



CLEO | Abuse and Family Violence

Do you know a woman who is being abused?

A legal rights handbook



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About this publication

This handbook is a guide to the legal system in Ontario for women and people who are gender diverse whose partners abuse them.

The language used here reflects the reality that women and people who are gender diverse are more likely to experience abuse in intimate partner relationships. However, this information may be helpful for anyone who has experienced intimate partner violence.

This handbook does not give legal advice. Each situation is unique and may need different solutions. Laws and legal processes also change. It is a good idea to speak to a lawyer for legal advice about your situation.

This publication is also available in French.

Si vous parlez français

Il existe de nombreuses situations où vous avez droit à des services gouvernementaux et à des procédures juridiques en français, comme la tenue d'une audience devant un décideur qui parle français.

Si vous avez un problème juridique, vous pouvez demander à un tribunal, un avocat(e) ou à une clinique juridique communautaire de vous informer des droits linguistiques liés au fait de parler français.

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Part 1: Introduction

This handbook is for women and people who are gender diverse in Ontario who are in or leaving an abusive relationship. But the information may be helpful for anyone who has been abused by their partner.

The word “partner” is used to refer to someone you are in a romantic relationship with. For example, a married spouse, common-law partner, boyfriend, or girlfriend.

Leaving an abusive relationship is difficult. Friends and family may not understand or support you. You might face financial and other difficulties. The legal system can be scary, expensive, and hard to understand. You may feel pressure to stay in the relationship and may feel all alone.

This handbook gives you practical legal information. It tells you what to expect if you decide to leave your abusive partner or change your situation. It also has information on legal and community resources that might be helpful.

Legal terms in **blue** are explained in the Glossary at the end of the handbook.

III What is abuse?

Terms like “family violence”, “domestic violence”, “intimate partner violence”, and “violence against women”, are often used to describe abuse.

There are different types of abuse.

Physical abuse happens when your partner, for example:

- hurts you, your children, or your pet
- threatens or tries to hurt you, your children, or your pet
- forces you to do things you do not want to do, such as using drugs or alcohol
- breaks or does not let you use your assistive device such as your wheelchair or hearing aids, or does not give you your medicine

Financial abuse happens when your partner, for example:

- controls the family finances and refuses to give you money
- does not allow you to work
- threatens to call Ontario Works and tell them you are getting income assistance illegally

Sexual abuse happens when your partner, for example:

- forces you to do things you do not want to do sexually
- involves other people in sexual acts without your consent

Emotional or psychological abuse happens when your partner, for example:

- insults, bullies, humiliates, threatens, blames, shames, or puts you down

- does not let you contact your friends or family
- controls your activities
- invades your privacy by reading your emails or texts or listening to your phone conversations
- takes away your identification or other important documents

They may also threaten to:

- have you deported from Canada
- take your children away from you
- hurt themselves if you do not do what they want
- call the Children's Aid Society and report you as a child abuser

Cyber abuse is when your partner uses technology to harm or harass you. For example, by sharing private, intimate or sexual photos or videos of you without your permission.

III What kind of person abuses their partner?

People who abuse their partners come from every part of society. They can seem like good neighbours, co-workers, friends, partners, or parents. But they might believe that they have a right to hit and control their partners. They might also be very jealous and possessive.

Abusers often blame their partner for their actions or make excuses, such as feeling under pressure at work. Some abusers think that it is okay to deal with their anger by being violent.

They might feel guilty when they see the damage or injuries they have caused. This does not excuse them for what they have done or stop them from doing it again. When they are not being abusive, or are in front of others, they can be very loving and caring.

III What legal issues will I need to deal with?

If you are ending your relationship, here are some common family law issues you may have to decide:

- How to divide property and debts.
- If one of you needs financial support, called spousal support.
- Decision-making responsibility or who will make decisions about your children. This used to be called custody.
- Parenting time or how much time your children will spend with each parent. This used to be called access.
- Financial support for the children, called child support.

You might also want to get a divorce if you are married to your partner. Part 7 has more information about your rights under family law.

If you are worried about your safety, you might need to apply for a **restraining order** or an order for **exclusive possession of the matrimonial home**. Part 6 has more information about protection orders.

Legal terms in **blue** are explained in the Glossary at the end of the handbook.

If the police are involved, you may have to deal with the criminal court system. Parts 4 and 5 have more information about the criminal law process.

If you are new to Canada, you might be in the middle of an immigration or refugee process. This process could be affected if you leave your partner. Part 8 has more information about immigration issues.

If you are an Indigenous person and living on reserve, it can be difficult to enforce some family court orders. This is because different laws can apply on reserve lands. Part 9 has more information about issues affecting Indigenous women.

Part 10 lists legal and community resources for people who have been abused.

For more information about abuse and family violence, and family law, visit **stepstojustice.ca/abuse**.

Part 2: Preparing to leave

It is difficult to leave an abusive relationship. You need to look at the risks of staying or leaving. People who are abusive often become more violent when they learn that their partner is planning to leave or has already left.

Making a plan before you leave is very important. You need to think about protecting yourself and your children, finding a place to stay, and figuring out your finances.

It is a good idea to get legal advice as soon as possible.

[See page 109.](#)

You might want help making these and other decisions. You can talk with someone you trust, such as a friend, doctor, nurse, lawyer, social worker, or shelter worker.

Only share information with people you can trust to keep it private. Be very careful about what you tell your children or what they might overhear. It can be difficult for them not to share information with your partner.

There are also counselling agencies, crisis helplines, women's shelters, Family Court Support Workers, and other agencies that offer support and advice. You do not have to give your name when you call a crisis helpline.

Remember, some professionals have a duty to contact a Children's Aid Society (CAS) if they believe your child has been harmed or is at risk of harm. [See page 79.](#)

Your partner may try to monitor your phone calls, emails, or website visits. Luke's Place tells you how to stay safe online and on your phone. See lukesplace.ca/resources/tech-abuse/keep-safe-online.

Whether or not you choose to leave your partner, your safety is the most important thing. Making a safety plan may help keep you safe whether or not you leave.

III What is a good safety plan?

A good safety plan lays out ways to stay safe in all areas of your life. For example, at home, at work, online, and in public.

Here are some things to consider when making a safety plan.

Stay safe before you leave

It can be helpful to:

- plan where to stay if you decide to leave
- learn the telephone number of a local shelter
- call a counselling agency, crisis helpline, domestic violence shelter, or Family Court Support Worker to talk about what is happening and how to leave safely

You may want to call 911 or the police if you or your children are in danger or hurt. See "What happens if I call the police?" on [page 13](#).

Create a safe escape plan

Think of a safe place you can go to, where your partner will not know to look for you, such as:

- a friend's or relative's place,
- a shelter or hostel,
- another town or city, but if you and your partner have children, you should not go very far, or they can claim that you took your children away from them. See "Can I take my children with me?" on [page 11](#).

Before you go, try to:

- put some money away in a safe place, a little at a time
- store important documents, or copies of important documents, somewhere safe, for example, photo identification, passports, children's birth certificates, health cards, and banking information
- keep an emergency suitcase packed and in a safe place, for example, at a friend's house or at work

Try to get legal advice about your situation, and keep proof of the abuse. You can:

- keep a diary or send yourself emails with details of the abuse you experienced like the dates, details of what happened, and any witnesses
- keep any evidence of the physical abuse, such as photos or doctor or hospital reports
- keep your diary and evidence somewhere your abuser and children cannot find it

What to take with you

When you leave, try to take these things with you:

- clothes for a few days, for you and your children
- your children's favourite toys or blankets
- money and keys
- any medicine you or your children need

You should also take these documents with you:

- identification documents, including birth certificates, health cards, passports, immigration documents, your driver's licence, and credit cards
- any documents from family or criminal court, such as bail conditions, a restraining order, or a court order about decision-making responsibility and parenting time
- other documents, such as the deed for your house or lease for your apartment, pay stubs, income assistance cheque stubs, your Social Insurance Number (SIN) card, and marriage certificate
- any proof of the abuse, such as photos, threatening notes, recorded telephone messages, doctor or hospital reports, or your diary
- names and badge numbers of police officers you have called in the past

Luke's Place has more information about preparing to leave home. See **familycourtandbeyond.ca/keep-safe/leaving-home**.

Safety plan resources

Some staff at social services agencies, such as transitional support and housing workers, are trained to help make safety plans. Counselling agencies and crisis helplines can also help.

Part 10 lists legal and community resources for people who have been abused.

For a sample safety plan, see the CLEO publication **My Safety Plan** at cleo.on.ca/en/safetyplan.

III Where can I go if I leave my partner?

There are shelters where people who understand your situation can help you and give you a place to stay. You can get counselling, and your children can take part in different programs. Shelters are safe and secure places to stay, and they are free. See [page 103](#).

You might want to stay with family or friends. Be careful about staying with someone who does not fully understand the situation. They might encourage you to return to your partner, which could lead to more abuse. Or they might tell your partner where you are.

Think about whether you will feel safer at a shelter. Your partner might be able to find you if you stay with someone they know.

If there is no shelter in your area or you do not want to contact a shelter, you can call a crisis helpline. They will refer you to community resources and services. You do not have to give your name. [See page 100.](#)

If you cannot or are not ready to leave your partner, there are community agencies that offer counselling and support to help you decide what to do. Many have services in different languages. Part 10 lists legal and community resources where you can find help.

III Can I take my children with me?

In most cases, parents have an **equal** legal right to make decisions for their children when their relationship ends. This is true even if one parent did most of the child care, or if one parent abused the other. Only a court order or legal agreement changes this.

If you leave your partner and take your children with you, your partner might say that you took the children away from them.

This does not mean you have to leave your children behind. Talk to a family lawyer before you leave your partner, or soon after you leave. Shelters and Family Court Support Workers can help you get a legal aid certificate for up to 2 hours of free family law advice with a lawyer.

A shelter can also help you apply for a **legal aid certificate** if you need to go to family court.

Legal terms in **blue** are explained in the Glossary at the end of the handbook.

If it is safe: leave a note for your partner that says you have left with the children, that they are okay, and that you will contact them soon so they can see the children.

If it is not safe: leave a message for your partner once you are in a safe place. Make sure your message does not include any information that they can use to find you.

Take a photo or keep a copy of any note that you leave for your partner. You can also text or email them.

If you do not take your children with you

If you decide to leave your partner and you do not take your children with you, your partner might say that you agreed to give them all decision-making responsibility and parenting time.

If this is not what you want, leave a note that says this. Take a photo or keep a copy of the note. You can also text or email them. And try to stay in contact with your children.

If you leave without your children, you may need to get a court order to spend time with them and make decisions for them if your partner does not let you see or contact them. Talk to a family lawyer. [See page 109.](#)

III What happens if I call the police?

If you do not have immigration status, there may be risks if you call the police. See [page 87](#).

If you call 911, a police car is sent to your home. When the police arrive, let them in. Even if you do not agree or your partner tries to stop them from coming in, the police can enter your home if:

- they have reasonable grounds to believe that a crime is happening, or is about to happen, or
- you or someone else called 911 and the police need to enter your home to properly investigate the call.

You can decide **not** to talk to the police even if you called 911.

If you decide to talk to the police, you can tell them:

- you want to talk to them privately
- exactly what happened, and whether you were assaulted, threatened, or suffered any other kind of abuse
- if the abuse has happened before
- if any weapons were used and whether there are other weapons in your home
- if there are children or others who need help
- if anybody saw or heard the incident or assault
- if you feel unsafe

Once you give the police your statement, you cannot take it back. But you can add more to your police statement later if you forgot something. And you can change it if you got something wrong.

It is not up to you to decide what happens next. The police decide this. They may decide to:

- charge your partner with a crime
- charge you with a crime, if they believe you are the **dominant aggressor**
- charge you both with a crime, if they do not know who the dominant aggressor is
- not charge anyone
- contact the Children's Aid Society if they think your child has been harmed or is at risk of harm

You can ask the police:

- to take pictures of your injuries
- to help you leave, or to take you to a shelter
- to give you their names and badge numbers
- to refer you to Victim Crisis Assistance Ontario, for support and help to deal with your safety concerns, and for information about the Victim Quick Response Program+. [See pages 53 and 65.](#)
- for the information in the occurrence report, including the occurrence or incident number

Parts 4 and 5 have more information about the criminal process.

III What if I am hurt?

If you are hurt physically, you might want to ask the police to call an ambulance or take you to a hospital, to a doctor that you know and trust, or to a Sexual Assault/Domestic Violence Treatment Centre (SADVTC), if there is one near you. A SADVTC is a hospital department that helps people who have been assaulted.

You can go to a SADVTC on your own, even if you have not contacted the police.

Doctors at a SADVTC can treat you and staff can photograph and document your injuries. They will ask for your permission before they do this. You can agree to some things but not others. For example, you might agree to staff taking notes about your injuries but not agree to them taking photographs.

If you give permission for staff to document your injuries, any information collected can be used as evidence in court. Or it can be kept in case you need it in the future. See “What documents will my partner get to see?” on [page 43](#).

Staff at a SADVTC can also help you even if you do not have any visible physical injuries. They offer 24-hour services and follow-up care, crisis counselling, and referrals to shelters. They also offer legal and financial help.

Make detailed notes

As soon as possible and if it is safe to do so, try to make detailed notes of what happened. You can do this in a diary, use the notes app on your phone, make a video recording, or send an email to yourself.

If you were threatened, but not physically touched, write down exactly what your partner said to you, and describe the situation. If they threatened to harm the children, write this down too.

If you were injured, write down all the details, including:

- exactly where your injuries are, for example, your upper thigh or the back of your neck
- how you were hurt, for example, with an open hand, fist, or object
- how many times you were hit
- how severe your injuries were, for example, bruises, cuts requiring stitches, or broken bones
- names of witnesses

You can also draw a picture of your body and draw where you were hurt. If you see a doctor or a nurse, you can ask them to add details to your drawing and sign and date your picture.

Keep evidence of any assault

Keep any evidence of the assault, such as:

- photographs or drawings of your injuries
- threatening emails, texts, voicemails, or recordings
- torn clothing or property that was damaged during the assault
- names of witnesses

Your notes and the evidence are very important. Keep them in a safe place. You can use them to refresh your memory if you are interviewed by the police, talk to a lawyer, or testify in court at a later date.

Access victim services

The Ontario government has an online Victim Services Directory that can help you find programs and services in your community. Go to **ovss.findhelp.ca**. You can also talk to an information and referral counsellor by calling the Victim Support Line at **1-888-579-2888**.

For more information about abuse and family violence, and for a sample safety plan, visit **stepstojustice.ca/abuse**.

Part 3: Next steps

III Can I take money with me?

For safety reasons you might need to leave your partner without taking any money.

But, if it is **safe to do so**, you may want to transfer money from any joint bank accounts to a new account that is in your name only.

You should have a right to at least half of the money in a joint account. Talk to a family lawyer about how much you can withdraw.

Get all your regular payments like work pay, income assistance, or government child-care benefits deposited to this new account. You should keep bank records for all your accounts.

If you have any income that is mailed to you at home, arrange to pick up the cheques yourself. Or have them sent to a relative or friend where they will be safe.

III What about online accounts?

Your partner might try to monitor your emails, website visits, online bank accounts, social media, or telephone calls.

If you and your partner share an email account, you should set up your own account.

If you have your own email account but your partner knows your password, you should change it when it is safe.

Keep your password private. Do not use passwords that your partner knows or can figure out. For example, do not use your children's names, the name of your pet, children's birthdates, or other words or numbers that your partner knows.

You can also think about setting up a two-step verification process. This means you are asked to answer a security question or enter a code that is texted to your phone before you can access your email or bank account.

If you are worried that your partner will try to harass you by email, keep your old email address for them to use and use your new email address for everything else. This way, you can also control how often you look at emails from them.

Important: Email, text, and social media messages and posts are not private. If you send messages to your partner that are angry or insulting, your partner can use them in family court.

Luke's Place tells you how to stay safe online or on your phone. See [**lukesplace.ca/resources/keep-safe-online**](https://lukesplace.ca/resources/keep-safe-online).

Phone and mail

You might also want to change your cell phone number so your partner cannot call and harass you. Or you can block their number.

You can have your mail forwarded to a different address by going to any post office. Or you can do this online at **canadapost.ca**. There is a fee for this service. Make sure to tell Canada Post not to send a notice to the address you shared with your partner.

You should also tell your banks, Canada Revenue Agency, and other important services and businesses if you move.

III What about income assistance from Ontario Works?

You might be able to get income assistance from Ontario Works (OW) if you have a low income or no income. Some people call this welfare.

Income assistance is money you get from OW to help pay for things you need, like housing and food.

OW also has an emergency assistance program for people in crisis or in an emergency. This includes people who are in or leaving an abusive relationship.

To apply for OW, contact the nearest OW office or apply online at **sada.mcss.gov.on.ca/intake/home-page**.

To find the nearest OW office, search by your postal code on **officelocator.mcss.gov.on.ca**. You can also call ServiceOntario at **1-888-999-1142** or use the TTY: **1-800-387-5559**. They can help you apply or find your nearest OW office.

Child support payments do not affect the amount of income assistance that you get. But getting spousal support does affect the amount of income assistance that you get. OW reduces the amount of your assistance by the amount of spousal support you get.

OW can refuse to give you assistance or can reduce or cut off your assistance if you:

- might be able to get spousal support, and
- do not make “reasonable efforts” to get it.

But sometimes you might not have to try to get support, for example, if you are leaving an abusive relationship. So, it is important to tell OW if your partner has abused you.

If you have a problem getting income assistance, contact a community legal clinic right away. [See page 112](#). Or if you are staying in a shelter, they may be able to help you.

III What about financial support from my partner?

Your partner might have a legal duty to support you. This is called spousal support. Talk to a family lawyer about this. See “What is spousal support?” in Part 7 for more information.

III Where will I live?

Shelters provide free temporary emergency housing. Get information about shelters close to you at **sheltersafe.ca/ontario**.

Some shelters do not allow you to stay for more than 6 weeks. But sometimes it is possible to make special arrangements to stay longer. Shelter staff will work with you to find a suitable place to live.

Shelters usually do not take pets. But they might be able to help you find temporary housing for your pets through the SafePet Program.

If you are on income assistance or you cannot find affordable housing, you can apply for government-funded housing, or for a housing subsidy. There might also be housing co-operatives that might be more affordable.

Talk to your income assistance worker. Or find your local housing service manager at **ontario.ca/page/find-your-local-service-manager**.

III Compensation for victims of crime

The Victim Quick Response Program+ (VQRP+) is a government program that may pay for certain expenses you have as a victim of a violent crime in Ontario. [See page 53](#) to find out if you qualify and how much money you may get.

Part 4: The criminal process

The police do not always have to charge the person who committed the crime. For some crimes, the police can give the person a warning and then let them go.

Family violence or partner abuse is different. If the police believe that your partner abused you, the police must charge your partner with a crime. The police do not have a choice. They must charge your partner even if you do not want them to, or if you change your mind after calling the police.

III How do the police decide who to charge?

The police will investigate to figure out if someone committed a crime. The police might:

- talk to you and your partner separately
- talk to other witnesses
- ask if your partner has been abusive in the past
- check to see if you or your partner have been involved with the police before
- check to see if there are any court orders

The dominant aggressor

If both you and your partner were violent or aggressive, the police should only charge the **dominant aggressor**. This is the person who caused most of the violence.

Legal terms in **blue** are explained in the Glossary at the end of the handbook.

For example, you might be in a situation where your partner was violent, and then you hit your partner to defend yourself.

Even though you were violent to defend yourself, your partner caused the violence. Your partner was the dominant aggressor. The police should charge your partner and not you. But sometimes the police might charge both of you.

Talking to the police

You do not have to talk to the police if you do not want to. Even if you called 911, you can decide not to talk to them.

If you decide to talk to the police, you should not lie. Lying to the police is a crime.

The police will write down what you tell them and ask you to sign the statement to confirm it is true. This is called making a “statement” or a “police statement”. You do not have to sign the statement. But if you do, it is a good idea to read it before you sign it. You can ask the police to make changes if you think the statement is not correct.

Sometimes, the police may ask you to come to the police station to record your statement on video. You can bring someone with you, for example a friend, family member, or a lawyer.

Before making a statement, you can ask for an interpreter if you need one. The police have professional interpreters so that family members or friends do not have to do this for you.

The police might also ask you to sign a **consent form** so that they can get medical evidence of your injuries from the doctor or hospital that treated you. This might be used in court. See “What documents will my partner get to see?” on [page 43](#).

Many officers wear “body cams”. These are cameras attached to their police uniform that record video and sound, including things you say to the police.

If you refuse to give the police a statement, your recorded 911 call or anything the police record on their cameras can still be used as evidence in court.

Children

The police must tell a Children’s Aid Society (CAS) if they are concerned for your child’s safety. This can include a child who witnessed family violence, even if the child was not physically hurt. [See page 79](#).

If your children are removed from your home by the CAS, contact a child protection lawyer immediately. [See page 109](#).

Police reports

When the police finish their investigation, they always file an **occurrence report**. They do this even if they do not charge anyone with a crime. You can ask for a copy of the report.

III What can the police charge my partner with?

There is no specific criminal charge for family violence. The police must figure out which crime to charge your partner with based on what your partner did to you.

Here are some examples of criminal charges:

- **Assault:** Your partner touches you on purpose without your permission. It is also assault if your partner threatens to touch you.
- **Assault with a weapon:** Your partner uses a weapon, such as a knife or other object, while assaulting you.
- **Assault causing bodily harm:** Your partner injures you physically leaving more than a scratch or bruise.
- **Aggravated assault:** Your partner seriously injures you or puts your life in danger.
- **Criminal harassment:** Your partner makes you fear for your safety or someone else's safety, like your children. For example, they often make angry phone calls, show up to your workplace, or park outside your home to watch you.

- **Forcible confinement:** Your partner forces you to stay somewhere by threatening you or physically stopping you from leaving.
- **Sexual assault:** Your partner assaults you in a sexual way, such as rape, or doing things like kissing or touching you without your permission. It does not matter if you are married. Sexual assault can be combined with other types of assault. For example, sexual assault with a weapon.
- **Uttering threats:** Your partner threatens to hurt or kill you, your children, or your pets, or to damage your property.

The police can also charge your partner for abuse that happened in the past.

III What if the police do not charge my partner?

If the police do not charge your partner with a crime, you can ask them why. It is helpful to write down the officers' names and badge numbers.

You can ask to speak to the officer in charge of the police station or the domestic violence co-ordinator if there is one at that station.

If you are not satisfied with the police response, you can make a complaint to the Law Enforcement Complaints Agency (LECA). LECA decides if a police officer did not do

their job properly. LECA cannot change the police officer's decision not to charge your partner. You can call LECA toll-free at **1-877-411-4773** or go to **leca.ca**.

You should get advice from a criminal lawyer before you make a complaint. [See page 109](#). They can help you to understand LECA's process. They can also help you to think about other ways to deal with your concerns.

Bringing a charge on your own

If the police do not charge your partner, you can apply to the court to have them charged with a crime.

Starting your own criminal charge is also known as a "private prosecution". This can take a long time and does not always result in your partner being charged.

For more information, read "What is a private prosecution and how do I apply for one?" at **stepstojustice.ca/criminal-law**.

CLEO's **Guided Pathway for applying for a private prosecution** can help you apply for a private prosecution for certain types of crimes. Go to **guided-pathways.ca/private-prosecution**.

Court-ordered protection

Your partner might become violent when they find out you started a private prosecution. If you are concerned about

your safety or your children's safety, you can apply for a **peace bond** in criminal court. Or you might be able to apply for a **restraining order** in family court.

Part 6 has more information about the types of court orders that can keep you safe.

III What if the police charge and arrest my partner?

If the police charge your partner with a crime, they arrest your partner and take them to the police station.

The police can release your partner from the police station. They only do this if they think your partner will stay out of trouble until their court case is finished. Your partner will be given a court date and conditions to follow.

Important: If you fear for your safety, tell the police. Ask them to include a **no contact condition** on your partner's release.

If the police do not release your partner from the police station, they are taken to court for a **bail hearing** as soon as possible. A judge or Justice of the Peace decides if your partner can be released until their court case is finished.

There are usually bail conditions that must be followed.

Important: You do **not** have to go to court for your partner's **bail hearing**. You can ask to be informed as soon as there is a decision to release them, and for a copy of the bail conditions.

There might be many court dates before your partner's matter is resolved or goes to trial. You do not usually have to go to these court dates before trial.

If your partner wants you to drop the charges

Once your partner is charged with a crime, you cannot decide what happens next. The **Crown Attorney** decides what to do with the charges.

If your partner asks or threatens you to make you withdraw your statement, you should tell the police. Your partner might be charged with another crime, such as:

- failing to comply with the conditions of release
- obstructing justice
- uttering threats
- making indecent or harassing phone calls or text messages

For more information about criminal law, visit **stepstojustice.ca/criminal-law**.

III What happens if my partner is released?

If your partner is released from the police station or after a bail hearing, they must promise to follow certain rules or conditions. Not following these conditions is a crime. See page 32.

In most family violence cases, one of the conditions your partner usually gets is that they must not contact you or communicate with you. Even through a family member or friend. This is sometimes called a “**no contact condition**”.

Family violence cases usually have other common conditions. For example, they may say your partner must:

- not go near certain places, including your home and your workplace
- live with their **surety**
- not use alcohol or drugs
- report to the police station regularly
- continue any counselling program they are already going to
- not have any weapons

If you and your partner have children, there may be a condition that says how your partner can contact you to see them.

For example, the condition may say that your partner can only contact you through another person that you both

agree on. Or it may say they are not allowed to contact or communicate with the children unless the Children's Aid Society or a family court order allows it.

Family court orders

You should tell the police if you have a family court order. For example, you might have a court order that says your partner has **parenting time** with the children. If the criminal court judge does not know about that, then your partner's bail conditions could say something different. This might make it hard for you to follow your family court order.

You should also tell the family court or your family lawyer that your partner was arrested and released with conditions.

Talk to your lawyer about how to make parenting plans that are safe for you and your children. For example, you might want to ask for a family court order that says parenting time and pick up and drop off times must be supervised. [See page 70.](#)

III What happens if my partner breaks a condition?

It is a crime for your partner to not follow the conditions of their release.

If your partner does not follow a condition, call the police. The police can charge them with another crime called **breach of recognizance**.

The police might arrest your partner and take them for a new bail hearing. The judge may release them with stronger conditions or keep them in jail until the court case is finished.

If my partner wants to come home

If your partner returns home, they might be breaking one of their conditions. This could also put you and your children in danger.

You might feel pressured to take your partner back. For example, you might be afraid to go against your partner's wishes. Or, they might promise to give you decision-making responsibility for the children.

Your family or your partner's family might pressure you to take them back. Or you might want them to return home. These situations can be complicated.

If you are thinking of letting your partner come home, you should talk to a Victim/Witness Assistance Program worker or a lawyer as soon as possible. [See page 38.](#)

A Children's Aid Society may be involved with your family. If they know that your partner is back home against the court's orders, they may be more concerned about your children's safety.

III When will my partner's criminal case end?

Your partner's criminal case will end when one of these happens:

- the Crown withdraws the charges
- your partner pleads guilty
- your partner has a trial

Withdrawing charges and early intervention

The Crown cannot withdraw your partner's charges just because you ask them to. The Crown will only withdraw the charges if:

- they do not have enough evidence to prove your partner is guilty, or
- they do not think it is in the "public interest" to continue the case

"Public interest" includes your safety, your children's safety, and the importance of stopping family violence in our society. If the Crown thinks there is a different way to keep everyone safe and hold your partner accountable, they might withdraw your partner's charges.

In family violence cases, court staff may ask your partner to take part in the Partner Assault Response (PAR) program.

The Crown or the Court will first ask you if you agree to your partner taking part in the program. And they will consider your response when deciding whether it is suitable.

The PAR program teaches your partner about family violence, including how to resolve conflict without violence.

In most cases, to qualify for the PAR program the following must be true:

- this was your partner's first violent crime
- you were not seriously injured
- your partner did not use a weapon
- your partner agrees to plead guilty or sign a **peace bond**

If your partner enters the PAR program, staff from the program let you know. They ask you about your safety and tell you about services and supports you might need.

Sometimes your partner may be allowed to return home to live with you while they are in the program, but only if you agree. You can always change your mind later if things do not work out.

If your partner finishes the PAR program, they may get a conditional discharge or an absolute discharge. Or they may have to sign a **peace bond**. See page 62.

A conditional discharge means your partner is guilty and must follow certain conditions for a period of time. An absolute discharge means your partner is guilty but there is no punishment.

Pleading guilty

Your partner can plead guilty any time after they are charged.

Sometimes the Crown and your partner's lawyer negotiate a guilty plea. For example, the Crown might agree to a lower **sentence** if your partner pleads guilty and completes the PAR program.

Sometimes the Crown prefers this because your partner admits they are guilty without the need for a trial and witnesses.

The Crown will usually let you know that they want to make a deal for a guilty plea with your partner. They may ask you what you think.

If the Crown and your partner agree on a sentence, they will tell the judge. But the judge does not have to agree. The judge makes the final decision. [See page 49.](#)

Going to trial

Instead of pleading guilty, your partner can decide to have a trial. Part 5 has more information about the criminal law process.

III Which court will hear the case?

The Ontario Court of Justice handles most criminal matters. The Superior Court of Justice handles the most serious cases.

Domestic violence court

There is an Integrated Domestic Violence Court at the Ontario Court of Justice. This means the same judge hears both the family law and criminal law cases that involve family violence. It is located at 311 Jarvis Street in Toronto.

However, this court cannot hear cases that involve divorce, property division, or child protection. It is also only available if you live in Toronto.

The goals of this court are to:

- make the family and criminal court process easier for families dealing with family violence
- make sure family and criminal court orders are consistent
- resolve court cases more quickly

III Will someone help me if my partner is charged?

If your partner is charged, the police and the Victim/Witness Assistance Program (VWAP) can help you.

Victim/Witness Assistance Program (VWAP)

There is a VWAP office in or near every court in Ontario. To find the VWAP in your area you can call the Victim Support Line at **1-888-579-2888**, or search the online Victim Services Directory at **ovss.findhelp.ca**.

VWAP's staff help you to understand the court process and give you updates on the court case. They help you communicate with the Crown and the police.

If your partner is held in jail, you can register with VWAP's Victim Notification Service to be told when your partner is released. It is important for you to give the police an up-to-date phone number so that they can call you.

If your partner is held for a bail hearing, VWAP staff will try to call you before they are released. They will ask if you are worried about your safety and if there is anything else that you would like the Crown to know.

If your partner is released on bail, VWAP staff can tell you what happened at the bail hearing, get you a copy of the bail conditions, and explain the conditions to you.

See page 31.

If your partner is going to have a trial, VWAP staff can arrange a pre-trial interview with the Crown to discuss the evidence in your partner's case.

VWAP staff cannot talk about the evidence, but they can let you know what to expect during the trial. They might give you a tour of the court. They can also ask for a copy of your

police statement for you to review it before the trial. They can refer you to other services that might offer you support, such as help planning for your safety.

III What if the police arrest or charge me?

The police can only charge you if they think you committed a crime. Sometimes this happens in family violence situations because both partners use physical force against each other.

If the police arrest you, they must:

- tell you why
- only search you in a reasonable way
- let you speak to a lawyer

You must give your correct name and date of birth. This is the **only** information you must give the police if you are arrested.

You **should not** answer **any** other questions from the police without talking to a lawyer. Anything you say can be used against you in court. This includes things you think may help you.

Tell the police that you **want a lawyer**, and that you will **not answer questions without speaking to a lawyer**.

You should speak to a criminal lawyer as soon as possible.

The police must give you a private phone line and a private place to speak to the lawyer. Usually, this is a room at the police station.

If you have a lawyer you would like to speak to, the police must help you find the phone number for that lawyer. If you do not have a lawyer, the police must help you call a free lawyer. There is a duty counsel hotline at **1-800-265-0451**.

If you cannot afford a lawyer

If you cannot afford a lawyer, you can apply to Legal Aid Ontario (LAO) for a **legal aid certificate**.

To get a certificate for a criminal issue, you must show that you have a low income and that you could go to jail if you are found guilty.

Call LAO at **1-800-668-8258** to apply. Some people, like those living in a shelter or getting Ontario Works, can apply online at **legalaid.on.ca/services/how-do-i-apply-for-legal-aid**.

If LAO rejects your application, you can:

- Appeal the decision. This means that you disagree with the decision and want someone with more authority to review it.
- Go to court and ask for an order that the government pay for your lawyer. The court might make this type of order if you cannot afford a lawyer and you need one to have a fair trial. But this order is hard to get.

You might also want to talk to someone at a shelter or a community legal clinic. They can try to get you a certificate that gives you 2 hours of free legal advice. [See page 109.](#)

If you cannot hire a lawyer, you might be able to get help from duty counsel at court. Duty counsel are free lawyers for people with a low income and who do not have their own lawyer. They will only help you on the day you are in court.

Duty counsel cannot represent you at a trial, but they may help you to:

- get bail
- understand your case
- talk to the Crown

Part 10 lists legal and community resources for women who have been abused.

Immigration status

If you are not a Canadian citizen, it is very important for you to speak to an immigration lawyer, if you have been arrested or charged.

A criminal charge or conviction could affect your right to stay in Canada. For example, if you are convicted of a serious crime, you could lose your permanent resident status and be forced to leave Canada.

If you only have temporary status in Canada, you can also lose your status and be forced to leave Canada for a less serious crime. [See page 87.](#)

Part 5: The criminal trial

III What happens at the trial?

Criminal trials are usually open to the public. The trial is between your partner and the government.

Your partner may have a lawyer. The government always has a lawyer called the **Crown Attorney**. Most people call this person “the Crown”. The Crown is not your lawyer.

Legal terms in **blue** are explained in the Glossary at the end of the handbook.

The Crown’s job is to convince the judge **beyond a reasonable doubt** that your partner committed the crime.

The Crown presents their case first. They will call witnesses and present evidence to prove your partner committed the crime. Your partner’s lawyer can ask the Crown’s witnesses questions.

Then your partner or their lawyer presents the case for your partner. They may present their own evidence and call their own witnesses. If they do, the Crown can ask the witnesses questions.

Each witness must swear an oath on a holy book or promise that they will tell the truth. In some places, Indigenous witnesses can swear on another sacred object, such as an eagle feather, if they prefer.

At the end of the trial, the judge looks at all the evidence and decides if your partner is guilty. The judge may give a decision at the end of the trial, or sometime later.

Some trials only last a couple hours, but some trials can last a few days or even weeks. If your partner is found guilty, there will be a sentencing hearing to determine their punishment. [See page 49.](#)

III **What documents will my partner get to see?**

Before the trial, the Crown must give your partner or their lawyer copies of all the documents, evidence, and other information the police have collected. This is called **disclosure**.

Disclosure includes witness statements, photographs, medical reports, videos, recordings of a 911 call, and any other information that you or other witnesses gave to the police.

Disclosure in sexual assault cases

In sexual assault cases, there are strict rules about disclosure. Your partner or their lawyer must ask a judge for permission to get certain types of records, including your medical, counselling, or therapy records, or your personal journals or diaries.

The judge will not allow your partner to get these records unless your partner needs them to properly defend themselves at trial. The judge must think carefully about your privacy rights before making a decision.

If your partner asks a judge for your personal records, you can hire a lawyer to tell the judge why your partner should not get them. If you cannot afford a lawyer, you can apply for a **legal aid certificate** to help pay for a lawyer. See page 109.

If your application is denied, you can contact Victim/Witness Assistance Program (VWAP). See page 38.

III Do I have to testify at the trial?

In most cases, you will be called as a witness. It is important for the judge to hear you talk about what happened. You may be the only person who was there when your partner was violent. Telling the judge what happened is called “testifying”.

If you got a **subpoena**, you must go to court. If you do not go, the Crown can ask the judge for a **warrant** for your arrest. This does not happen very often, but if it does, the police can arrest you and bring you to court.

Preparing to testify

It may take many months or even more than a year between the day your partner was charged and the day of the trial. Reviewing your police statement or any notes you made can

help you remember exactly what happened. If you do not remember something when testifying, the Crown may ask the judge for permission to let you look at your statement in court to refresh your memory.

If you want to meet with the Crown before the trial, VWAP staff can help you arrange a meeting and get a copy of your police statement to review.

Your partner or their family might try to scare you. If you are concerned for your safety, tell the police officer, court security, or someone at the VWAP.

Testifying in court

It is a good idea to get to the court early. This will help you to get settled and give you enough time to speak with the VWAP worker, the police officers, or the Crown if you need to.

You will probably be the Crown's first witness. But it may take some time until the court is ready to hear from you.

If you feel unsafe or uncomfortable waiting in the hallway, you can ask to wait in the VWAP office. When it is your turn, usually the VWAP worker or the police officer will come with you into the courtroom. The VWAP can also send a support person to be with you in the courtroom when it is your turn to testify. Or you can bring someone to court with you. [See page 38.](#)

Before you testify, you must swear an oath or promise to tell the truth. It is against the law to lie under oath.

The Crown will ask you questions first. Take your time and answer the questions carefully and honestly. If you do not understand the question, ask the Crown to repeat it or explain it. It is ok to say that you do not remember something. If you do not know the answer, do not try to guess. Just say that you do not know.

When the Crown is finished, your partner's lawyer may ask you questions. If your partner does not have a lawyer, your partner may ask you questions.

If you think you cannot testify properly because you are afraid of your partner, you should tell the Crown or the VWAP.

The Crown can ask the judge to choose a lawyer to ask the questions instead of your partner. The Crown may also be able to ask for a testimonial aid to help you testify. For example, you might be able to testify behind a screen so you do not have to look at your partner.

Questions from your partner or their lawyer are usually harder to answer than questions from the Crown. They may try to make the judge believe that:

- you are making up what happened
- you were hurt by someone else, not your partner
- you tried to hurt your partner first and they acted in self-defence
- you are unreasonable or unstable
- your story cannot be believed

- you are doing this so you can get decision-making responsibility for your children
- you are doing this to try to get money from the Victim Quick Response Program+. [See page 53.](#)

You must answer the questions from your partner or their lawyer. If the Crown thinks the questions are not allowed, the Crown will stand up to object and tell the judge why you should not have to answer the question. If you see the Crown stand up while you are testifying, stop talking right away and wait. When the Crown finishes talking to the judge, the judge tells you if you must answer the question.

Answer each question honestly, clearly, and completely. Try not to give more information than is asked for. Often your partner's lawyer may want you to just answer "yes" or "no". It is ok to answer "yes" or "no", but if you think "yes" or "no" is not a complete answer, you can explain why.

After you finish testifying, you can leave court. Or you can stay and watch the rest of the trial.

The Crown will bring in the other witnesses one at a time. Other witnesses might include doctors, police officers, the person who took pictures of your injuries, or neighbours who saw or heard the incident. These other witnesses wait outside the courtroom while you are testifying. They are not allowed to listen to what you say in court.

Children at court

It is best to find someone to take care of your children while you are at court. You might have to wait for a long time to testify. Usually, children are not allowed in the courtroom because they might disturb the process.

Children can also be very upset by the things they hear or see at court.

If you cannot find someone to take care of your children while you are at court, ask the VWAP if they can help you to find a solution.

III Can my partner make excuses to defend themselves?

Your partner has the right to testify at trial and to raise defences. For example, they might try to say that you started the fight and that they were just defending themselves. These explanations do not excuse their behaviour.

If your partner testifies, the Crown can ask them questions to show the judge why they should not believe your partner. Or that your partner does not have a good defense.

The judge will look at all of the evidence to make a decision.

III What sentence could my partner get?

If the judge decides your partner is guilty, the judge must also decide on a sentence. This happens at a sentencing hearing.

The Crown and your partner's lawyer can both tell the judge what they think the sentence should be. But it is up to the judge to make the final decision.

The judge decides on a suitable sentence based on:

- how serious the crime was
- the impact it had on you and your children
- the importance of ending family violence in the society
- your partner's criminal record

Victim impact statement

Before the judge sentences your partner, you can tell the judge about the effect the violence has on you and your family. You can do this by preparing a **victim impact statement**.

VWAP workers can help you prepare your victim impact statement. The Crown must give a copy of your statement to your partner or their lawyer. The judge may ask you some questions about it, but usually they do not.

You or your partner can also use the victim impact statement in any family court case that happens after the criminal trial.

Types of sentences

As part of the sentencing process, the judge must also decide whether or not your partner should get a criminal record.

If the judge believes your partner should get a criminal record, then they can order one of these sentences:

- A suspended sentence: your partner gets a criminal record but there is no punishment.
- A conditional sentence: your partner does not have to go to jail, but they must follow certain conditions for a specific amount of time. If they do not follow the conditions, they might have to spend the rest of the time in jail.
- Jail time: your partner must spend a specific amount of time in jail.
- A fine: your partner must pay the court money. This is not a common sentence in family violence cases.
- Restitution: your partner must give you money for damaging your property or injuring you.

If the judge thinks your partner should not have a criminal record, the judge may give your partner an “absolute discharge” or a “conditional discharge”.

An absolute discharge means your partner is guilty but there is no punishment. It will show up on their criminal record for a year and then it is sealed.

A conditional discharge also means your partner is guilty, but they must follow certain conditions for a period of time. This is called a probation term. If your partner follows the conditions, the discharge will stay on their record for 3 years after the probation term has ended.

If they do not follow the conditions, they can be arrested and may have to serve the rest of their probation term in jail. And the conviction will be on their record forever.

Probation

Probation is when your partner must follow certain conditions while they are living in the community, similar to bail conditions. Judges often add probation to sentences. If the judge sentences your partner to jail time, then probation will start when they get out of jail. If your partner is not sentenced to jail time, then probation might start right away.

Some of the most common probation conditions are about contact. For example, your partner might have to:

- Have no contact or communication with you.
- Only contact you if you give permission in writing to your partner's probation officer. You can always change your mind and cancel your permission.

- Not come close to you, your home, or your workplace.
- Only contact you and the children if a family court order says so.

Other common probation conditions your partner might have to follow:

- Support you or your children financially.
- Report to a probation officer regularly.
- Do not use alcohol or drugs.
- Take part in counselling for substance abuse, partner abuse, or anger management.
- Not own or carry a weapon.

If the judge adds probation to your partner's sentence, VWAP, the Crown, or court staff can give you a copy of the probation order.

If you have a family court case, you should tell your family lawyer or the family court about your partner's probation. Sometimes a family court judge might have to change your court order so that it can work with your partner's probation conditions.

III What if the judge decides my partner is not guilty?

If the judge is not certain **beyond a reasonable doubt** that your partner did every part of the crime, the judge cannot find your partner guilty.

Sometimes, the judge might believe what you say during the trial, but still say your partner is not guilty. For example, the judge may believe that you felt scared because your partner was angry, but the judge might not think your partner meant to threaten you. Just because the judge says your partner is not guilty does not mean that the judge did not believe you.

Even if the judge says your partner is not guilty, the judge can still order them to sign a peace bond saying that they will not contact you. The **peace bond** can also include conditions similar to bail conditions. [See page 62.](#)

If your partner is not guilty, they will be free to leave the courthouse. You should make a safety plan for when you leave the court. [See page 7.](#)

III Compensation for victims of crime

The Victim Quick Response Program+ (VQRP+) is a government program that may pay for certain expenses you have as a result of a violent crime in Ontario. This includes intimate partner violence.

The rules about who can qualify for help are very strict. For example, you must first report the crime to the police or to a community victim support agency within a certain time. And, in most cases, you must show that you:

- have no money or insurance to pay for the expenses, and
- there are no publicly-funded programs that can meet your needs.

The VQRP+ decides if you qualify and how much money you get. You will not have a court or tribunal hearing.

For more information or to apply to the VQRP+, search the Victim Services Directory to find the VQRP+ service delivery organizations in your community. Or you can call the Victim Support Line at **1-888-579-2888**.

III What can I get compensation for?

Some of the expenses that the VQRP+ pays for include the cost of:

- emergency expenses related to home and personal safety, for example, replacing broken windows or locks, and adding dead bolts or window alarms
- getting counselling or traditional Indigenous healing that gives immediate, short-term support, and travel costs to get there
- a funeral
- cleaning up the crime scene

There is more support available if you suffered a serious injury because of the crime.

The VQRP+ does not pay for:

- pain and suffering, or
- income you cannot earn because you cannot work as a result of the crime

How much can I get?

The VQRP+ has limits on how much it pays. For example, it pays:

- emergency safety expenses up to \$1,000
- counselling fees up to \$1,000
- funeral expenses up to \$5,000
- crime scene cleanup up to \$1,500

You must keep all receipts to prove how much you paid.

When do I have to apply by?

In general, the deadlines to apply to the VQRP+ are:

- **45 days** from the date of the crime to help pay for your immediate needs, such as cleaning up the crime scene or adding emergency safety features to your home
- **6 months** from the date of the crime to help pay for any short-term counselling or traditional Indigenous health services

- **one year** from the date of the crime to help pay for expenses related to a serious injury

The VQRP+ processes requests:

- within 3 business days for funeral and emergency expenses
- within 5 business days for counselling or traditional Indigenous healing expenses
- within 10 business days for applications from those who were seriously injured by a violent crime

For more information about criminal law, visit
stepstojustice.ca/criminal-law.

Part 6: Protecting yourself

Even if the police do not charge your partner, there are other ways the courts can help you stay safe.

In family court, you can get a **restraining order** or an **exclusive possession order**.

In criminal court, you can get a **peace bond**.

Legal terms in **blue** are explained in the Glossary at the end of the handbook.

You have to decide which order to apply for based on what is best for your situation.

Think about things like:

- the relationship you have
- how long you want the order to last
- which court you have to use

Family court orders

What is a restraining order?

A restraining order is a family court order that says what your partner cannot do. It can last for any length of time, even many years.

Who can get a restraining order

You can usually only apply for a restraining order against your partner if at least one of these is true:

- you were married to your partner
- you lived with your partner for any period of time
- you have a child together

If none of these situations apply to you, you can try to get a **peace bond** in criminal court instead. [See page 62.](#)

Conditions in a restraining order

You can ask the judge for any conditions you think will help to keep you safe. For example, you can ask that:

- your partner cannot come within 500 metres of you, your children, your home, or your workplace
- your partner cannot contact you or communicate with you, either on their own or through their family and friends
- your partner can only contact your children through an agency or another person you agree on

Even though a restraining order is made in family court, if your partner breaks any of the conditions, the police can arrest them and charge them with a crime.

Parenting time with children

If you are worried about whether your partner will take care of your children properly, you can ask the judge to order **supervised parenting time**. This means someone watches

your partner's visits with your children. For example, a friend or family member you both trust. Or the visits can happen at a supervised centre, if one is available.

If you are worried about your safety when picking up or dropping off your children, you can ask the judge to order **supervised parenting time exchanges**. These exchanges might take place at a supervised centre, if one is available, or in a public place. Or they might be supervised by a friend or family member.

Applying for a restraining order

Apply for a restraining order at family court. You must prove that you have reasonable grounds to fear for your safety or the safety of your children.

You can get a restraining order even if your partner has never been charged with a crime. You can also get one if they were charged with a crime, but the case is not finished or it is finished and they were found not guilty.

If you need a restraining order right away, go to your nearest family court and ask for help from the duty counsel or advice counsel lawyer. You might also be able to get help from a Family Court Support Worker. [See page 108](#).

Your partner will usually get notice of your application for a restraining order and will have a chance to respond before the court hearing. But in dangerous situations, a judge might make exceptions. You can ask to apply to get the order without notice to your partner.

This type of order only lasts for a short time. It gives you some protection right away. But you will have to give your partner a copy of the order and there will be another court date where your partner will have a chance to respond.

After you get a restraining order

Keep a certified copy of the restraining order with you all the time. If you call the police because your partner is not following the order, the police may want to see the order before they arrest them.

What are exclusive possession orders?

An exclusive possession order is a family court order that says one partner can stay in, or return to, the family home and the other partner is not allowed on the property. If there are children, the order usually says that the children are also allowed on the property.

The order is usually temporary. The court does not decide who owns the home or who rented it when deciding which partner can stay in it.

An exclusive possession order does not decide how property is divided. “How do we divide our property” in Part 7 explains how property is divided.

You can get an order for exclusive possession for a house or apartment. You can get an order even if it is your partner who owns or rents the home. But it might be more complicated if your name is not on the lease. If you are in this situation, talk to a family lawyer. [See page 109.](#)

Who can get an exclusive possession order

Usually, only partners who are legally married can apply for an order for exclusive possession. If you are in a common-law relationship, it is harder to get an order for exclusive possession. It partly depends on whose name is on title or the lease. If you are in this situation, talk to a family lawyer. [See page 109.](#)

Applying for an exclusive possession order

Apply for an order for exclusive possession in family court. The judge makes a decision based on things like:

- the best interests of the children, including the effects of moving to a new home, and how they feel about moving or staying
- how attached your children are to the neighbourhood, including how long they have lived there, if they are in school, and their attachment to friends
- any violence committed against you or your children
- you and your partner's financial situations
- any written agreements between you and your partner
- if other suitable and affordable housing options are available

Orders for women on reserve

Indigenous women and people who are gender diverse living on reserve can have a hard time getting help to make sure their partner follows family court orders. This is because different laws can apply on reserve lands. For example, the Ontario law on exclusive possession does not apply on reserve lands.

Each First Nation might pass its own laws about family property rights. If they do not, there is a federal law about who can live in the home and how to divide the value of a family home on reserve. Part 9 has more information about issues affecting Indigenous women.

III Criminal court orders

What is a peace bond?

A **peace bond** is a criminal court order that requires a person to “keep the peace and be of good behaviour”. This means they have to follow the rules and not get in trouble.

A peace bond can also include other conditions. For example, your partner may be required to follow a “no contact” condition where they are not allowed to contact you or your children.

Peace bonds are sometimes called “section 810 peace bonds” or “810 recognizances”. A section 810 peace bond can last for up to one year. If you need to be protected after your peace bond ends, you have to apply for another one.

Who can get a peace bond

Anyone can apply for a peace bond. And you can apply for a peace bond against anyone if you are afraid they might hurt you, your children, or your property. You do not have to be married or in a common-law relationship with the other person.

Conditions in a peace bond

A peace bond does not give your partner a criminal record. But it is a crime if your partner refuses to sign a peace bond if they are ordered to or if they do not follow the peace bond’s conditions. If your partner does not follow the conditions, you can call the police. The police can arrest them and charge them with a crime.

Applying for a peace bond

Apply for a peace bond in criminal court at the Justice of the Peace (JP) office. To find a JP, call your local court or go to **ontariocourts.ca/ocj/judges-and-justices-of-the-peace**.

You must tell the JP why you think you need a peace bond. You must show that you are scared for your safety, your children’s safety, or you think your partner will damage your

property. And that your fear is reasonable. If the JP agrees, they send your partner a summons to come to court on a specific date.

Your partner can agree to sign the peace bond, or they can ask for a hearing. It can take a long time to have a hearing. Think about making a safety plan for you and your children to keep you safe while you wait for your hearing. [See page 7.](#)

At a peace bond hearing, you can have a lawyer represent you in court, but you do not need to.

The JP will hear from both you and your partner. The JP looks at the evidence and decides if your partner must sign a peace bond, and if so, which conditions to include.

Important: You and your partner might both be asked to sign a peace bond. This is called a “mutual” peace bond. **Never** agree to sign a mutual peace bond without getting legal advice first. It means that you must follow the same conditions as your partner. An abusive partner might try to get you to break a condition and then call the police to report you.

You can use CLEO’s Guided Pathway to apply for a peace bond. Go to guided-pathways.ca/peace-bond.

After you get a peace bond

Keep a certified copy of the peace bond with you all the time.

The police also keep a copy of your partner's peace bond on their computer system. If you call the police, they can look up your partner's conditions on their computer system.

What can I do if my partner is not following an order?

You can call the police if your partner does not follow a restraining order or a peace bond. A police officer can arrest your partner. But if you do not have immigration status, there may be risks if you call the police. [See page 87.](#)

You might also want to give a copy of the order to other people. For example, if there is a condition that your partner cannot contact your child, you should give a copy of the restraining order or peace bond to your child's school or day care centre so that they can show it to the police if your partner tries to pick up your child.

Are there other options that protect me?

Victim Crisis Assistance Ontario (VCAO) is available across the province. VCAO can help you:

- make a safety plan
- gather documents to apply to the VQRP+
- refer you to other services
- give you a cell phone programmed to call 911

For more information, and to find the VCAO agency in your area, call the Victim Support Line at **1-888-579-2888**, or search the online Victim Services Directory at **ovss.findhelp.ca**.

For more information about family law and criminal law, visit **stepstojustice.ca**.

Part 7: Your rights under family law

Family law is mostly about the rights and responsibilities of partners, parents, and children. These laws deal with things like:

- decision-making responsibility for the children, which used to be called custody
- parenting time between parents and children, which used to be called access
- dividing family property
- financial support for you and the children

If you are married and want a divorce, the federal Divorce Act also applies.

III What is decision-making responsibility?

Decision-making responsibility is the right to make important decisions about how to care for and raise a child. It includes the right to make decisions about a child's education, health care, religion, and important extra-curricular activities.

Decision-making responsibility used to be called custody.

Decision-making responsibility is not about who your child lives with. It is also not about how much time your child spends with each parent.

Decision-making responsibility can be divided in a few ways:

- One parent has all the decision-making responsibility.
- Parents share decision-making responsibility and need to agree on important decisions.
- Parents have decision-making responsibility for different things. For example, one parent may have decision-making responsibility for education and another parent for health care.

Sharing decision-making responsibility can work well if parents can communicate and work together. If your partner is abusive or controlling, they might want to share decision-making responsibility so they can use it to try and control you. You do not have to agree to this.

If you have all the decision-making responsibility for your children, your partner usually has the right to ask for, and get, information about their children's health, education, and well-being.

III What is parenting time?

Parenting time is the time that a child spends in the care of each parent. This used to be called access.

Your partner has the right to parenting time with their children unless the court orders no parenting time or says that you can decide how much parenting time they get.

If a court order or agreement gives your partner parenting time, you cannot stop them from seeing the children unless you think it is not safe for the children. For example, if your partner has been drinking or using drugs, you can stop them from driving with the children.

If you want to deny parenting time, talk to a family lawyer or duty counsel at your local family court right away to find out if you can have the order or agreement changed.

You cannot deny parenting time because the other parent has not paid child support.

There are different ways to set up parenting time:

Reasonable parenting time

If you and your partner can co-operate, parenting time can be left open and flexible. This is sometimes called **reasonable parenting time** or **liberal and generous parenting time**. This allows you to informally make plans that can easily be changed if the situation changes.

Fixed parenting time

Sometimes parenting time is on a specific and detailed schedule. This is often called **fixed parenting time** or **specified parenting time**. The schedule may cover things like holidays, long weekends, children's birthdays, and religious occasions. It may include details like who is responsible for pick up and drop off.

Supervised parenting time

In some situations, parenting time may need to be supervised by another person. For example, your partner might get **supervised parenting time** if they have:

- a drinking or drug problem,
- abused the child in the past, or
- threatened or tried to take the child away from you.

Legal terms in **blue** are explained in the Glossary at the end of the handbook.

There are supervised access centers across Ontario. To find out if there is one in your area, go to **ontario.ca/page/supervised-access-centres**.

If there is no supervised access centre in your area, you might have to find and agree on a suitable supervisor. This could be a relative or friend that both you and your partner trust.

No parenting time

In the most extreme cases, a parent might not have any parenting time with their child. For example, if your partner has seriously neglected or abused your child, or if your child's safety cannot be protected.

In some cases, a judge might not order parenting time for other reasons, for example, if an older child has a strong wish not to see that parent.

Taking the children out of Canada

Neither parent can take the children out of Canada without an agreement with the other parent or a court order. If your partner has threatened to take the children out of Canada, you should talk to a family lawyer right away.

If you think your partner might have already taken the children out of the country, call the police immediately. But if you do not have immigration status, there may be risks if you call the police. [See page 87.](#)

The Hague Convention is an international law that sets out a process when a child is taken or kept out of the country by a parent without the other parent's permission. However, it does not apply in many countries. Even when it does apply, getting a child back from another country takes a lot of time and money.

There is more information at travel.gc.ca/assistance/emergency-info/child-abduction-welfare.

III What is child support?

Generally, child support is money paid by the parent who spends less time with the child to the parent who takes care of the child most of the time. It does not matter if the parents are married or not.

Child support is usually made up of a **basic amount** for expenses and an amount for other expenses, called **special or extraordinary expenses**.

Table amount

Each province and territory has a Child Support Table. The Table shows the basic monthly amounts of child support to cover expenses like clothes, food, and school supplies. The basic amount is also called the table amount. It is based on the income of the person paying support and the number of children they have to support.

In some cases, the court will order child support that is based on a higher income than what your partner says they make. The court might do this if your partner earns income in cash that they do not report on their income taxes. This is called **imputing income**.

Special and extraordinary expenses

Your partner might also have to contribute toward special or extraordinary expenses. An expense may be a special or extraordinary expense if it is both:

- **reasonable** which means that you and your partner can afford it, and
- **necessary** for the child's best interests. For example, the expense was part of your family's spending pattern before you separated.

If your child is in daycare, or has special needs, your partner might have to pay extra amounts of child support to contribute to these costs.

In most cases, you and your partner pay special expenses based on how much you earn. So, if both of you make roughly the same amount of money, you split the cost of special expenses equally.

If an older child pays some of their own expenses, that amount is subtracted before the parents divide the expense.

Child support amounts

The amount of child support you receive can be affected by the amount of time the children are in your partner's care. For example, in cases of **shared parenting** where you and your partner each have the child at least 40% of the time.

Or in cases of **split parenting** where there is more than one child, and one child lives with you most of the time and the other child lives with your partner most of the time.

If the parent paying child support loses their job, they can ask to reduce child support. Or, if you know your partner's income has increased, you can ask to increase child support.

III What is spousal support?

Spousal support is money paid by the partner who earns more to the partner who earns less.

Spousal support applies to partners who are married.

It also applies to partners who are not married as long as they have:

- lived together for at least 3 years, or
- have a child together and were in a relationship of “some permanence”.

The court looks at a number of things when deciding if spousal support must be paid. These include:

- the needs and financial situation of each partner
- the length of the marriage or relationship
- the role each partner played during the marriage or relationship, for example, if one of you stayed at home to look after the children
- the effect of these roles on each partner and their current financial position
- whether your partner signed an immigration sponsorship agreement

The amount of spousal support is usually decided using the **Spousal Support Advisory Guidelines**. It gives low, middle, and high ranges of support amounts to consider.

Even if you get spousal support, it does not usually last forever. Both partners are expected to be able to take care of themselves financially after some time. For example, your partner might have to pay support while you take a course or attend training. But then the amount of support might decrease over time, and then end.

If your partner gets income assistance, you are not likely to get an order for spousal support.

III How are support orders enforced?

The **Family Responsibility Office** (FRO) is a government agency that tries to make sure both child and spousal support orders are followed.

The FRO can take money from the pay or wages of the person paying support if they have a job with regular paycheques. The FRO can also collect money from bank accounts and tax returns. It can suspend a person's driver's licence or passport if they are not paying support.

The FRO can also post information at **goodparentspay.com** about people who have not paid support for more than 6 months. They do this if they cannot find the person.

For more information about enforcing a support order, go to **ontario.ca/page/paying-and-receiving-child-and-spousal-support**. Or call the FRO at **1-800-267-4330**. The TTY number is **1-866-545-0083**.

III How do we divide our property?

If you and your partner are legally married, you have a right to a share in the value of all the property that you and your partner got during the marriage. This is called **equalization of net family properties**.

Property includes money, assets, cars, registered retirement savings plans (RRSPs), pensions, or anything else that can be exchanged for money. Debts like lines of credit, loans, or credit cards are also considered.

Property claims must be made within a certain amount of time. A family lawyer can help you figure out what you should get and your deadline to make a claim.

Common-law partners do not automatically have a right to share family property. Sometimes a common-law partner can get something if they can show that the other person has been **unjustly enriched** by the relationship.

An example of this is if a common-law partner is not named as an owner of the home but made regular mortgage payments. Another example is if a person worked for free in their partner's business or did all the child care or housework so that their partner could build their business.

If you had a common-law relationship and are a registered part-owner of the family home, you do not lose your right to ownership when you leave. Talk to a family lawyer to find out how to protect your interest in the home. [See page 109.](#)

III Can I get a divorce?

To get a divorce in Canada, you only have to show that the marriage has broken down. There are 3 ways to prove this:

- You and your partner lived separate and apart for one year.

- Your partner committed adultery. This means that they had an affair. Only you can apply for a divorce based on adultery. The partner who had the affair cannot apply.
- Your partner was so physically or mentally cruel to you that you cannot tolerate living with them anymore.

If you apply for a divorce based on cruelty or adultery, you must prove it. This can be difficult and expensive.

Lived separated for one year

Most people get a divorce by showing they have lived separately for at least one year. Only one of you has to want to separate. Your partner does not have to agree. You must also start living in a way that shows your relationship has ended.

Usually, when couples separate, one person moves out. This shows that you are living apart because your relationship has ended.

But you do **not** have to move out. If it is safe for you and your children, you might decide to continue to live in the same home. You may do this because it is easier to care for your children or because it is too expensive to move out.

You can be legally separated and still live in the same home as long as you do **not continue** to do things together as a

couple. This includes not sleeping together, and not doing things together like grocery shopping, eating, meeting friends, and laundry.

You can apply for a divorce right after you separate, but you cannot get the divorce until one year has passed.

Getting back together

You can live with your partner again for up to 90 days within this one-year period if you are trying to reconcile and get back together. If you and your partner are not able to get back together, it does not affect the one-year separation period. You can do this before or after you start the court application for a divorce.

Plans for the children

If you have children, you must make plans for child support before a judge will give you a divorce.

Married in another province or country

If you were married in another province or country, you can still apply for a divorce in Ontario. You or your partner must have lived in Ontario for at least one year right before you apply.

III Can my family be reported to a Children's Aid Society?

The law says that anyone who thinks that a child is being harmed, or is at risk of being harmed, must report it to a Children's Aid Society (CAS). The CAS has a legal duty to investigate and, if needed, protect children from harm.

Harm can include physical abuse, emotional abuse, sexual abuse, or neglect. It can also include the risk of a child witnessing family violence, even if the child is not being physically harmed.

A neighbour or relative can call the CAS. Most professionals that work with children have a duty to report to CAS if they believe that your child is at risk of being harmed. This includes teachers, doctors, counsellors, and the police.

However, lawyers do not have the same duty to report as other professionals.

III How do we decide our family law issues?

In family law, you both **must** think about getting help to resolve your issues out of court.

You must think about using alternative dispute resolution (ADR) or a family dispute resolution process to resolve your issues out of court if it is **suitable** for you. Some people choose ADR because it can be cheaper and faster than going to court.

ADR is **not** always suitable in family violence situations because:

- You may be afraid of your partner.
- You might find it difficult to talk about your experiences of violence. Or, the ADR professional might not understand the impact the violence had on you or your children.
- Your partner might be very charming when other people are around. This might lead the ADR professional to think that certain arrangements, such as shared decision-making responsibility, can work, even when they are not suitable or safe for you or your children.

ADR may also not be suitable if there are serious mental health or drug abuse issues.

ADR is **voluntary**. So even though you must think about trying it, you cannot be forced to use it.

Mediation

Mediation is one type of ADR. A mediator does not give legal advice. They can help you and your partner talk about your legal issues and can help you reach a solution you both agree with. But they will not make a decision for you if you and your partner cannot agree.

Mediators are trained to:

- mediate safely and look for signs of partner abuse

- not take sides when working with partners with different interests
- help each partner see the other's point of view
- help partners agree when they see they have similar interests and concerns

In some cases of family violence, a mediator can mediate in a way that makes the process fair and safe. For example, if you are not comfortable being in the same room as your partner, the mediator can talk to each of you in separate rooms, by telephone, or online. They can plan for both of you to come and go at different times.

In other cases, the mediator may decide that they cannot make the process fair or safe. If this happens, going to court may be your only option to resolve your issues.

Even if you agree to try mediation, you do not have to agree to anything. If you are uncomfortable with something, tell the mediator that you need time to speak to a lawyer, or to think about it.

Important: If you go to mediation, make sure you do not agree to any plan or sign anything before you discuss it with a family lawyer.

Finding a mediator

If you decide to try mediation, make sure to find a mediator who has been trained to handle cases involving family violence. If you are not sure, ask the mediator about their training and experience.

Each family court location in Ontario offers subsidized mediation services. You can get up to 8 hours of mediation for a fee that is based on your and your partner's incomes. This service is available whether or not you have a court case. If you have a court case, you can get up to 2 hours of mediation for free at the court. See **ontario.ca/page/family-mediation-service-providers**.

You can also find mediators with lower fees through JusticeNet. JusticeNet is a not-for-profit that helps people whose income is too high to get legal aid and too low to afford legal fees. See **justicenet.ca/professions**.

There are several organizations that set standards for mediators in Ontario. You can find an accredited or certified mediator through:

- the Ontario Association for Family Mediation
- Family Mediation Canada
- the ADR Institute of Ontario

An accredited or certified mediator has completed special training and has professional liability insurance. This means that they have insurance in case someone sues them for not mediating properly.

Other types of ADR

There are other types of ADR too. For example, if you want a final decision if you and your partner cannot reach an agreement, you can use arbitration or parenting coordination.

Going to court

In some cases, the only way to resolve your family law issues is by going to family court.

If you have a lawyer, it is important to tell them about:

- any abuse in your relationship with your partner
- if you or your partner are involved in a criminal case at the same time
- your immigration status if you are not a Canadian citizen or permanent resident

Your lawyer can use this information to try and get suitable orders for your situation. For example, your lawyer can let the judge know that an order for shared decision-making responsibility is not suitable because your partner will use it to frighten or threaten you.

Or your lawyer might be able to get a temporary order about decision-making responsibility right away if they can show that a delay could harm either you or your children.

Choose the right court

There are 3 courts that deal with family law issues in Ontario:

- Ontario Court of Justice
- Superior Court of Justice
- Family Court branch of the Superior Court of Justice

Only the Family Court branch of the Superior Court of Justice can deal with all family law issues. If you do not have this court where you or your children live, call your local courthouse to ask which court you should go to. Or, you can go to **ontario.ca/locations/courts**, scroll down to “Index of court locations” and then look for the city closest to you.

III How does the court make decisions about children?

The judge looks at what is in the best interests of the children when making decisions about decision-making responsibility and parenting time. This includes:

- the child’s physical, emotional, and psychological safety, security, and well-being
- the relationship between each parent and the child
- how long the child has lived in a stable situation
- the child’s views and wishes, unless there is no way to find out what they are

- each parent's plan to care for and raise the child
- if there has been abuse against any family member or any child

Family courts believe that it is usually best for children to have as much contact as possible with both parents. This does not mean parents get equal parenting time.

And depending on the situation and the children's ages, the judge might want to hear their wishes too.

Important: The judge must also consider whether the parent who wants decision-making responsibility or parenting time has been violent or abusive to their partner or another family member in the past. Family violence can be physical, sexual, psychological, or financial abuse.

Non-removal orders

Courts can also make a non-removal order that stops a parent from taking the children out of a certain area, for example, a city or province.

If your partner has threatened to leave with the children, ask a family lawyer about getting a non-removal order.

If you are afraid that your partner might take the children out of the area immediately, and you do not have time to find a lawyer, go to the nearest family court and ask for help from the duty counsel or advice counsel lawyer.

Enforcing orders

If your children are in school or daycare, and you think your partner might try to take them from there without telling you, talk to the staff immediately. Give them a copy of any court orders.

If you have an order that says your partner cannot pick up the children at school, the staff should refuse to let your partner take them. If the order says your partner has parenting time with the children on certain days at specific times, the school should not give the children to them at any other time.

If your partner is not following the court order, talk to a family lawyer about getting them to follow the order or changing it. [See page 109.](#)

III Getting help

There are special legal services for people who have experienced family violence. These include agencies and services with lawyers providing legal services and other staff members trained to offer legal support services.

Part 10 lists legal and community resources for people who have been abused.

For more information about family law, visit [**stepstojustice.ca/family-law**](https://stepstojustice.ca/family-law).

Part 8: Immigration issues

Will I be forced to leave Canada if I leave my partner?

Your partner might threaten to have you deported from Canada if you report their abuse or if you leave them. Deported from Canada means being forced to leave the country.

Important: Your partner does **not** have the right to have you deported. Only federal immigration authorities can decide to deport someone. They do this based on immigration law.

Your risk of being forced to leave Canada depends on your immigration status.

Important: A person without immigration status experiencing family violence may be able to get a **Temporary Resident Permit (TRP)** from Immigration, Refugees and Citizenship Canada.

The TRP allows a person to live in Canada for at least 12 months while they decide what to do next. The TRP also allows a person to get trauma counselling and health care benefits during that time. A person can apply for a work permit at the same time as they apply for the TRP. There is no fee for either permit.

Canadian citizen

If you are a Canadian citizen, you **cannot** be forced to leave Canada only because you leave your partner.

Permanent resident

If you are a permanent resident, you cannot lose that status or be forced to leave Canada only because you leave an abusive relationship. This is true even if your abusive partner was your sponsor.

But immigration authorities might investigate if your sponsor tells them that:

- your relationship was not genuine,
- you got married or were in a relationship mainly to get immigration status, or
- you left out required information, or you included information that was not true in your application.

This could lead to the loss of your permanent resident status. If you are concerned about this happening, you should talk to an immigration lawyer right away.

See page 109.

Without permanent resident status

You might be in Canada without permanent resident status. You might have temporary status, like a work, study, or

visitor permit. Or you might be a refugee claimant. Or maybe you stayed in Canada after your temporary status ended, and you have no status.

If you have temporary status or no status, you should talk to an immigration lawyer about your options if you want to stay in Canada temporarily or permanently. [See page 109.](#)

If you do not know what your status is, you may need legal help to find out.

Spousal sponsorship in process

Your partner may have sponsored you for permanent residence under the “Spouse or common-law partner in Canada” class. A person and their sponsor can apply under this category if they are living together in Canada. This is also called “inland spousal sponsorship”.

If you have a sponsorship application in process, you could be here with temporary status, as a refugee claimant, or with no status.

Couple separates

If you and your sponsor separate while the application is being processed, you are not eligible for permanent resident status under this category. Your application will be refused and you may have to leave Canada if you do not have any other status.

This applies even if you are legally married to your sponsor, but you start living separate and apart due to a breakdown in your relationship.

Sponsor withdraws

If your partner withdraws their sponsorship while your application is being processed, you cannot get permanent resident status under this class. Your application will be refused and you may have to leave Canada if you do not have any other status.

Options to remain in Canada

The steps you can take to try to stay in Canada depend on your immigration status.

You might be able to apply to stay in Canada permanently by applying for permanent resident status on

humanitarian and compassionate (H&C) grounds.

But making an H&C application does not stop you from being removed from Canada while the application is being processed.

You may be able to get temporary status by applying for a Temporary Resident Permit and work permit because of family violence.

Or you may have other options. Talk to an immigration lawyer as soon as you can. [See page 109.](#)

Will the police contact immigration authorities?

If you call the police for help, they might contact immigration authorities to ask about your status. The police computer system will also show if there is an immigration warrant for your arrest.

Immigration authorities usually create a warrant if you:

- do not show up for a hearing or appointment with immigration officials
- had to leave Canada on a specific date but did not show up

But they can also create a warrant for other reasons.

If you do not have status, talk to an immigration lawyer right away. [See page 109.](#)

Talk to an immigration lawyer

If you are experiencing abuse and have concerns about your immigration status, you should talk to an immigration lawyer right away.

Your lawyer can do things like:

- help you apply to stay in Canada
- help you understand how your immigration status might affect any family law or criminal law issues

- explain the differences between making an H&C application and a refugee claim
- help you decide if you should apply to separate your refugee claim from your partner's refugee claim

Important: Immigration law in Canada is complicated. It is easy to make a serious mistake. It is important that you get legal advice from an immigration lawyer. If you are worried about your immigration status, are at risk of losing your status, or are unsure what your status is, you need to get legal advice.

III Resources

You might be able to get a **legal aid certificate** to help you with an H&C application. To apply, call Legal Aid Ontario toll-free at **1-800-668-8258**.

Legal terms in **blue** are explained in the Glossary at the end of the handbook.

Legal Aid Ontario's Refugee Law Office offers free help to people leaving an abusive relationship with their:

- refugee claims
- H&C applications
- other immigration questions

You can call them toll free at **1-800-668-8258**. Your local community legal clinic might also be able to help you.

See page 112.

If you have experienced family violence and need immediate legal help, you might be able to get a certificate for 2 hours of free advice from a lawyer. If you need advice from a family lawyer and an immigration lawyer, you can ask to get advice from both.

This service is also offered through some shelters, the Family Court Support Worker Program, Family Law Service Centres and community legal clinics. See pages 103, 108, 111 and 112.

Part 10 lists legal and community resources for people who have been abused.

For more information about immigration law, visit **stepstojustice.ca/immigration-law**.

Part 9: Issues affecting Indigenous women

It can be hard for Indigenous women and people who are gender diverse to get Ontario family court orders enforced on First Nations reserves. The Chief and Council can decide which laws and orders to enforce on reserve. This includes orders for **exclusive possession** of the family home, **restraining orders**, and orders for decision-making responsibility, parenting time, and support.

Legal terms in **blue** are explained in the Glossary at the end of the handbook.

Usually, Ontario law decides what should happen to family property. But there are special rules that apply to family property on reserves.

Each First Nation can pass its own laws about family property rights. If they do not, there is a federal law about how to divide the value of a family home on reserve and who can live in the home.

This is a complicated area of law. You should get legal advice from a family lawyer who also has experience dealing with issues affecting Indigenous women.

[See page 109.](#)

You should tell the judge if you or your partner live on reserve so they know that there might be different laws that apply and that it might be hard to get your order enforced.

Bands and First Nations, Inuit, and Métis communities may also have special rights to take part in **child protection** cases for Indigenous children. The court must consider things like the importance of preserving the child's cultural identity when making decisions about Indigenous children.

III Helplines

Hope for Wellness Help Line

Hope for Wellness is a crisis and support helpline that provides culturally-sensitive counselling support for Indigenous people. Counsellors also provide referrals for follow-up services. Counselling is available in English and French and, on request, Cree, Ojibway, and Inuktitut. You can also chat online in English or French. It is available 24 hours a day, 7 days a week.

Toll-free: **1-855-242-3310**

Website: **hopeforwellness.ca**

Ganohkwasra Family Assault Support Services

Ganohkwasra Family Assault Support Services offers a family violence and sexual assault crisis line to the Six Nations of the Grand River community. It is available 24 hours a day,

7 days a week. They also offer community counselling and education, shelter services, outreach services, and a youth shelter.

Call: **519-445-4324**

Website: **ganohkwasra.com**

Talk4Healing

Talk4Healing is a helpline for Indigenous women. Services are provided by Indigenous counsellors in English and many Indigenous languages including Algonquin, Oji-Cree, and Cree. You can call, text, or chat online. It is available 24 hours a day, 7 days a week.

Crisis line: **807-346-HELP (4357)**

Toll-free: **1-888-200-9997**

Website: **beendigen.com**

2-Spirited People of the 1st Nations

This organization has a crisis support line for Indigenous Peoples in the Greater Toronto Area.

They also offer counselling and referral services for First Nations, Metis, and Inuit people who self identify as Two-Spirit and/or LGBTQ+. And they provide support for Two-Spirit people living with or at risk of HIV and related co-infections.

Crisis line: **416-363-2999**

Call: **416-944-9300**

Website: **2spirits.org**

Resources

Ontario Federation of Indigenous Friendship Centres (OFIFC)

This is an organization that represents Friendship Centres across Ontario. Friendship Centres serve the needs of Indigenous people by providing culturally-sensitive and culturally-appropriate services. Some Friendship Centres have programs that provide crisis intervention and peer counselling to community members who are affected by violence.

The website lists contact information for Friendship Centres across Ontario.

Toll-free: **1-800-772-9291**

Website: **ofifc.org**

Ontario Native Women's Association

This organization deals with issues affecting Indigenous women and offers programs and services to support them.

Toll free: **1-800-667-0816**

Website: **onwa.ca**

Native Women's Association of Canada

This national Indigenous organization defends the rights of and delivers programs for all Indigenous women, girls, Two-Spirit, transgender, and gender-diverse people in Canada. It helps First Nations people on and off reserve, whether or not they have status. They also help disenfranchised Métis, and Inuit.

Toll free: **613-707-7716**

Website: **nwac.ca**

The Kanawayhitowin initiative

This organization offers information for Indigenous women experiencing family violence.

Website: **kanawayhitowin.ca**

Legal Aid Ontario

Legal Aid Ontario has specific services to help Indigenous survivors of family violence and Indigenous families involved with child protection agencies.

There are Indigenous court supports, traditional healing services, and translation services for people across Ontario. Part 10 lists legal and community resources for people who have been abused.

Part 10: Legal and community resources in Ontario

See page 95 for helplines and resources for Indigenous women and people who are gender diverse.

III Crisis helplines

Assaulted Women's Helpline

The Assaulted Women's Helpline is a free telephone and TTY crisis help line for women in Ontario who have experienced abuse. It offers crisis counselling, safety planning, emotional support, information, and referrals in over 200 languages. It is available 24 hours a day, 7 days a week.

They also have **The Seniors Safety Line**, which is the only 24-hour crisis and support line for seniors in Ontario who have experienced any type of abuse or neglect.

Toll-free: **1-866-863-0511**

TTY: **1-866-863-7868**

Bell, Rogers, Fido, or Telus mobile phone: **#SAFE (#7233)**

The Seniors Safety Line: **1-866-299-1011**

TTY: **1-866-299-0008**

Website: **awhl.org**

Embrave

Embrave has a 24-hour crisis support line program for people experiencing any kind of violence. They also have 24-hour shelters for all women and people who are gender diverse and aged 16 and older with or without children.

Toll-free: **1-855-676-8515**

Website: **embrave.ca**

Fem'aide

Fem'aide is for French-speaking women in Ontario who have been experienced abuse, including sexual assault. It offers support, referrals, and information. You can call, text, or chat online. It is available 24 hours a day, 7 days a week.

Toll-free or text: **1-877-336-2433**

TTY: **1-866-860-7082**

Website: **femaide.ca**

LGBT Youthline

LGBT Youthline offers text and online chat support from volunteers who are peer supporters aged 16-29 and have a diversity of 2SLGBTQ+ identities and lived experiences. They serve all of Ontario. They are not counsellors or a crisis line. But can provide referrals to other services.

Text only: **647-694-4275**

Website: **youthline.ca/our-programs/peer-support**

Trans Lifeline

Trans Lifeline is an organization run by transgender and non-binary people for transgender, non-binary and questioning peers. It provides anonymous and confidential peer support to transgender and non-binary people in crisis.

Crisis and support line: **1-877-330-6366**

Website: **translifeline.org**

211 Ontario

The 211 telephone helpline is a referral service, offered in more than 100 languages, for all types of social services. It is available 24 hours a day, 7 days a week.

The website has an online resource to help you find community and social services available across Ontario.

It also lists programs and services for victims of abuse and assault at **211ontario.ca/211-topics/abuse-assault**.

Telephone: **211**

Website: **211ontario.ca**

III Housing services

Ontario Association of Interval and Transition Houses

This is an Ontario coalition of emergency shelters for women who have been abused and their children, second-stage housing programs, and community-based women's service organizations. The website has links to resources and to people who work with women who have experienced family violence.

Website: **oaith.ca**

ShelterSafe.ca

This is an online resource for women and their children seeking safety from violence and abuse. It has an interactive map that can show you which shelters are closest to you, with their telephone numbers.

Website: **sheltersafe.ca**

III Other services

Canadian Council of Muslim Women (CCMW)

This is an organization that helps Muslim women access social services to cope with and escape gender-based violence. It also provides culturally-appropriate referrals to legal information and advice in family law, housing, and mental health. It includes referrals to lawyers, as well as imams.

Call: **647-622-2221** or fill out an intake form online.

Website: **ccmw.com/find-support-gbv**

Canadian Centre for Victims of Torture (CCVT)

This is an organization that provides counselling and mental health supports to newcomers and refugees, including people without immigration status in the Greater Toronto Area.

Downtown Toronto and Mississauga: **416-363-1066**

Scarborough: **416-750-3045**

Website: **ccvt.org**

Ontario Coalition of Rape Crisis Centres

This is a network of 26 community-based sexual assault centres across Ontario. They provide counselling, information, support services, and referrals to people who have experienced sexual violence. The website lists the centres and has resources for victims of sexual violence.

Website: **sexualassaultsupport.ca**

Ontario Network of Sexual Assault/Domestic Violence Treatment Centres

This is a network of hospital-based centres that provide care to women, children, and men who have recently been sexually assaulted or experienced family violence.

There are 35 of these centres in Ontario. Services include emergency medical and nursing care, crisis intervention, forensic evidence collection, medical follow-up, and counselling. The website lists centres throughout Ontario and referral information.

Website: **sadvtreatmentcentres.ca**

Ontario Victim Services

The Ontario government has a Victim Services Directory that helps abuse victims find programs and services in their communities. You can also talk to an information and referral counsellor by calling the Victim Support Line or by online chat.

Toll-free (VSL): **1-888-579-2888**

Website: **ovss.findhelp.ca**

Some of the programs funded by the Ontario government include:

- The **Victim Crisis Assistance Ontario's** (VCAO) services include being at the crime scene with the police to provide crisis support, safety planning, and referrals to counselling. [See page 65.](#)
- The **Victim Quick Response Program +** may pay for certain expenses if you have been a victim of a violent crime in Ontario. This includes sexual assault and family violence. [See page 53.](#)
- **Victim/Witness Assistance Program** (VWAP) provides information and support through the criminal court process to victims and witnesses of crime. It is available in all 54 court districts in Ontario. [See page 38.](#)

III Legal services for victims of violence

There are some special legal services that are available to women and people who are gender diverse who have experienced family violence. These include agencies and services that have lawyers providing legal services and other staff members trained to offer legal support services.

Luke's Place

This organization provides legal support services to women who have experienced abuse and are involved in family court. They offer a Virtual Legal Clinic that connects women everywhere in Ontario with lawyers for free legal advice on family law issues.

Their website has a list of organizations in Ontario that support women who have been abused. See **lukesplace.ca/for-women/legal-and-family-court-support**

Toll-free: **1-866-516-3116, ext. 235**

Website: **lukesplace.ca**

Barbra Schlifer Commemorative Clinic

This organization offers free legal services in family and immigration law to women and people who are gender diverse in the Greater Toronto Area who experience physical, sexual, or psychological abuse. It also provides counselling and language interpreter services.

Staff can give general advice and help in criminal law issues.

Toronto area (accepts collect calls): **416-323-9149**

TTY: **416-323-1361**

Website: **schliferclinic.com**

Jared's Place Legal Advocacy & Resource Centre for Women

This organization provides free legal information to women who have experienced abuse. Women can get support from a legal advocate and general legal advice from a lawyer.

Telephone: **905-522-0127, ext. 202**

Website: **intervalhousehamilton.org**

Family Court Support Workers

Family Court Support Workers provide support to people who have experienced family violence and are involved in the family court process. A Family Court Support Worker can:

- give you information about family law and the court process
- help you find a lawyer
- help you prepare for family court dates
- go to court with you
- refer you to other special services and supports in the community
- help you make a safety plan

If you have questions about the program, or need help finding a service provider, call the Victim Support Line (VSL).

Toll-free (VSL): **1-888-579-2888**

Website: **ontario.ca/page/family-court-support-workers**

III General legal services

Legal Aid Ontario (LAO)

Legal Aid Ontario gives people with low incomes access to a wide range of legal services. Some of these are only for people who have experienced family violence.

You can get up to 20 minutes of free general information and advice by calling:

Toll-free: **1-800-668-8258**

TTY: **711**

Website: **legalaid.on.ca**

Legal aid certificates

You can apply for a legal aid certificate. A certificate is a document that says LAO has agreed to pay for a certain number of hours of a lawyer's time to work on your legal issues. LAO will decide if you qualify based on your income and legal issue.

You might be able to get a certificate for different legal areas, such as refugee, immigration, child protection, family, or criminal law issues.

To apply for a certificate call LAO at **1-800-668-8258** or apply online at **legalaid.on.ca/services/how-do-i-apply-for-legal-aid**.

There are different financial tests for people with criminal law issues and people who experience family violence. See the income levels for family law cases at legalaid.on.ca/en/getting/eligibility.asp.

People who call LAO and say they experienced family violence are placed in a priority line for help with their application. In urgent cases, you might be able to get a certificate on the day that you apply.

If you need advice right away, you can ask a shelter, Family Court Support Worker, or community legal clinic to help you get a certificate for 2 hours of free advice from an immigration lawyer as well as a family lawyer.

LAO provides legal aid certificates for victims of family violence who have been charged with a crime if they:

- qualify financially, and
- face serious consequences if they are found guilty.

Family Law Offices

There are 3 Family Law Offices in Ontario that have family lawyers who represent people that qualify for a legal aid certificate. They are located in:

- Kenora: **1-888-295-4986**
- Ottawa: **613-569-7448**
- Thunder Bay: **1-800-393-8140**

Family Law Service Centres

Family Law Service Centres provide a variety of legal resources and support to people who qualify for legal aid. This can include:

- help with documents
- referrals to advice counsel
- a staff lawyer to represent you in family law cases
- referral to a private lawyer who will take a legal aid certificate
- mediation and settlement conferences
- referrals to other social service agencies

These centres are located in Brampton, Chatham, Halton, Newmarket, North York, Oshawa, Sarnia, St. Catharines, Toronto, Welland, and Windsor. To find a centre near you, call LAO or go to **legalaids.on.ca**.

Family Law Information Centres

Family Law Information Centres (FLICs) are located in most Ontario courts that deal with family law matters. They provide a variety of information and services that can:

- help you understand the court process
- give you court forms
- explain how to get your own lawyer
- answer your general questions
- refer you to services and resources

Advice lawyers are also available at FLICs, at certain times. You can find a list of courthouses at **ontario.ca/locations/courts**.

Sexual Assault Program

If you have experienced sexual assault and live in Ontario, you might be able to get a certificate for up to 4 hours of free legal advice by phone or video.

Toll-free: **1-855-226-3904**

Website: **ontario.ca/page/independent-legal-advice-survivors-sexual-assault**

Community legal clinics

Community legal clinics provide general legal advice and referrals, and represent people on many legal issues. Student Legal Service Organizations (SLSO) in law schools in Toronto, Kingston, London, Ottawa, Windsor, and Thunder Bay can also provide legal help.

To find the community legal clinic, or SLSO nearest you, call LAO or visit **legalaid.on.ca**.

The 519

The 519 is a community centre in Toronto for 2SLGBTQ+ people. Among other services, they have a legal clinic which offers advice and referrals to 2SLGBTQ+ people in a range of legal areas including in family law and criminal

law. They help people who are victims of crimes. Fill out the intake form on their website. Leave a message if you need help filling out the intake form.

Telephone: **416-392-6874**

Website: **the519.org/programs/legal-clinic**

Law Society Referral Service

The Law Society Referral Service is an online service that gives you the name of a lawyer in your area who will give free legal advice for up to 30 minutes in any area of law. You can ask for a lawyer who speaks your language, or a lawyer who will accept a legal aid certificate.

If you are in crisis, for example, you are being held in custody, or cannot use the online service, you can call the crisis line for a referral during normal business hours.

Toll-free crisis line: **1-855-947-5255**

Website: **findlegalhelp.ca**

Ontario Legal Information Centre

The Ontario Legal Information Centre offers a free 30-minute virtual meeting with a lawyer to anyone in Ontario in any area of law in English or French. You may have to leave a message, and a lawyer will call you back.

Toll-free: **1-844-343-7462**

Website : **centreinfojuridique.ca/en**

III Legal information

Community Legal Education Ontario/Éducation juridique communautaire Ontario (CLEO)

CLEO has easy-to-understand resources on a wide range of topics including family law, criminal law, and immigration law. All publications are free. Some resources are available in different languages. They can be read, downloaded, and ordered online.

Website: **cleo.on.ca**

CLEO's **Steps in a Family Law Case** is an online resource made up of 3 interactive flowcharts that guide people through the family court process depending on whether they are the applicant or respondent.

Website: **familycourt.cleo.on.ca**

Steps to Justice is a website that gives step-by-step information about common legal problems including abuse, family violence, child protection, and immigration law.

Website: **stepstojustice.ca**

CLEO's **Family Law Guided Pathways** are free online interviews that help you fill out the court forms you need for a peace bond, emergency motion, family law issues and other legal matters. The pathways ask you questions and then put your answers into the required court forms.

Website: **stepstojustice.ca/guided-pathways**

Metropolitan Action Committee on Violence Against Women and Children (METRAC)

METRAC is an organization that works to end violence against women and youth by focusing on education and prevention. They provide public legal information, tools, and workshops to community workers on issues related to women and children experiencing violence. METRAC's TransFormed project has information on intimate partner violence against Two-Spirit, transgender and non-binary people.

TransFormed project: **metrac.org/what-we-do/the-transformed-project**

Website: **metrac.org**

Through **Family Law Education for Women**, they also provide free legal information on various family law topics in several languages and in a variety of formats, including large print, braille, audio, and ASL.

Website: **onefamilylaw.ca**

METRAC also has a website, the **Ontario Women's Justice Network (OWJN)**, that provides legal information and referrals to women in Ontario experiencing violence.

Website: **owjn.org**

Part 11: Glossary terms

Bail hearing: a hearing where a judge or justice of the peace decides whether your partner should be released or stay in jail until their criminal court case is finished.

Beyond a reasonable doubt: the legal test of proof that is required in a criminal law case. To be found guilty of a crime, the evidence must show that there is no reasonable explanation for what happened other than that the person charged with the crime did it.

Breach of recognizance or breach of peace bond: a criminal charge that your partner might get if they do not follow the release conditions they got from the police or after getting bail. It is also called failure to comply with a condition of undertaking or recognizance.

Consent form: a document where you give permission to allow certain people, such as your doctor, to share information in their file about you.

Crown Attorney: a government lawyer who presents the criminal case against your partner. They are sometimes called the Crown or Crown prosecutor.

Disclosure: all documents, evidence, and other information that the police and Crown have about a criminal case.

Dominant aggressor: the partner who caused most of the violence.

Equalization of net family properties: the process used in family law to calculate and share any increase in value to a married couple's property while they were married.

Exclusive possession: a family court order that says one partner can stay in, or return to, the home and the other partner is not allowed on the property. If there are children, the order usually also says that the children are allowed on the property. The order is usually temporary. The court does not decide who owns the home or who rented it when deciding who can stay in it.

Legal aid certificate: a document that says Legal Aid Ontario has agreed to pay for a certain number of hours of a lawyer's time to work on your legal issues.

No contact condition: a condition in a family or criminal court order that says your partner is not allowed to contact you or communicate with you.

Non-removal order: a family court order that says that one or both parents cannot take a child out of a certain area, such as Ontario.

Occurrence report: the official police summary of what happened. It has details such as what you and your partner told them, and what the police saw. The report should include an occurrence or incident number.

Parenting time: is the time that a child spends in the care of a parent. All parents usually have parenting time. Parenting time used to be called access.

Peace bond: a criminal court order that your partner might sign which says they promise to follow certain conditions, for example to keep the peace and have good behaviour and to not contact you. A peace bond can also be a mutual peace bond where both you and your partner promise to follow certain conditions.

Restraining order: a family court order that says what your partner cannot do. For example, the order might say where they cannot go, or who they cannot contact.

Sentence: a punishment given to a person found guilty of a crime. A sentence for an adult may include a fine or jail time.

Subpoena: a document that orders a person to go to court on a certain date.

Summons: a document that orders a person to go to court on a certain date.

Supervised parenting time: a kind of parenting time where someone else watches when your partner visits with your child. This might be staff at a supervised access centre, a family member, or friend. The purpose is usually to make sure the child is safe.

Supervised parenting time exchanges: when someone watches your partner pick up or drop off your child but does not watch the parenting time. The purpose is usually to reduce conflict between you and your partner, or to protect you from being abused by your partner.

Surety: this is a person who helps your partner get bail, by agreeing to supervise them while they are on bail. A surety tries to make sure your partner does not commit any more crimes and that they go to court when they are supposed to. A surety is usually a close friend or relative.

Unjust enrichment: a claim in family law where one partner tries to show that it would be unfair to allow the other partner to leave the relationship without sharing their property. It is usually used by common-law partners who do not have an automatic right to share in the value of the property accumulated during the relationship. This can be very hard to prove.

Victim impact statement: a statement given in criminal court where you tell the court about how you feel about the crime and how it has affected you.

Warrant: a document that allows the police or immigration authorities to arrest a person.

Without notice or ex parte order: a family court order that was made without telling your partner in advance that you were asking the court for an order. It usually lasts for a short period of time. There will be another court date where your partner has a chance to respond, and a judge decides whether the order should continue.

Notes

Notes

This publication gives only general information. You should get legal advice about your own situation.

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Please note:

We revise our publications regularly to reflect changes in the law. Our Discard List tells you which publications are out of date and should be thrown away.

All editions of this handbook dated earlier than February 2022 should be discarded.

For our Discard List, or to view or order our publications online, please visit **cleo.on.ca**.

CLEO's **Steps to Justice** website has step-by-step information about common legal problems. Visit **stepstojustice.ca**.