



## COMMUNITY WORKSHOP: Legal Aid Services & Family Law

Northwest Community College  
(Wa' ap Galts' ap Community House)  
5331 McConnell Avenue | Terrace, BC | V8G 4X2

Wednesday | June 20 | 2012

### AGENDA

Time	Session	Speaker	Facilitator
8:00 – 9:00	<b>Breakfast &amp; Registration</b>	<ul style="list-style-type: none"> <li>Lynn McBride, Michelle Angus</li> </ul>	N/A
9:00 – 9:15	<b>Opening Prayer &amp; Welcome</b>	<ul style="list-style-type: none"> <li>Sam Lockerby</li> </ul>	Judith K
09:15 – 9:20	<b>INTRODUCTION of Angelina</b>	<ul style="list-style-type: none"> <li></li> </ul>	Baljinder
9:20-10:30	<b>Update on Recent Developments in Family Law &amp; Child Protection Law</b>	<ul style="list-style-type: none"> <li>Judith Kenacan: Family Law</li> <li>Sarah Westwood: Child Apprehension</li> </ul>	Lynn
10:30-10:45	<b>Break</b>		
10:45-12:15	<b>An Overview of LSS services and resources</b>	<ul style="list-style-type: none"> <li>John Simpson – PLEI/Reports</li> <li>Candice Lee – Publications</li> <li>Lynn McBride – Aboriginal Services</li> <li>Carol, Michelle – Intake Services</li> </ul>	Carol
12:15-1:15	<b>Lunch(Criminal proceedings and RCMP)</b>	<ul style="list-style-type: none"> <li>Martin Griffith-Zahner</li> </ul>	John
1:30 – 2:30	<b>Other Community Services and Resources</b>	<ul style="list-style-type: none"> <li>Click Law, public library, Kermode Friendship Society, TDCSS, KSAN House Society, Elizabeth Moore (Haida Gwaii Community Partner)</li> </ul>	Michelle
2:30 – 2:45	<b>Break</b>		
2:45 – 4:15	<b>Small group discussion – case studies based on Angelina's story</b>	<ul style="list-style-type: none"> <li>Judith Kenacan, Sarah Westwood, David Dickinson, Morgen Baldwin</li> </ul>	Lynn
4:15-4:30	<b>Closing</b>		John Simpson

**Community and Publishing Services**

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Thursday | June 21 | 2012

### AGENDA

Time	Session	Speaker	Facilitator
<b>08:00-9:00</b>	<b>Breakfast &amp; Registration</b>		
<b>09:00-10:30</b>	<b>Gladue Reports, Restorative Justice, FASD, Community Safety</b>	Faith Tait, Lisa Lawley, Morgen Baldwin	Candice Lee
<b>10:30-10:45</b>	<b>Break</b>		
<b>10:45 – 11:45</b>	<b>Mediation and role of mediators</b>	Laura Matthews	Lynn McBride
<b>11:45 – 12:00</b>	<b>Closing and evaluations</b>		John Simpson

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### **TENANCY/DEBT/SHOPLIFTING**

Angelina's home is infested with bed bugs and mould. She complained to the landlord but he hasn't done a thing. Shiloh, the youngest child, has asthma and the public health nurse told Angelina she must do something. Angelina is afraid because the downstairs tenant has complained to the landlord about noise. The kids, especially Maddox and Pax, often make a lot of noise when Angelina is passed out on her anti-depressants.

1. Can Angelina force the landlord to deal with the bed bugs and mould?
2. Is Angelina entitled to withhold the rent because of the bed bugs and mould?
3. Can the landlord evict Angelina because the kids are noisy?
4. How can LSS help?
5. Where else in the community can she turn for help?

Angelina stole batteries while shopping at Zellers. She had never stolen anything before. The store called the police and she was charged with theft under \$500. Zellers sent her a letter demanding a payment of \$500 for shoplifting or they will sue her in small claims court.

Angelina's rent is overdue more than a month and she worries about eviction. Angelina has a credit card debt of \$1,000. She hasn't made any payments on the card for several months. She can barely manage to pay the daycare costs of \$1,000 a month for the two younger children.

1. Will Angelina get legal representation for the criminal charge?
2. Should Angelina pay the store \$500 because they caught her shoplifting?
3. Can Angelina do anything about her credit card debt besides paying it?
4. How can LSS help?
5. Would Family Duty Counsel be able to help Angelina with any of these problems?
6. Where can Angelina find help in the community?

## **PEACE BONDS and RESTRAINING ORDERS**

Brad uses marijuana and cocaine, and sometimes binge drinks on weekends. He was devastated by the breakup with Angelina and he really misses the kids. One night after a few drinks, he forced his way into the house. When Angelina refused to let him stay he shoved her and she fell into the kitchen cupboards, cutting her cheek. The children were there and started screaming. The police were called by the downstairs neighbour and Brad was charged with assault.

1. Will Brad or Angelina get legal aid because of this criminal charge?
2. Should Angelina try to get a restraining order? Does she need one?
3. Will Family Duty Counsel be able to help Angelina?
4. What is a peace bond, and should Angelina consider this for her protection?
5. If there is a peace bond or a restraining order, will that prevent Brad from spending time with the children?
6. Would Crown counsel get involved with access issues for the children?
7. What community resources are there to help Angelina?

## **CUSTODY/ACCESS/CHILD SUPPORT/SPOUSAL SUPPORT**

When they lived together, Angelina was the primary care giver of the children. Brad loves all the children, and is very close to Maddox, the 6 year old. He loves playing with them and the children really miss him. Brad lives with his parents and Angelina doesn't trust them. She thinks they prefer Jennifer (Brad's former partner), to her. She doesn't know much about Brad's parents except what Brad told her. Brad lost his job because of poor attendance due to his alcohol and drug use. His EI has run out.

Angelina wants to move to Calgary to be near her father, Jon, and upgrade her education. Her father thinks she should stay with Brad and he does not support the move. He has rarely seen his grandchildren.

Sam, (Angelina's former partner), has had almost nothing to do with his 6 year old son since he moved to Edmonton. He agreed to pay \$100 a month in child support, but never did. Angelina discovered on his Facebook page that Sam is making \$8,000 a month working on oil rigs near Edmonton.

1. What is likely to happen if Angelina applies for sole custody?
2. Would either Brad or Angelina get legal aid representation?
3. Can Family Duty Counsel help either Angelina or Brad?
4. Should Angelina move to Calgary without telling Brad? What is likely to happen if she decides to go to Calgary?
5. Will Angelina get child or spousal support from Brad?
6. How can Angelina get child support from Sam?
7. What community resources could help either Angelina or Brad?

## **CHILD PROTECTION**

Angelina has been working 2 jobs and is exhausted when she gets home. She relies on Maddox, her 6 year old, to look after Pax and Shiloh, the younger 2 siblings, and to prepare simple foods for them. She has been depressed since separating from Brad and has been taking anti-depressants prescribed by her doctor. The pills make her sleep a lot.

One day Shiloh wandered out on the street and the downstairs neighbour called the police. MCFD put Shiloh into emergency foster care overnight. Angelina signed a letter of expectations and promised to make changes in her living conditions.

The house is infested with bed bugs and has mouldy walls. Angelina called the landlord to complain but hasn't done anything else about it. Angelina wants to move but can't afford it. She thinks she will find better accommodation in Calgary.

1. Would Legal Aid be able to help Angelina with MCFD even though none of the children have been removed from her care?
2. Will Family Duty Counsel be able to help Angelina?
3. Will MCFD be concerned about the bed bugs and mould?
4. Will MCFD tell Brad if MCFD gets involved with Angelina and the kids?
5. Other than moving to another place, is there anything else Angelina can do to make things easier with MCFD?
6. Is MCFD likely to care if Angelina moves to Calgary? What might they do about it?
7. What community resources are available for Angelina to help her with these problems?

## **Grandparents - Access**

Brad's father and mother live on-reserve. Brad told Angelina that his father used to hit his mother and used to drink a lot when Brad was growing up. Brad's father is Aboriginal and he suffered abuse at a residential school.

Brad's father joined AA about 10 years ago and hasn't had a drink since then. He hasn't hit his wife since then either. Brad's father has become very involved in his traditional culture. He supports the family through fishing and has also started carving. He has sold some of his carvings at a gallery in Prince Rupert. He now takes great pride in his culture and is learning Tsimshian. He wants his grandchildren to learn their culture and language. Both Brad's father and mother regret how they lived when Brad was growing up.

Brad never spoke well about his father and mother. Angelina knows Brad's parents still are close to Jennifer (Brad's ex-wife). Angelina worries about the children being with Brad's parents and definitely does not want the children around Jennifer. Brad's mother adores him and is blind to any of his faults.

1. Do grandparents have the right to see their grandchildren?
2. Would Legal Aid be able to help the grandparents? Or Angelina?
3. Is there a way for the children's Aboriginal heritage to be honored?
4. Assuming Brad's parents see their grandchildren, will Angelina be able to prevent the children from seeing Jennifer during their access?
5. What community resources exist to help Angelina or the grandparents with these issues?

## Angelina

### **Where she lives:**

- Moon River, B.C.
- Population – 1300 residents in town, 1700 in region (20 km radius from town)
- 250 people of Aboriginal ancestry in region
- Two reserves with band offices nearby, 200 year round, on-reserve residents
- 130 newcomers to Canada live in town

### **Economy:**

- Resource based (fishing, logging, pulp mill)
- Fishery closed from time to time due to low salmon returns, and mill shut down two years ago when world demand collapsed for products
- Unemployment rate is high and many people have used up their benefits and are now on social assistance – 30% of the adult population (18-64) would like to work but are unemployed

### **Community services:**

- A daycare, a school, a health clinic staffed by a nurse practitioner, a library open two days a week, a small RCMP detachment with victim services, a community meeting hall
- Public transit non-existent except for bus to nearest city, which makes three trips a day, each way. The bus trip has many stops and takes about an hour and a half each way, longer in winter weather.

### **Legal Services:**

- Nearest courthouse, legal aid office, pro bono clinic and funded advocacy services 80 kms away; a lawyer from the city visits one day a week by appointment only

### **Social and Health Issues:**

- Families under stress– high unemployment rate affects ability to get adequate food, clothing and shelter
- High crime rates - for both violent and non-violent offences with significantly higher than average rates among young offenders
- Education levels - lower than average high school and post secondary completion, with much lower outcomes for Aboriginal community



- Health – increasing rates of diabetes and obesity in both youth and adult populations, higher than average depression and other mental health issues, addictions to drugs and alcohol and gambling, FASD/FAE, unplanned pregnancies, HIV

### **Angelina's life:**

- Aged 24, mother of 3 children – 2, 4 and 6. Finished Grade 10 at local school. Angelina has a dependency on prescription drugs.
- Married to Brad, aged 28, father of 2 and 4 year olds – *Brad* uses drugs and alcohol and is abusive and threatening to Angelina in front of the children. Police have been called to the house many times and on one occasion found the two year old alone on the street. On that occasion, the Ministry of Social Development put the youngest child into emergency foster care overnight and Angelina had to sign an agreement with the Ministry; the child was returned to her care after a day.
- Brad was charged with assaulting Angelina and ordered to stay away from her and from the home.
- Brad's parents live in the nearby city and want access to their grandchildren. She refused access. Brad is now living with them and Angelina does not trust them. She wants to keep Brad and his family away from the children. Brad lost his job at the mill due to his alcohol and drug issues. He is currently not working and his Unemployment Insurance has run out.
- Sam, Angelina's former boyfriend, is the father of the 6 year old. Sam and Angelina had an on and off relationship after the six year old was born, finally separating when their son was one year old. Sam orally agreed to pay child support of \$100 a month but he never paid anything and disappeared two years ago. Recently she discovered his Facebook page, and found out that he now lives in Edmonton where he has a job working on the oil rigs and earns \$8,000 gross per month.
- Angelina has no family support network near her. The only support is from her friends. Her family does not believe Angelina's claims of abuse and assault from Brad. They are encouraging Angelina to stay with Brad because they feel it is better to have someone than no-one. Angelina's kids also like Brad's ex-wife Jennifer and want to stay with her instead of Brad.
- Angelina keeps two part-time jobs to make ends meet – cashier and hotel chambermaid. Gross income - \$3,100 per month. She rents the main floor of a house.
- The house is infested with bed bugs and the walls are mouldy. She complained to her landlord, but he has done nothing about these problems. The youngest child has asthma and Angelina has learned that this might be caused by mould and toxic dust from the bugs. The community health nurse visited the home recently and is very concerned about the living conditions.

- Angelina is behind one month in rent and has debts she cannot pay
- Angelina was recently arrested after being found stealing batteries for her kids toys at a local store
- The landlord is threatening to evict Angelina after complaints from the tenant in the basement about noise and visits from the police.
- Since she juggles two jobs and needs to pick up and drop off the kids at day care and school, she cannot travel anywhere far from home during work days. The cost for daycare is \$1,000.00 per month.
- She would like to move to Calgary to be near her father. She also wants to go back to school and complete grade 12.
- Her physical and emotional health is deteriorating day by day.

**Amelia worries about:**

- Losing the kids
- Brad's abusive behaviour
- Brad's grandparents getting access
- Lack of money and support
- Her family's health