where to look for a lawyer
- How to pay for a lawyer
- What to look for in a lawyer
- Tips for working with a lawyer
- Managing expectations is key**





Finding a Lawyer

Finding and Working with a Lawyer

When helping her decide whether she needs a lawyer, **consider the following questions:**

- How important is the issue?
- Does she want to go to Court?
- Does she have enough money to hire a lawyer? Or Does she qualify for Legal Aid?
- Can someone other than a lawyer help her?
- Can she do some things without a lawyer and other things with a lawyer?
- If she has a family law issue:
 - Can she and her ex/partner talk calmly and reasonably?
 - Is she comfortable, and is it safe, having contact with her partner?
 - Does her partner have a lawyer?

Where to Look for a Lawyer

1. Legal Aid Ontario (LAO)

- Legal Aid Ontario provides legal assistance to Ontarians who can show that they **cannot afford to pay** for a lawyer.
- Legal Aid **cannot help with every type of legal problem**, but she may be able to get help with:
 - complex family law cases, including child protection cases
 - criminal cases if there is a risk of going to jail
 - some immigration and refugee matters
 - limited civil law matters
- To apply for Legal Aid Ontario, call the Client Service Centre at **1-800-668-8258**. Information is available in more than 200 languages.
 - **Summary Advice Services**

Legal Aid: Summary Advice

Summary Advice Services

- For family, criminal and immigration law issues
- A chance to talk to a lawyer **on the phone for up to 20 minutes**
- The summary advice lawyer **cannot represent the client in court**
- Interpretation services are available in more than **200 languages**
- It is best to have the facts, documents, and questions ready before calling

Legal Aid Eligibility

Not everyone who cannot afford a lawyer can go to legal aid. Legal Aid has strict income cutoffs, and lawyers are still too expensive for most people. You will need to apply for a test to see if you qualify for LAO.

Sometimes if you have been refused a certificate you can appeal the decision. For example if you now make less money than you used to.

Legal Aid and Domestic Violence

Legal Aid Services in Cases of Domestic Violence

- **Family Violence Authorization Program** - free two-hour consultation with a lawyer if she is in immediate danger
- Available at some women's shelters, community legal clinics, Family Law Service Centres, and by calling **Legal Aid's Client Service Centre at 1-800-668-8258**.

It is **important to consider telling Legal Aid** if your partner is or was **abusive** because Legal Aid may:

- relax its strict rules about whether you can pay for a lawyer when deciding if you are eligible to get legal help
- help you get assistance faster
- better understand your legal needs

Where to Look for a Lawyer

2. Community Legal Clinics

Community legal clinics can help if she has problems with **employment, housing, social assistance or benefits.**

Some community clinics **offer limited family law, criminal and immigration services.**

- 77 community legal clinics in Ontario (location-based)
- 17 specialty legal clinics that focus on helping specific groups

Her local community legal clinic may be able to give her a referral to a family lawyer in her area.

To find a clinic, call Legal Aid Ontario's main line at 1-800-668-8258 or visit the website at www.legalaid.on.ca.

Where to Look for a Lawyer

Barbra Schlifer Commemorative Legal Clinic

- Free legal and counseling services for women exposed to violence
- Family, immigration, and some criminal law issues
- Provides language interpretation services

schliferclinic.com

(416) 323-9149 – Toronto

Specialty Legal Clinics

Justice for Children and Youth

- Free legal advice for children under 18, and homeless youth under 25
- Many areas of law including criminal law, child protection, education law, human rights

<http://jfcy.org/>

416-920-1633

Specialty Legal Clinics

South Asian Legal Clinic of Ontario

- Legal advice and representation for South Asians in the GTA region
- Immigration, human rights, tenant rights, ODSP/OW and family law advice
- Services available in Urdu, Tamil, Punjabi, Hindi, Kashmiri, Bengali. Interpretation available for other languages.

<https://salc.on.ca/>

416-487-6371

Other Specialized Legal Clinics in Ontario

- Advocacy Centre for Tenants Ontario 416-597-5855
- ARCH Disability Law Centre 416-482-8255
- Community and Legal Aid Services Program (CLASP) 416-736 – 5029
- Centre for Spanish-Speaking Peoples 416-533-8545
- Injured Workers' Consultants 416-461-2411
- Chinese & Southeast Asian Legal Clinic 416-971-9674
- Advocacy Centre for Elderly 416-598-2656

Where to Look for a Lawyer

3. JusticeNet

To find a participating lawyer in your area, use the directory on the website www.justicenet.ca or call toll free: 1-866-919-3219.

4. Lawyers in Private Practice

- **Law Society of Ontario: Lawyer Referral Service**
 - Toll free: 1-800-268-8326 or Toronto: 416-947-3330
- **Law Society of Upper Canada (LSUC) Lawyer Directory**
 - List of lawyers certified in different specialties practicing law in Ontario at www.lsuc.on.ca.
- **Canadian Family Law Lawyers Network**
 - 1-888-660-4869 or fill out a request on their website at www.cflln.ca

Getting Help in the Courthouse

Duty Counsel

Duty counsel lawyers are available in most family and criminal courthouses. They can:

- **explain** the Court's process
- help **prepare documents** for Court
- help **negotiate** a settlement, or a guilty plea etc.
- in some cases, duty counsel may be able **to represent** someone in Court, for simple matters.

At some family law Courts, you can also get help from **law students**. Law students can help people who do not have a lawyer to fill out **Court forms**.

How to Pay for a Lawyer

1. Legal Aid Ontario (LAO) – Certificates

A Certificate is a **voucher (promise)** that guarantees the lawyer will get paid by **Legal Aid** for representing someone for a certain number of hours.

- The number of hours is based on the kind of legal help she needs and is marked on the Certificate (more hours can sometimes be added).
- If she meets Legal Aid Ontario's rules for a Certificate, she can use this Certificate to hire a lawyer that she chooses.
- **Not all lawyers accept Legal Aid Certificates.** When she calls to make an appointment, make sure to ask if the lawyer does legal aid work.

How to Pay for a Lawyer

2. Lawyers in Private Practice

- It is very important to help your client make sure that **she understands how the lawyer will bill her for her file.**
- **Before** she starts working with the lawyer, she should make sure to discuss with the lawyer:
 - how the lawyer will charge her
 - what an estimate of her case will cost
 - whether there are different payment options

Usually, a lawyer charges **fees** for the lawyer's time, and adds on charges for other costs, such as photocopying and Court charges, from working on your case (**disbursements**).

She has a right to know the details about her bill at any time.



Working with a Lawyer

What to Look for in a Lawyer

When helping to prepare a client to call a new lawyer, make sure **to ask if the lawyer has experience in the type of law** that she needs help with (for example, family law).

It is important to look for a lawyer who:

- **listens** closely
- **explains** things so she can understand
- **answers** questions
- **gives advice** but also considers the client's wishes about her legal problem
- **has experience with domestic violence**, if your client has been abused

Your client's lawyer is their advocate. This means the lawyer should represent their interests

Tips for Working with a Lawyer

When working with a lawyer, your client should remember to:

- be **prepared and organized** for phone calls and meetings
- **ask questions** and make sure she understands the answers
- **take notes** to help her remember important points
- consider asking her support worker, or **someone she trusts** to go with her to the lawyer's office.
- be **honest**
- **do not sign any document unless she understands everything**

Prepare your client to be asked a lot of questions. Help her to form her questions and prepare her to disclose the details of her story, particularly any bullying or abuse. The lawyer will be able to help her best if she gives as much information as possible about her situation.

Complaining to the Law Society of Ontario

- Serious concerns about your lawyer can be reported by making a complaint to the **Law Society of Ontario (LSO)**:
 - the Law Society makes sure that lawyers and paralegals who are licensed in the province meet professional standards
 - the Law Society can discipline lawyers who do not meet these standards and can even take away the lawyer's right to practice law in Ontario

Complaining to the Law Society of Ontario

- Complaints regarding discrimination and harassment can be made to the Law Society's Discrimination and Harassment Counsel
- Complaints about a lawyer's bill will be referred to the Assessment Office of the Ontario Superior Court of Justice

Complaints to Legal Aid

If your client has a Legal Aid lawyer, they can **also make a complaint to Legal Aid Ontario**

- Need to fill out a complaint form or contact the Complaints department at 1-866-874-9786.

Complaints about a Lawyer's Bill

If your client is concerned about their bill and cannot resolve the issue with their lawyer, the first step is **to get a detailed bill from the lawyer.**

If your client thinks they have been charged too much, you can contact the **Assessment Office of the Ontario Superior Court of Justice.**

- an Assessment Officer will review your lawyer's bill and determine if it is fair.
- if the Assessment Officer finds the bill is too high, the officer may reduce it.
- Your client has 30 days from the time the lawyer sent the bill to go to the Assessment Office to start the assessment process.



Lawyers, Paralegals or Immigration Consultants?

Lawyers

- **Lawyers can give legal advice and represent on any kind of legal issue.** This includes:
 - Represent at all levels of court (including Federal Court, Superior Court and Supreme Court of Canada)
 - Represent at a refugee hearing at a tribunal
 - Represent in all immigration interviews between the Canadian Border Services Agency (CBSA) and the Immigration, Refugee and Citizenship Canada (IRCC)
 - Provide legal advice and opinions on complicated cases and draft legal document

Paralegals

- Paralegals in Ontario can represent your client in small claims court, provincial offences like traffic tickets, hearings before tribunals (including the Immigration and Refugee Board) and with minor criminal charges.
- Paralegals can:
 - Represent you at a refugee hearing at a tribunal
 - Help you fill out application forms and help you put together information and evidence to provide to Immigration, Refugee and Citizenship Canada
- Paralegals cannot:
 - Apply for Judicial Review or Represent you at Federal Court

Immigration Consultants

- Immigration consultants are **only** trained in immigration and refugee law.
- Immigration Consultants can:
 - Prepare the documents for any written immigration application, like visas and study permits
 - Represent you at your hearing at a tribunal (these includes refugee claims and citizenship applications)
 - Help write an immigration application, including citizenship applications, sponsorship applications, study permits, work permits, refugee and sponsorship appeals and more
- Immigration Consultants cannot:
 - Apply for Judicial Review or represent you in Federal Court
 - Provide you with legal advice or draft legal document



QUESTIONS?





Additional Resources

Family Law

- **Legal Aid Ontario** www.legalaid.on.ca/en/getting/default.asp
 - Free telephone interpretation services for languages other than English & French
 - Toll-free: 1-800-668-8258; TTY: 1-866-641-8867
- **Ontario Women's Justice Network (OWJN)** www.owjn.org
- **FLEW (Family Law Education for Women)** www.onefamilylaw.ca/en/resources/
- **FODF (Femmes Ontariennes et Droit de la Familles)** www.undroitdefamille.ca/
- **Family Court Support Workers**
 - Check local community agency or call Toll-free: 1-888-579-2888 or 416-314-2447

Family Law (Continued)

- **Family Law Information Program (FLIP)** www.legalaid.on.ca/en/getting/flip.asp
- **Family Law Information Centres (FLICs)**
www.legalaid.on.ca/en/getting/type_family.asp
- **Family Law Services Centres (FLSCs)**
www.legalaid.on.ca/en/contact/contact.asp?type=flsc
- **Your Legal Rights** www.yourlegalrights.on.ca
- **Canadian Family Law Lawyers Network (National)** www.cfln.ca
- **Family Responsibility Office, Ministry Community & Social Services**
 - Toll-free: 1-888-815-2757

Domestic Violence and Abuse

- **Family Violence Authorization Program (Legal Aid Ontario)**
 - Free 2-hour emergency meeting with a lawyer
 - Offered through some shelters and community legal clinics
 - Toll-free: 1-800-668-8258; TTY: 1-866-641-8867
- **Law Society of Upper Canada Lawyer Referral Service**
www.lsuc.on.ca/with.aspx?id=697
 - Toll-free: 1-800-268-8326
 - Toronto: 416-947-3330
 - TTY: 416-644-4886
- **Justice Net** www.justicenet.ca/directory/search/
 - Reduced fee lawyers for low income people not eligible for Legal Aid

Domestic Violence and Abuse (Continued)

For information, if your partner is abusive or violent:

- **Assaulted Women's Helpline** www.awhl.org
 - 24 hours/7 days; multiple languages
 - Toll-free: 1-866-863-0511; TTY: 1-866-863-7868
- **Ontario Coalition of Rape Crisis Centres**
<http://www.sexualassaultsupport.ca/>
- **Network of Sexual Assault/Domestic Violence Treatment Centres**
www.sadvtreatmentcentres.net.
- **Victim Services Directory** www.justice.gc.ca/eng/pi/pcvi-cpcv/vsd-rsv/index.html
- ics

Child Support

- Child Support Guidelines:
 - **Department of Justice website** <http://www.justice.gc.ca/eng/fl-df/child-enfant/look-rech.asp>
- Child Support Calculator
 - www.mysupportcalculator.ca
- Read more about Child Support:
 - Family Law Education for Women:
 - Booklet: <http://www.onefamilylaw.ca/en/childsupport/>
 - Webinar: <http://onefamilylaw.ca/en/webinar/#financial>
 - **Guide to Parenting after Separation or Divorce:** <http://canada.justice.gc.ca/eng/fl-df/parent/mp-fdp/index.html>
 - **Your Legal Rights:** <http://www.cleo.on.ca/en/publications/childsupport>

Immigration

Find a community legal clinic near you

<http://www.legalaid.on.ca/en/contact/contact.asp?type=cl>

FCJ Refugee Centre <http://www.fcjrefugeecentre.org/>

➤ 416-469-9754

Canadian Association of Refugee Lawyers <http://www.refugeelawyersgroup.ca/>

Refugee Lawyers Association of Ontario <http://www.rlaontario.com/>

Settlement.org <http://www.settlement.org/index.asp>

➤ Information and answers on settling in Ontario

211 Canada.ca <http://211canada.ca/>

Immigration

Legal Aid Refugee Law Office http://www.legalaid.on.ca/en/getting/type_immigration.asp
➤ 416-977-8111

Citizenship and Immigration Canada <http://www.cic.gc.ca/english/index.asp>
➤ Call Centre Toll-free: 1-888-242-2100
➤ TTY: 1-888-576-8502
➤ More Contacts: <http://www.cic.gc.ca/english/contacts/index.asp>

Ministry of Citizenship and Immigration (Ontario) <http://www.citizenship.gov.on.ca/>
➤ Find information about citizenship and immigration in Ontario
➤ General Inquiry: (416) 327-2422
➤ Toll-free: 1-800-267-7329
➤ TTY: 1-800-555-5559

Canadian Council for Refugees <http://ccrweb.ca/en/home>
➤ Directory of immigrant and refugee serving organizations in your area
<http://ccrweb.ca/en/links>
➤ 514-277-7223

General Legal Resources

- **Law Society of Ontario Lawyer Referral Service**

www.lsuc.on.ca/with.aspx?id=697

- Toll-free: 1-800-268-8326
- Toronto: 416-947-3330
- TTY: 416-644-4886

- **Justice Net** www.justicenet.ca/directory/search/

- Reduced fee lawyers for low income people not eligible for Legal Aid

- **Toolkit for a good Client-Lawyer Relationship** schliferclinic.com/vars/legal/pblo/toolkit.htm

- Barbra Schlifer Commemorative Clinic

- **Ministry of the Attorney General** www.attorneygeneral.jus.gov.on.ca/english/

- Toll free: 1-800-518-7901
- TTY: 1-877-425-0575

Thank You!