



## **CHILLIWACK REGIONAL CONFERENCE:**

### **Family & Child Protection Law, Aboriginal Services & Civil Law Issues**

**Coast Chilliwack Hotel**

**45920 First Ave, Chilliwack BC V2P 7K1**

**Thursday, October 29<sup>th</sup> and Friday, October 30<sup>th</sup>, 2015**

## **AGENDA – Thursday, October 29, 2015**

<b>Time</b>	<b>Session</b>	<b>Speaker</b>	<b>Facilitator</b>
<b>8:30–9:00</b>	<b>Registration &amp; Breakfast</b>		
<b>9:00–9:15</b>	<b>Opening Ceremony &amp; Welcome</b>		Baljinder Gill
<b>9:15–10:45</b>	<b>Overview of the New Family Law Act</b>	<ul style="list-style-type: none"><li>• Uphar Dhaliwal</li></ul>	Baljinder Gill
<b>10:45–11:00</b>	<b>Break</b>		
<b>11:00–12:00</b>	<b>Family law and protection orders</b>	<ul style="list-style-type: none"><li>• Uphar Dhaliwal</li></ul>	Baljinder Gill
<b>12:00–1:00</b>	<b>Lunch</b>		
<b>1:00–2:30</b>	<b>Working with LSS Intake and Other Legal Resources</b>	<ul style="list-style-type: none"><li>• PLEI: Patricia Lim</li><li>• LSS Intake: Gillian</li></ul>	Baljinder Gill
<b>2:30 – 2:45</b>	<b>Break</b>		
<b>2:45 – 4:00</b>	<b>Criminal Justice and Gladue</b>	<ul style="list-style-type: none"><li>• Rob Dhanu</li></ul>	Baljinder Gill

#### **LSS-Community and Publishing Services**

Suite 400  
510 Burrard Street  
Vancouver, BC V6C 3A8

Tel: (604) 601-6000  
Fax: (604) 682-0965  
[www.legalaid.bc.ca](http://www.legalaid.bc.ca)



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<b>8:30–9:00</b>	<b>Breakfast</b>		
<b>9:00–10:30</b>	<b>Update on the New Matrimonial Property Act</b>	<ul style="list-style-type: none"><li>• Ardith Walkem &amp; Halie Bruce</li></ul>	Baljinder Gill
<b>10:30–10:45</b>	<b>Break</b>		
<b>10:45–12:15</b>	<b>Child Protection law</b>	<ul style="list-style-type: none"><li>• Ardith Walkem &amp; Halie Bruce</li></ul>	
	<b>Mediation and Alternate Dispute Resolution Measures</b>	<ul style="list-style-type: none"><li>• Ardith Walkem &amp; Halie Bruce</li></ul>	
<b>12:15 – 1:15</b>	<b>Section 211 reports and Mediation in Family law</b>	Uphar Dhaliwal	
<b>1:15 – 2:00</b>	<b>Lunch &amp; Closing Remarks</b>		Baljinder Gill

# Working with LSS Intake

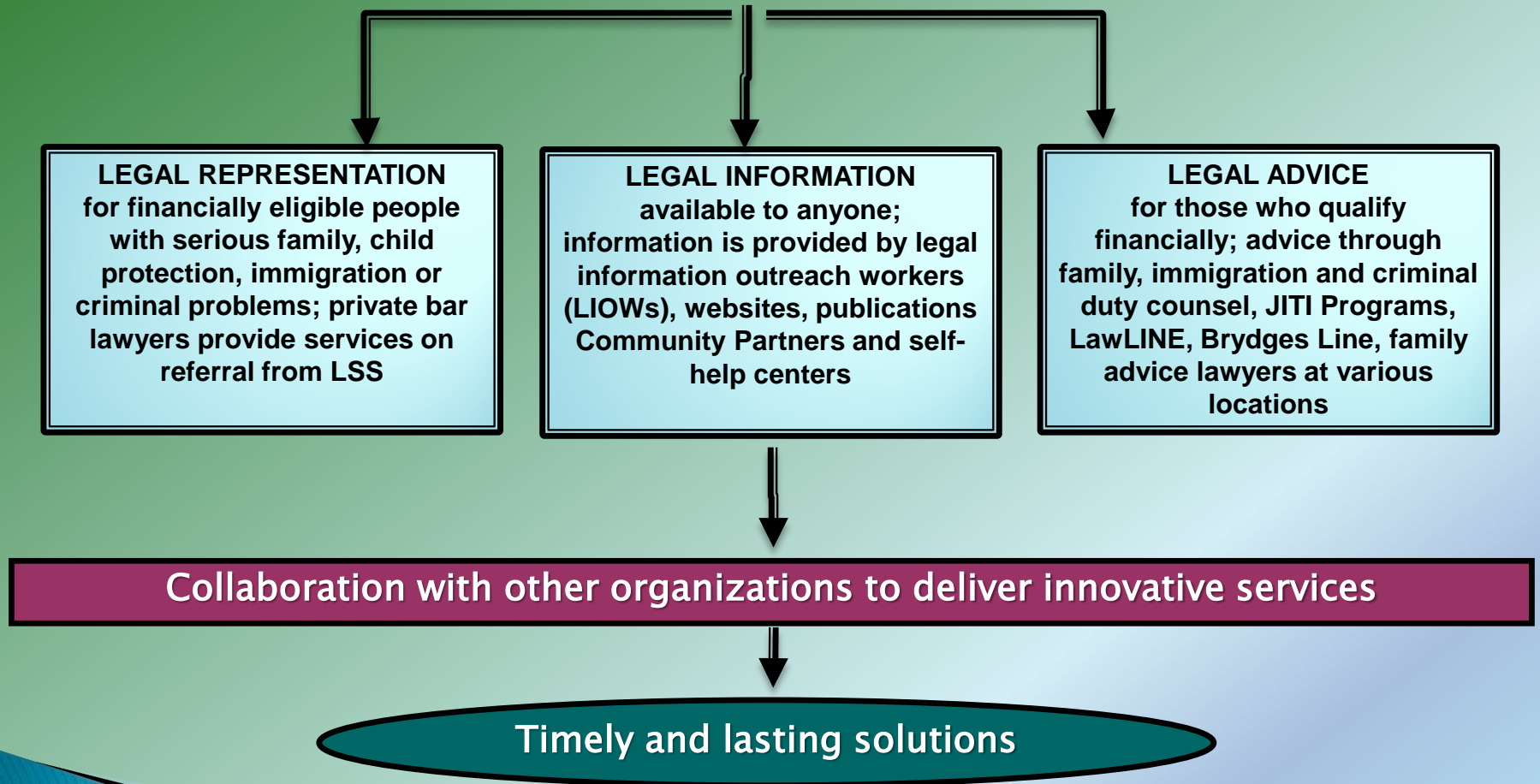


October 2015

Gillian Bennewith  
Reciprocal Coordinator, Legal Aid Applications Vancouver  
Tel: 604-601-6210

# Services Overview

## Legal Aid



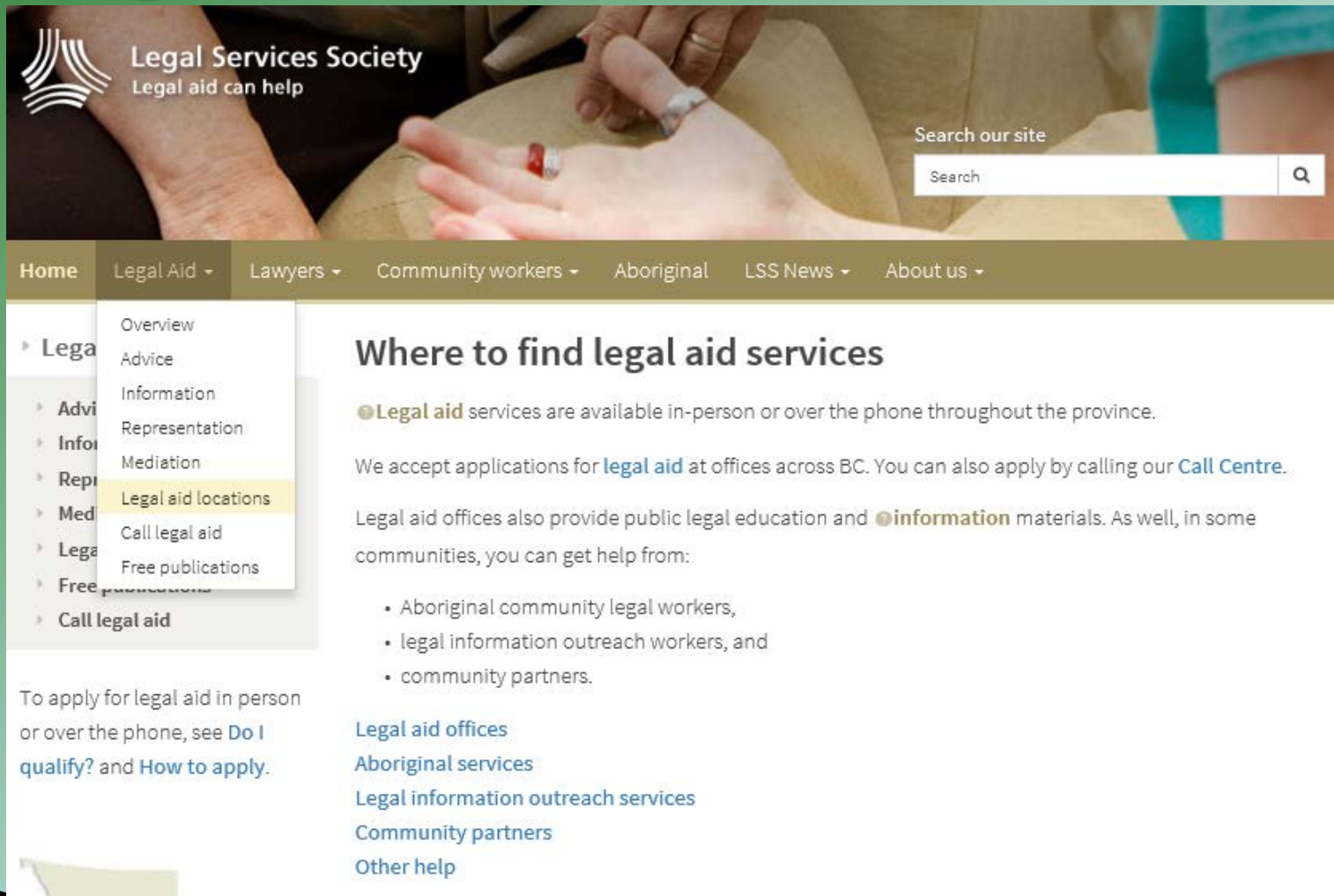


# Our Clients



# APPLYING FOR LEGAL AID

[www.legalaid.lss.bc.ca](http://www.legalaid.lss.bc.ca)



The screenshot shows the homepage of the Legal Services Society (LSS) website. The header features the LSS logo and the tagline 'Legal aid can help'. A search bar is located in the top right corner. The main navigation menu includes links to Home, Legal Aid, Lawyers, Community workers, Aboriginal, LSS News, and About us. A dropdown menu for 'Legal Aid' is open, showing options like Overview, Advice, Information, Representation, Mediation, Legal aid locations (highlighted), Call legal aid, Free publications, and Call legal aid. The main content area is titled 'Where to find legal aid services' and contains text about the availability of legal aid services in-person or over the phone. It also lists the types of legal aid offices and services available, including Aboriginal community legal workers, legal information outreach workers, and community partners. A sidebar on the left provides additional information on how to apply for legal aid.

**Legal Services Society**  
Legal aid can help

Search our site  
Search

Home Legal Aid ▾ Lawyers ▾ Community workers ▾ Aboriginal LSS News ▾ About us ▾

▸ Legal aid  
▸ Advice  
▸ Information  
▸ Representation  
▸ Mediation  
▸ Legal aid locations  
▸ Call legal aid  
▸ Free publications  
▸ Call legal aid

## Where to find legal aid services

Legal aid services are available in-person or over the phone throughout the province.

We accept applications for legal aid at offices across BC. You can also apply by calling our Call Centre.

Legal aid offices also provide public legal education and information materials. As well, in some communities, you can get help from:

- Aboriginal community legal workers,
- legal information outreach workers, and
- community partners.

[Legal aid offices](#)  
[Aboriginal services](#)  
[Legal information outreach services](#)  
[Community partners](#)  
[Other help](#)

To apply for legal aid in person or over the phone, see [Do I qualify?](#) and [How to apply](#).

# Chilliwack

John Conroy, Rob Dhanu, and Uphar  
Dhaliwal, Barristers & Solicitors

## Chilliwack Community Services

45938 Wellington Avenue  
Chilliwack, BC V2P 2C7

Phone: 604-793-7243

Fax: 604-792-1910

*Hours:*

Tue and Wed: 9am to 3pm





# Provincial Call Centre

Call 604-408-2172 in  
Greater Vancouver or

1-866-577-2525 (no  
charge across North  
America)

Clients applying for  
immigration matters can  
call the LSS Immigration  
Line at 604-601-6076  
or 1-888-601-6076 (no  
charge)



**Come** into one of our Legal  
Aid offices, their contact  
information is available on  
our website  
*[www.legalaid.bc.ca](http://www.legalaid.bc.ca)*

# Who Qualifies for a lawyer?

An applicant qualifies for legal aid when:

- The legal problem is covered by LSS; and
- The client meets LSS financial guidelines



# What Legal Problems Are Eligible For Coverage?

*Criminal* – Where charges are serious and there is a likelihood of jail



*Family Law* – Serious family situations regarding parenting (guardianship, parenting arrangements or custody/access), protection orders, child support and more depending on the issues. The issues need to be addressed immediately to ensure the safety of the children and/or the client.





*Child Removal* – Where the Ministry of Children and Family Development or a Designated Agency has removed a child or where there is a **threat** of a child being removed. This could also include custody and/or access issues arising from a child in care.



*Reciprocals* – Where the client's legal matter may be in another province. This generally encompasses family legal aid problems where the other party resides in another province or the client resides in another province. On occasion the reciprocal coordinator can assist with out of province criminal and immigration cases.





*Immigration* – Where the client may wish to claim refugee status or where the client faces an immigration proceeding that may result in their removal from Canada.



# Financial Eligibility

## Representation Income chart



### Household Size

### Monthly Net Income

1	\$1,500
2	\$2,100
3	\$2,700
4	\$3,290
5	\$3,890
6	\$4,490
7 or more	\$5,090

# Financial Eligibility

## LEGAL ADVICE GUIDELINES



### Household Size

1 – 4

5

6

7 or more

### Monthly Net Income

\$3,300

\$3,900

\$4,520

\$5,110

# Financial Eligibility

## Personal Property (All case types)



### Household Size

1

2

3

4

5

6 or more

### Exemption

\$2,000

\$4,000

\$4,500

\$5,000

\$5,500

\$6,000



# Legal Information

## Legal Information Outreach Worker





# CHILLIWACK COMMUNITY PARTNER

**Abbotsford Community  
Services Community  
Legal Advocacy Centre**  
8937 School Street  
Chilliwack, BC V2P 4L5

Phone: 604-702-2907

Fax: 604-792-4470



# CHILLIWACK COMMUNITY PARTNER

**Seabird Island Band**  
2895 Chowat Road  
Agassiz, BC V0M 1A0

Phone: 604-491-6687  
1-800-788-0322-2151

Fax: 604-796-1124



# CHILLIWACK COMMUNITY PARTNER

**Read Right Society**  
895 3rd Avenue, Unit F  
(Upstairs in the SOCIA  
Building)  
Hope, BC V0X 1L0

Phone: 1-604-860-0510



# Public Legal Education

- Legal information session for staff and volunteers
- Training for Advocates, Community and Settlement Workers



# LSS Self-Help Websites

The screenshot shows the homepage of the Family Law in British Columbia website. The header includes navigation links: Home, What's new, Site map, About us, Contact us, and Feedback. The main title is "Family Law in British Columbia". Below the title, there are tabs for "Your legal issue", "Your community", "Your FAQ", "Legal system", and "Staying out of court". A search bar is located on the right. The "About us" section is highlighted, with a sub-section "Who we are" stating that the website is maintained by the Legal Services Society (LSS). A "What's this website about?" section lists various family law issues. A "Shortcuts" sidebar on the right lists links to self-help guides, fact sheets, and other resources. A "Live Help" chat button is also visible.

Home What's new Site map About us Contact us Feedback Legal Services Society

## Family Law in British Columbia

Text Size: A A A f t

Your legal issue Your community Your FAQ Legal system Staying out of court Search Go

### About us

#### Who we are

This website is maintained by the Legal Services Society (LSS), the organization that provides legal aid to British Columbia, Canada. See the LSS website for more information about [legal aid](#) or LSS.

#### What's this website about?

On the Family Law in British Columbia website, family law includes:

- separation
- [divorce](#)
- child and spousal [support](#)
- [parenting](#), including:
  - [guardianship](#) ([parental responsibilities](#) and [parenting time](#))
  - [contact with a child](#)
  - [custody](#)
  - [access](#)
- [child protection](#)/removal
- division of [family property](#) and debts
- adoption

Because people facing family law issues often find they're also dealing with other related matters, we also provide limited information for some of those related areas, like:

- family violence if children aren't affected
- income assistance
- immigration issues like sponsorship breakdown

However, these aren't family law issues.

#### Can this site answer all my legal questions?

Probably not. This site is meant to provide legal information only, not legal advice. Legal information is general information about the law that helps someone identify a legal issue and the options that might be available to address that issue. Legal advice is specific to a situation. It involves applying the law to a particular situation, and providing a legal opinion and specific advice about the best course of action.

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Legal Services Society Home What's new Site map About us Contact us Feedback Disclaimer/Privacy

The screenshot shows the homepage of the Aboriginal Legal Aid in BC website. The header includes navigation links: Home, Your family, Your rights, Benefits and services, and Legal Aid can help. The main image features a woman and a child with the text "Is the ministry involved with your kids? You have rights. There are people who can help you." and a "Learn more" button. Below the image, a section titled "Helping Aboriginal people across BC understand their legal rights." is followed by three circular icons representing different legal topics. A "Community events" section is also visible on the right.

Aboriginal Legal Aid in BC

Home Your family Your rights Benefits and services Legal Aid can help

## Is the ministry involved with your kids?

You have rights. There are people who can help you.

Learn more

Helping Aboriginal people across BC understand their legal rights.

### Community events

2019-10-13  
**Community engagement  
Strengthening Fathers  
Group**

Join a culturally-driven talking circle for fathers. These one-hour sessions provide a positive environment for strengthening fathers.

[Read more](#)

Vancouver Aboriginal Child and Family Services Society, 745 Clark Drive, Vancouver, BC

### Is this site for you?

This website is for anyone who identifies themselves as **Aboriginal**.

[Learn more](#)

### Do you know about First Nations Court?

There are now four First Nations Courts in BC. You may be able to resolve your

### Find out more in a publication

We have free publications. See if we have one that's right for you.

[www.familylaw.lss.bc.ca](http://www.familylaw.lss.bc.ca)

<http://aboriginal.legalaid.bc.ca/>



# LSS Self-Help Publications

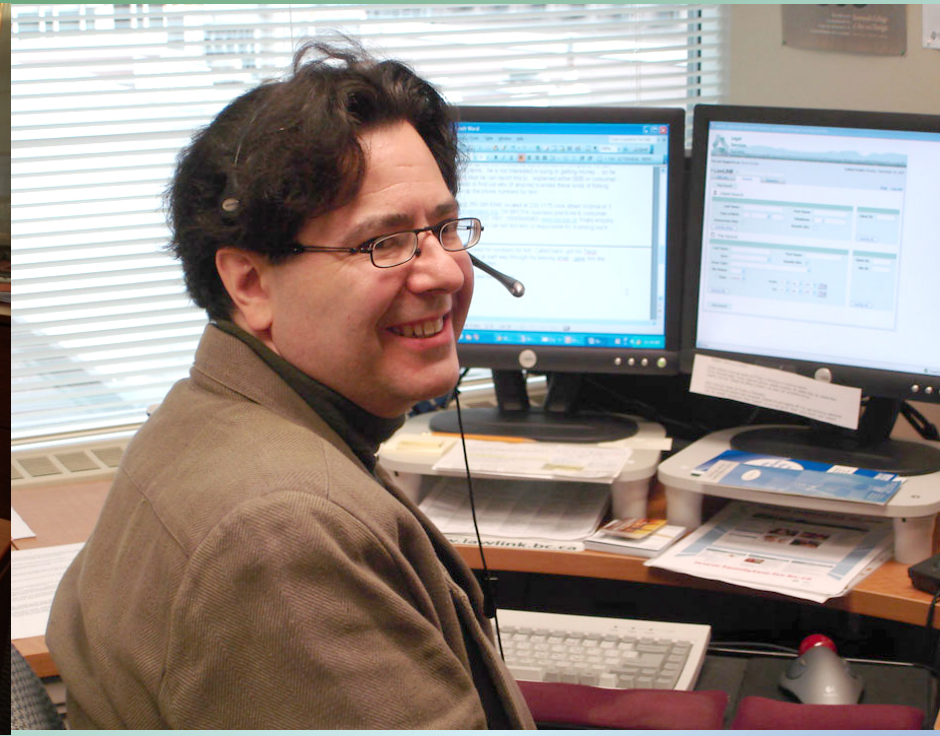
Fact sheets  
Brochures  
Self-help  
Guides



# Legal Advice



**Duty Counsel**



**Family LawLINE**



# Duty Counsel

**Duty Counsel provides legal advice in the following areas of law:**

- **Family law/ CFCSA**
- **Criminal / youth**
- **Immigration Law (if in detention)**

# Justice Innovation Projects

- Expanded Criminal Duty Counsel (Out Of Custody –Port Coquitlam)
- Expanded Family Duty Counsel (Victoria)
- Expanded Family Law Line
- Parent Legal Centre (Vancouver)
- Family Mediation



# Expanded Criminal Duty Counsel (Out Of Custody – Port Coquitlam)

a new pilot program offered by the Legal Services Society in Port Coquitlam.

They hope to achieve early resolution of files and contribute to court efficiency. Under the pilot program, Criminal Duty Counsel will retain conduct of select uncomplicated files and provide services to a broader range of clients.

The program will deal with matters other than those that qualify for a Tariff Lawyer.

# Expanded Family Duty Counsel (Victoria)

LSS is expanding this program to provide greater community connection in providing advice as well as new services such as legal coaching. The goal is to support people who are representing themselves.

This Justice Access Centre (JAC) is located in Victoria. Clients will be able to make appointments so they can work with the same lawyer throughout the service. Lawyers can now provide up to 6 hours of service for each current legal matter.

# Family LawLINE (Enhancement)

The Family LawLINE is a telephone advice service accessed through the Provincial Call Centre, that provides brief next-step help for people representing themselves.

The expanded service includes preparation and review of legal documents and coaching for client in self-representation. Clients will now be able to set up appointments so they can work with the same lawyer throughout.

Lawyers can now provide up to 6 hours of service for each current legal matter.



# PARENTS LEGAL CENTRE (PLC) (Vancouver)

This service is for eligible parents appearing in Vancouver's Robson Street Court. The PLC team focuses on resolving cases consensually out of court and identifying alternative approaches before cases escalate to court.

The PLC lawyer assists parents by providing advice and representation at an early stage, including at mediation and case conferences.

The PLC advocate supports parents in resolving underlying issues that led to the protection concerns and liaises with community supports and resources.

# FAMILY MEDIATION PROGRAM

Is offered by LSS and Mediate BC to assist eligible clients who do not qualify for a referral to a legal aid lawyer.

LSS will issue a referral to Mediate BC for 6 hours of paid family mediation services.

The program is designed to assist clients achieve early resolution of family disputes that include property division, debt and other support issues likely to be resolved by mediation.



# FINANCIAL DISCRETIONARY COVERAGE

Legal Representation – Criminal, Family, CFCSA, Immigration, and Appeal Cases

- over financial guidelines by approximately \$100 – \$200 on income or \$500 on assets, and the matter is a serious and complex case, it can be eligible for a discretionary coverage review

JITI Pilots – Expanded Criminal Duty Counsel and Parents Legal Centre (PLC)

- over the financial eligibility guidelines by approximately \$1000 monthly income or assets, the pilot lawyer will consider the nature of the charges or issues, the complexity, seriousness, and duration of the case



# Requesting A Review of A Denial

A client can request a review of a denial for legal aid

- This request must be in writing
- The client should state why they disagree with the denial and explain why they believe they should get legal aid
- The client should include any supporting documents

Coverage and financial eligibility reviews must be submitted within 30 days of the denial of legal aid to:

Provincial Supervisor  
Vancouver Regional Centre  
400 – 510 Burrard Street  
Vancouver, BC V6C 3A8  
Fax: 604-682-0787



# Working together

You can help your clients:

- Understand the intake process
- Prepare for the interview
- Organize documentation
- Make sure they follow up and provide intake with requested information



**Presenter:**  
Gillian Bennewith  
Reciprocals Coordinator

Phone: 604-601-6210

Fax: 604-681-2719

Email: [gillian.vancouver@lss.bc.ca](mailto:gillian.vancouver@lss.bc.ca)





# Family coverage

## General policy

To qualify for legal aid representation, an applicant must:

- ❖ Be financially eligible, and
- ❖ have a family law problem covered by the family coverage guidelines:
  - need an initial, or a change to the current, guardianship or parenting arrangement order if there is a risk of harm or violence to the client or their child or children;
  - have guardianship of a child/children who have been unlawfully held by the access parent/party;
  - have been permanently or repeatedly denied contact or parenting time with a child;
  - need a family law protection order or other legal assistance to protect themselves or their children from harm or violence;
  - need an order to prevent the other parent from permanently relocating their children out of the province. The threat must be real and imminent, and involve a permanent change of residence;
  - be a respondent in a maintenance enforcement committal proceeding
- ❖ be eligible for coverage provided through the exception review process.

## Who is covered?

When the legal issue involves children, an applicant must be a:

- ❖ parent (including a same-sex parent), or
- ❖ party to the proceeding who is a:
  - member of the children's immediate or extended family,
  - relative or individual who has lived with the children in a parental or custodial relationship, or
  - member of the community who has a cultural or traditional responsibility towards the children (this applies to emergency referrals only).

An applicant does not have to permanently reside in BC or hold Canadian citizenship to qualify for legal aid representation.

## Exception

Youth under the age of 18 who are wards of the Ministry of Children and Family Development (MCFD) are not eligible for legal aid representation. In such cases, MCFD will arrange for counsel through the Ministry of Attorney General.

Also, applications where the client does not have a coverable issue but has property, asset, debt, spousal support or other issues likely to be resolved by mediation can be sent for an exception review for assessment for a family mediation referral to Mediate BC.

## **Overview of LSS Coverage Guidelines**

### **CFCSA**

#### **General policy**

To qualify for legal representation, an applicant must:

- ❖ be financially eligible; and
- ❖ have a CFCSA problem covered by the CFCSA coverage guidelines.

An applicant must be:

- ❖ a parent (including parents in a same-sex relationships), or
- ❖ a party to the proceeding who is a:
  - member of the children's immediate family,
  - relative or individual who has lived with the children in a parent or custodial relationship, or
  - member of the community who has a cultural or traditional responsibility towards the children.

An applicant does not have to permanently reside in BC or hold Canadian citizenship to qualify for legal representation.

Where an applicant is financially eligible and his or her children have been removed or are at risk of being removed, coverage is provided.

An applicant is not eligible for legal aid if he or she is in the care of the Ministry of Children and Family Development (MCFD). In such cases, MCFD will arrange for counsel through the Ministry of Attorney General.

#### **Couples who are living together**

If a case involves a couple who are living together we can issue a single referral for one lawyer. We will only issue a separate referral if there is a conflict between the two people that prevents one of the lawyers from representing both parties.

## **Immigration Coverage Guidelines**

### **General policy**

To qualify for legal aid representation, an applicant must:

- ❖ be financially eligible, and
- ❖ have an immigration law problem covered by the LSS immigration coverage guidelines.

An applicant is covered if he or she:

- ❖ is making a refugee claim in Canada, or
- ❖ faces an immigration proceeding that could result in deportation from Canada to a country where his or her life is in danger or if he or she has other compelling reasons for not returning to his or her country.

LSS screens immigration cases for merit to determine whether the applicant has a reasonable chance of being successful in his or her case.

### **Refugee claims**

Referrals for refugee and protected persons claims made in Canada are issued for (in two stages):

- ❖ Personal Information Form (PIF) preparation, and
- ❖ representation at refugee hearings.

### **Other immigration cases**

The following types of cases will be referred to the LSS Judicial Appeals Section at the Vancouver Regional Centre. The Judicial Appeals Section screens these cases for merit and issues referrals if they determine that the applicant has a reasonable chance of being successful in his or her case.

- ❖ an appeal of a refugee claim refusal to the Refugee Appeal Division
- ❖ admissibility hearings before the Immigration and Refugee Board Adjudication Division
- ❖ judicial Review applications to the Federal Court of Canada, and appeals to the Federal Court of Appeal or the Supreme Court of Canada to review an order of the Immigration and Refugee Board or an immigration officer
- ❖ applications to stay a removal from Canada made to the Federal Court of Canada
- ❖ applications to reopen or reinstate proceedings before the Immigration and Refugee Board
- ❖ permanent resident (landed immigrant) deportation appeals to the Immigration Appeal Division (IAD) of the Immigration and Refugee Board
- ❖ Pre-Removal Risk Assessment (PPRA) submissions to Citizenship and Immigration Canada
- ❖ Humanitarian and Compassionate (H&C) submissions to Citizenship and Immigration Canada
- ❖ applications by people detained by immigration who cannot access duty counsel

## **Criminal Coverage Guidelines**

### **General policy**

To qualify for legal representation, an applicant must:

- ❖ be financially eligible, except for specified exceptions, and
- ❖ have a criminal law problem covered by the criminal coverage guidelines.

An applicant is covered if he or she:

- ❖ faces a criminal proceeding,
- ❖ is charged with a criminal offence, and
- ❖ if convicted, faces a risk of jail (includes house arrest).

An applicant does not have to permanently reside in BC or hold Canadian citizenship to qualify for legal representation.

### **Additional grounds for coverage**

Less serious summary offences may be covered for adult applicants in very limited circumstances.

An applicant who does not necessarily face a risk of jail may be covered if he or she:

- ❖ faces a loss of livelihood upon conviction,
- ❖ has a mental or physical disability, or
- ❖ faces immigration complications that may result in deportation.

### **Aboriginal hunting and fishing rights**

An applicant is covered if:

- ❖ they are Aboriginal, and
- ❖ the alleged offence:
  - occurred in a geographic area the applicant claims is his or her traditional territory, or
  - involves a traditional right;OR
  - occurred outside the applicant's traditional territory, but involves the exercise of an existing Aboriginal right extended to the individual by:
    - a traditional Aboriginal law or custom,
    - a band bylaw, or
    - Aboriginal government legislation.
- ❖ The applicant does not have to face a risk of jail if convicted.



## **Overview of LSS Coverage Guidelines**

### **Youths**

Anyone under the age of 18 who is not a ward of the Ministry of Children and Family Development is covered for all Criminal Code and other charges under federal legislation (such as drug charges). They do not have to be financially eligible or meet LSS criminal coverage guidelines.

Youths under age 18 charged with provincial offences, such as motor vehicle offences, must be financially eligible and the case must meet criminal coverage guidelines.

### **Over age 18, facing Youth Criminal Justice Act charges**

Applicants over the age of 18 who face Youth Criminal Justice Act charges are covered until the end of the case.

### **Exception**

Youth under the age of 18 who are wards of the Ministry of Children and Family Development (MCFD) are not eligible for legal aid representation. In such cases, MCFD will arrange for counsel through the Ministry of Attorney General.

## **Justice Innovation and Transformation Initiatives (JITI) Pilots**

### **Family Mediation Referral**

A client that may qualify for mediation if they are financially eligible for representation and have a property, debt, asset, spousal support or other non-coverable issue likely to be resolved by mediation.

On a mediation referral, clients receive up to 6 hours of mediation through Mediate BC. This includes pre-mediation meetings and screening.

Services may include drafting of a mediation agreement if a lawyer conducts the mediation. If not, the mediator may draft a Memorandum of Understanding (MOU).

Clients can also receive summary legal advice from family duty counsel/advice lawyers or Family LawLINE prior to mediation as well as after mediation on the agreement reached.

### **Expanded Family LawLINE**

The expanded Family LawLINE is piloting the following service enhancements:

- ❖ Up to six hours of service per legal matter (increased from three hours of service)
- ❖ Appointments so that one lawyer and client can work together throughout
- ❖ Help with preparing documents for court or other legal processes
- ❖ Legal coaching to help clients represent themselves in court

These services are in addition to the regular Family LawLINE services (brief next-step advice on court processes and options for resolving legal issues outside of court, and referrals to online resources and other agencies).

### **Expanded Family Duty Counsel (Victoria)**

Expanded family duty counsel at the Victoria Justice Access Centre (JAC) is modelled on the expanded family duty counsel program in Vancouver.

Expanded family duty counsel will provide up to six hours of service per legal matter (increased from three); set appointments so that clients can work with the same lawyer throughout their legal matter, and introduce legal coaching to help clients represent themselves in court.

These services are in addition to regular family duty counsel services (information and advice on family law issues, court processes, and options for resolving legal issues outside of court; help with document preparation and preparation for court appearances; representation in court on brief uncontested issues; and referrals to online resources and other agencies).

## Overview of LSS Coverage Guidelines

### Parents Legal Centre (Vancouver)

The Parents Legal Centre (PLC), located at the Provincial Court in Vancouver (Robson Square), will provide advice and limited representation services to parents facing child protection issues that would be heard in the Vancouver Provincial Court (Robson Square), to support early, collaborative resolutions outside of contested hearings.

The applicant must be:

- ❖ a parent (including parents in a same-sex relationship), or
- ❖ a party to the proceeding with whom the child resides and who stands in place of the child's parent or guardian

The PLC will provide:

- ❖ information and advice on options for resolving child protection issues out-of-court
- ❖ legal advice and representation, where appropriate, at collaborative processes such as mediation and family case planning conferences
- ❖ information and advice on court processes
- ❖ legal advice and representation at uncontested hearings
- ❖ referrals to other services, including online resources and other public agencies

All eligible applicants will be referred to the PLC instead of receiving a CFCSA representation referral under the *CFCSA Tariff*. If the issues cannot be resolved collaboratively and the applicant meets coverage and financial eligibility guidelines for a CFCSA representation referral, LSS may appoint a lawyer to complete the case.

### Expanded Criminal Duty Counsel (Port Coquitlam)

Expanded criminal duty counsel (CDC) is located at the Provincial Court in Port Coquitlam.

Expanded CDC will provide out-of-custody duty counsel services, including summary advice and assistance, to accused people making initial appearances. The pilot lawyer will retain conduct of select non-complex cases up to the trial fix date where the applicant meets the pilot's coverage and financial eligibility guidelines. The pilot lawyer will provide continuing services to try to achieve early resolution of cases, such as:

- ❖ reviewing disclosure
- ❖ having discussions with Crown Counsel
- ❖ attending court if a guilty plea is required to resolve the case
- ❖ expanded criminal duty counsel will not conduct bail hearings

All eligible applicants will be referred to expanded CDC instead of receiving a criminal representation referral under the *Criminal Tariff*. If the case cannot be resolved before the trial fix date and the applicant meets coverage and financial eligibility guidelines for a criminal representation referral, LSS may appoint a lawyer to represent him or her at trial.

The expanded CDC in Port Coquitlam will replace regular out-of-custody duty counsel at the pilot location. In-custody duty counsel will continue to be done by lawyers on the criminal duty counsel roster.

## **Discretionary coverage**

### **JITI Pilots - Expanded Criminal Duty Counsel and Parents Legal Centre**

If an applicant is over the financial eligibility guidelines, by approximately \$1000 on monthly income or \$1000 on assets, the file can be sent to the pilot lawyer. The pilot lawyer considers the nature of the charges or issues, the complexity, seriousness, and duration of the case, and the applicant's ability and financial capacity (e.g., ability to access disposable assets) to retain a lawyer privately or otherwise represent him or herself.

### **Criminal cases**

If an applicant is only marginally over the financial eligibility guidelines, by approximately \$100 – \$200 on income or \$500 on assets, and the matter is a serious and complex case that would likely result in a successful Rowbotham order, the intake worker can send it for a discretionary coverage assessment.

### **Family, CFCSA, immigration, and appeal cases**

If an applicant is only marginally over the financial eligibility guidelines, by approximately \$100 – \$200 on income or \$500 on assets, and the matter is serious, the intake worker can send it for a discretionary coverage assessment.



### **Exception review guidelines**

#### **Exception review merit considerations**

The decision to approve a case on exception review is a discretionary decision made by the Provincial Supervisor, Legal Aid Applications, and is based on established guidelines, a merit test, and available budget.

#### **Family cases**

An application dealing with a matter under the Family Law Act can be sent for an exception review if:

- ❖ the applicant has recently been denied extended family services (within the past year);
- ❖ the applicant has received prior contracts in relation to the same children or parties;
- ❖ the emergency services referral policy is unduly harsh in the particular circumstances of an applicant's case or the circumstances are unusual and complex;
- ❖ the applicant has a mental or physical disability and is unable to represent him or herself (there must be a significant barrier that will create an injustice if the applicant is not represented);
- ❖ a significant injustice can only be avoided by appointing counsel; or
- ❖ the applicant is so traumatized by past abuse that he/she is unable to represent him/herself.

#### **Criminal cases**

If a policy is unduly harsh in the particular circumstances of an applicant's case or the circumstances are unusual and complex.

If an applicant has been charged with spousal assault (summary or indictable offence) where:

- ❖ there is no risk of jail if convicted,
- AND
- ❖ he or she has a referral for a family or CFCSA issue that might be negatively affected by the spousal assault charge,

## **Overview of LSS Coverage Guidelines**

### **Denial of Legal Aid**

If a client is denied legal aid they can request a review of the decision. They must submit a written request within 30 days of the date of the decision. They should state why they disagree with the refusal and explain why they believe they should get legal aid. They also need to include any supporting documents that support their request.

The request for review can be sent to:

Provincial Supervisor, Legal Aid Applications  
Vancouver Regional Centre  
400 – 510 Burrard Street  
Vancouver, BC  
V6C 3A8  
Fax: 604-682-0787

# PLEI: Public Legal Education and Information



Legal  
Services  
Society

British Columbia  
[www.legalaid.bc.ca](http://www.legalaid.bc.ca)



Patricia Lim, 604-601-6007  
[patricia.lim@lss.bc.ca](mailto:patricia.lim@lss.bc.ca)

# Publications and online resources to help you

- ▶ Publications – free
  - Print
  - Online
- ▶ Social media
- ▶ Websites
- ▶ New! Videos



# The PLEI Game Show

Q 1: How many publications were ordered from April 2014 to March 2015?

A. 101,260 copies

B. 115,232 copies

C. 154,450 copies

D. 184,541 copies



# Q 2: How many websites does LSS have right now?

*(List the names of the websites when you answer)*

A. 2

B. 3

C. 4

D. 5



**Q 3: What percentage of visitors use mobile devices (cell phone, tablet) to access the Family Law website?**

A. 18%

B. 27%

C. 38%

**D. 44%**



# Audience & accessibility

## LSS Publication Readability

### **How much legal understanding is needed?**

#### **Level 1 — None needed.**

No legal understanding required. Outline or “first step” information, written in clear language for those with no previous knowledge or experience with the law.

#### **Level 2 — Some helpful.**

Some understanding helpful but not essential. Offers all basic information on a topic, meant for those who are reasonably comfortable reading and who may have a general sense of some legal concepts.

#### **Level 3 — Some needed.**

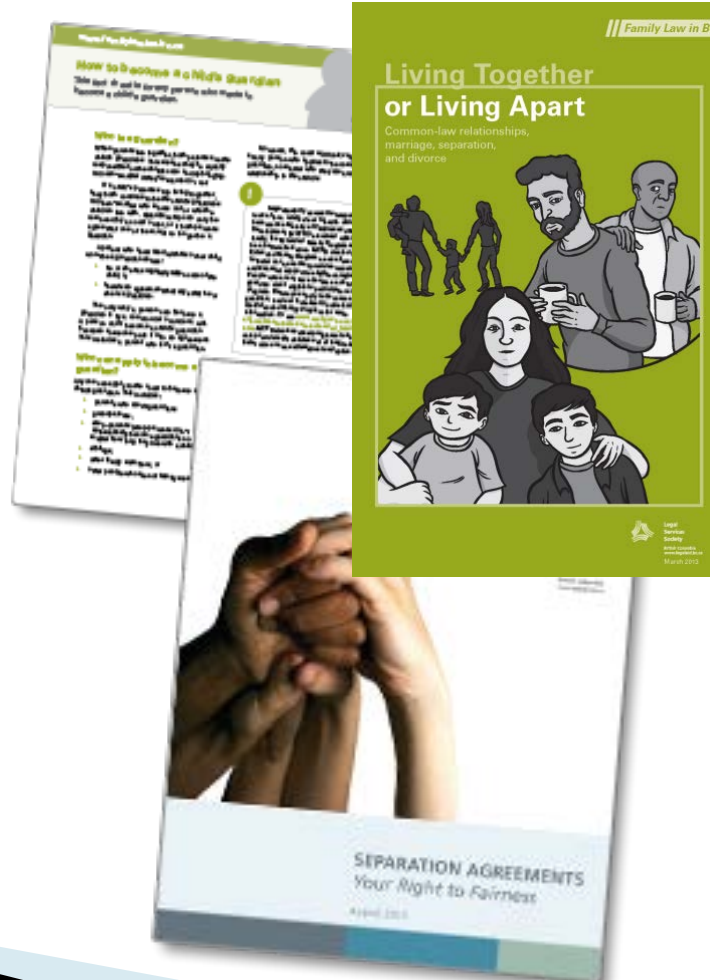
Basic familiarity assumed. Detailed material, written primarily as a reference for the advocate/intermediary audience, although accessible to members of the public with adequate literacy skills.



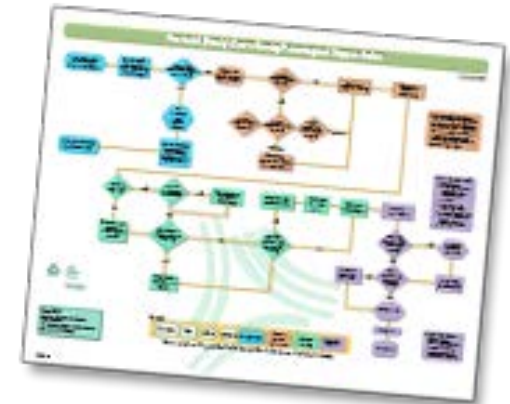
# Family law publications

## Level 2

# Level 1



## Level 3



# Family violence

Level 1

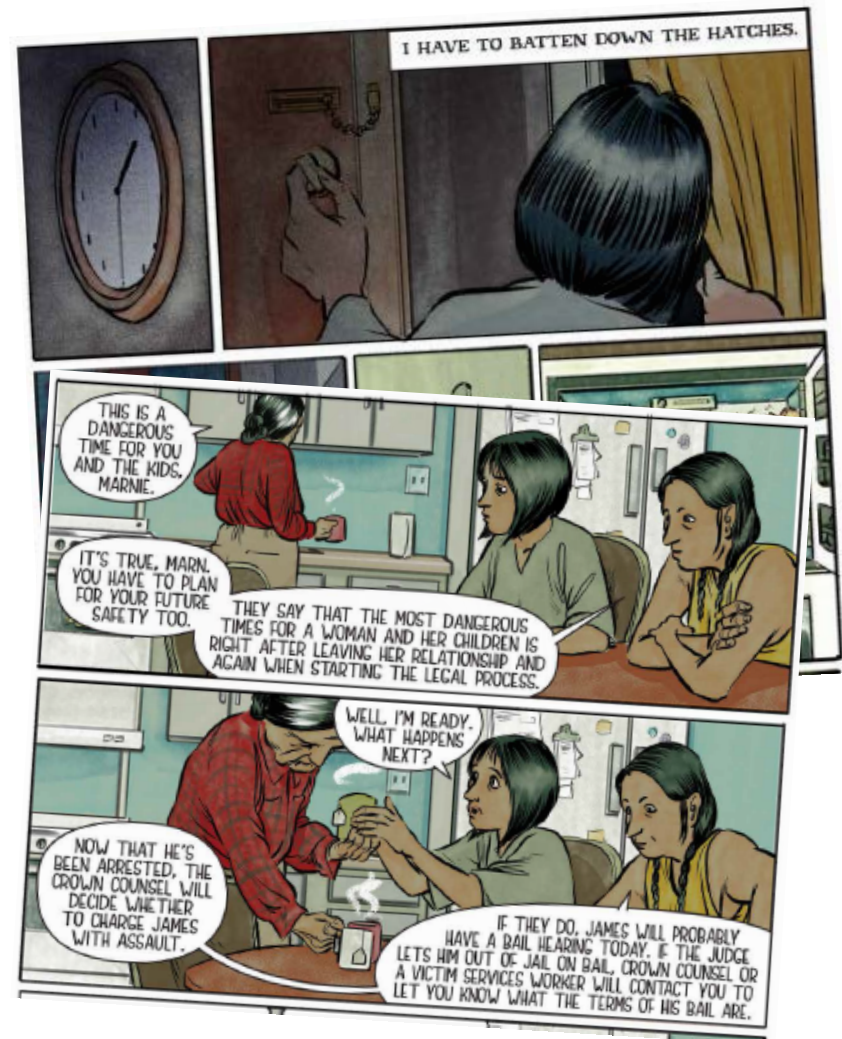
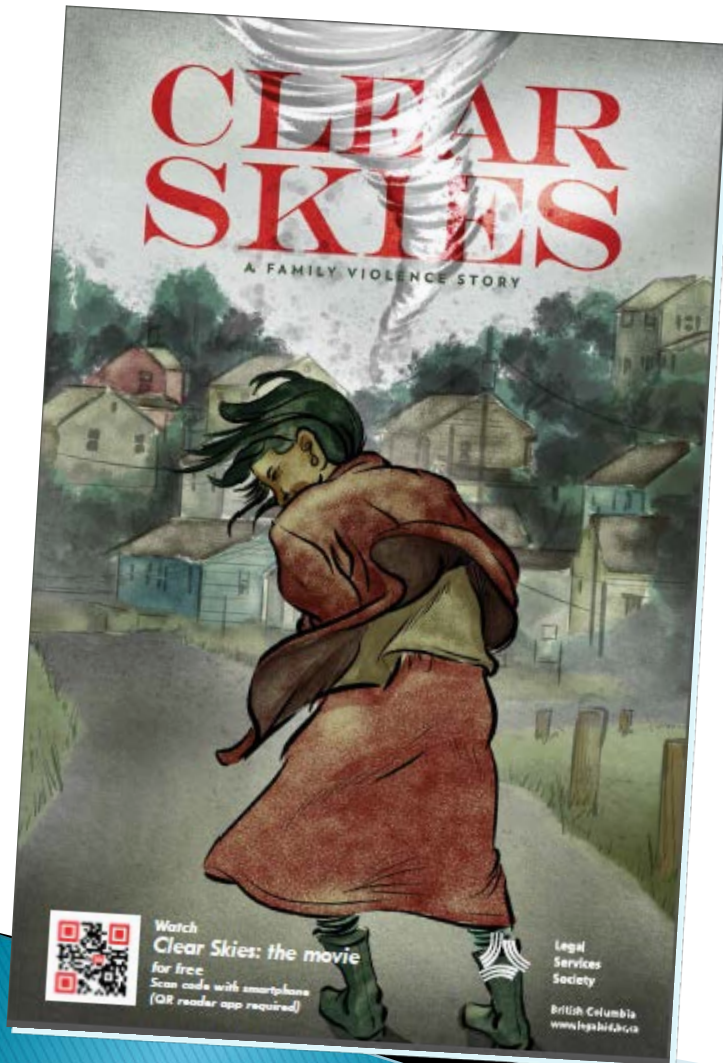


Level 2





# New! Clear Skies comic book





# Clear Skies resource page



Aboriginal Legal Aid in BC



Home

Your family ▾

Your rights ▾

Benefits and services ▾

Legal Aid can help ▾

## Clear Skies A family violence story

Marnie and her kids live with **family violence**. But with the support of her community, and by learning about her legal options, Marnie is able to leave an abusive relationship. *Clear Skies* is Marnie's story.

- Watch the [Clear Skies video](#).
- Find [resources](#) that can help you.
- See our [glossary](#) for terms you don't know.
- Find out [who can help](#).
- Order a [free copy of Clear Skies](#).
- Read the [Clear Skies PDF](#).
- Find out how to [stay safe online](#).



### Clear Skies

YouTube collects information on its users. It may display ads based on what you watch. If you're concerned about others knowing what you've watched on your device, you may want to use a public computer instead.

Clear Skies



### Find out more

Clear Skies



A graphic novel about family violence and your legal rights

[Get PDF »](#)

[Order »](#)



# Child protection

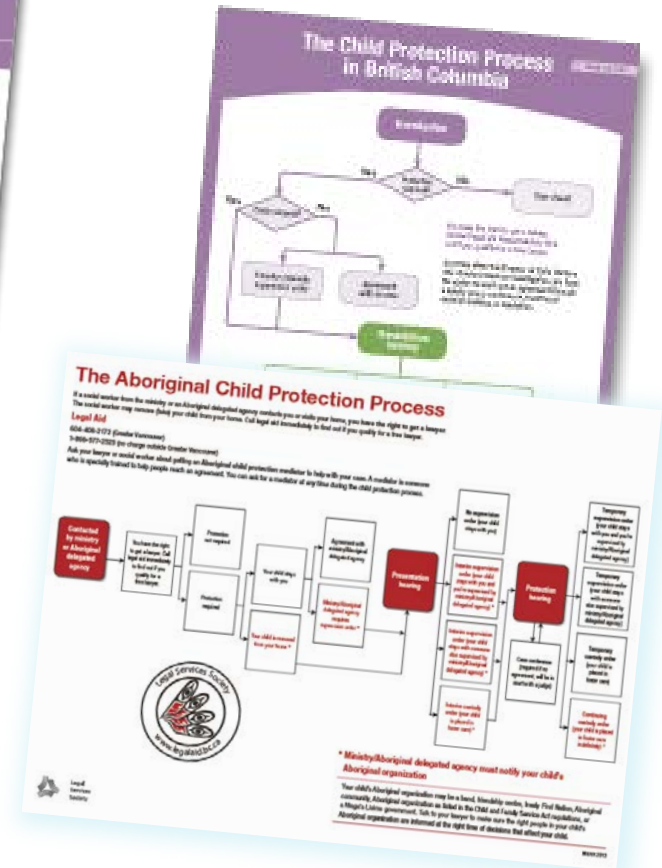
Level 1



Level 2



Level 3





# Criminal

## Level 1

## Level 2



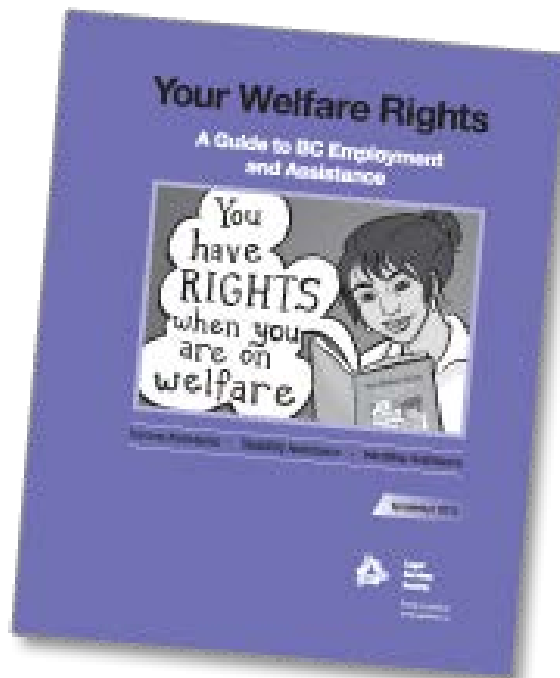
# Civil publications



PEOPLE'S  
LAW SCHOOL

[www.publiclegaled.bc.ca](http://www.publiclegaled.bc.ca)

Level 2

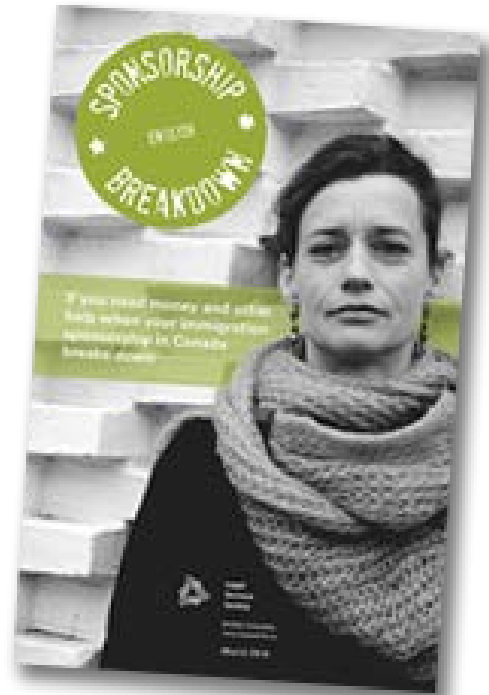


# Immigration & refugees

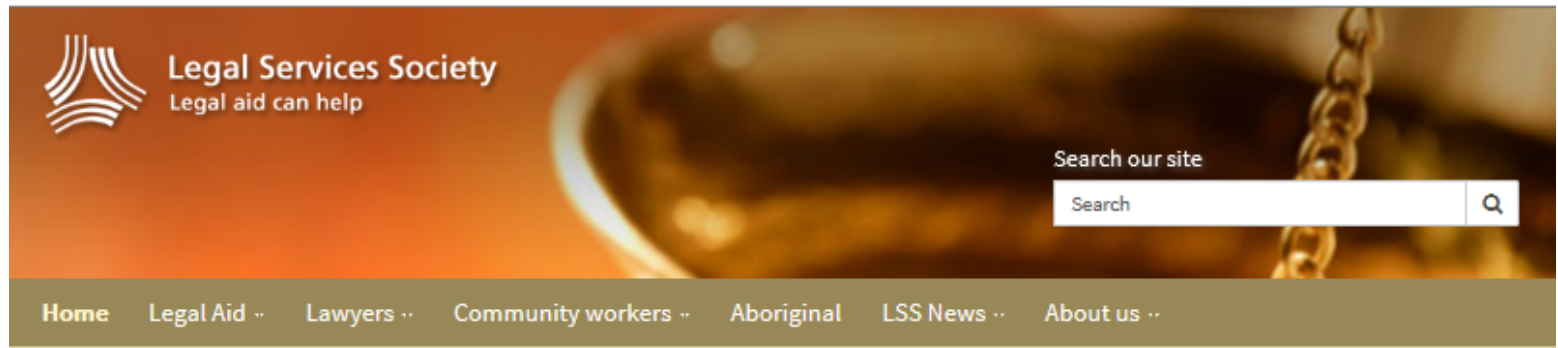
## Level 1



## Level 2



# How to order LSS publications



I'm looking for...

- ▶ Legal help
- ▶ A lawyer to take my case
- ▶ A legal aid office
- ▶ Free publications
- ▶ LSS latest news
- ▶ Career opportunities
- ▶ LSS Online

Our locations

Our services

Our publications

Contact us

## We're here to help

Welcome to the Legal Services Society (LSS), the organization that provides **legal aid** in BC.

If you have a legal problem and can't afford a lawyer, we can help. Join the thousands who:

- use the self-help information on our [Family Law in BC](#) website,
- find information for the **Aboriginal** community on our [Aboriginal Legal Aid in BC](#) website, or
- who read our free **legal information** publications.

You may also qualify for some **legal advice** from a [lawyer](#) or even for a [lawyer to take your case](#).

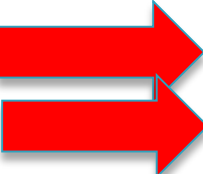
Find out more about [legal aid](#) and [LSS](#).

News

**Read the latest Legal Aid BC Update, the CEO's newsletter containing news about the society and how LSS contributes to the justice system**

Updated

October 28, 2015



I want to find a publication by subject



I want to find a publication by language



I want to find a publication by title



I want to get a publication



### To get a copy of an LSS publication

- Go to your [local legal aid office](#), or
- Place an order with Crown Publications (see below).

### Online ordering with Crown Publications

(If you need help, you can watch our [video](#) on ordering publications.)



#### Single copies

1. Go to the [Crown Publications](#) website.
2. Under Quick Links, click BC Public Legal Education & Information.
3. Search the list to find the publication.
4. Click the publication title to see the description and information.



#### Multiple copies or regular orders (quantities of 25 or 50)

1. Go to the [Crown Publications](#) website.

### Featured publications



#### Can't Pay Your Mortgage?

What you can do if you're facing foreclosure For any homeowner who is about to miss a mortgage payment, has already missed one or more mortgage



#### Clear Skies

Clear Skies tells the story of Marnie and her kids who live with family violence. With the support of her community, and by learning her legal options...



#### If You Can't Get Legal Aid for Your Child Protection Case

For people facing a complicated child protection hearing who have been denied legal aid but can't afford a lawyer. Explains why you can ask for a co...



#### Safety in Relationships for Trans\* Folk

Describes relationship abuse, provides tips for staying safer, dispels common myths, and lists community resources where help is available. Co-produced by...



#### Safety in Same-Gender Relationships

Describes relationship abuse, provides tips for staying safer, dispels common myths, and lists community resources where help is available. Co-produced by...



[< Back to previous](#)[<< Publications home](#)

## Living Together or Living Apart

### Common-Law Relationships, Marriage, Separation, and Divorce

Explains the basics of family law in BC. Includes information about:

- being married or in a marriage-like relationship (also called a common-law relationship),
- what separation and divorce mean,
- how to work out arrangements for parenting if you have children, and
- how to sort out money matters.

Also explains your legal options and where to get help, and includes a chapter for Aboriginal families. Updated to conform to the new BC Family Law Act (March 18, 2013).

Printing the French version of this booklet was made possible thanks to the Canada-British Columbia Official Languages Agreement on French-Language Services. The French version doesn't include the most recent minor changes and updates that appear in the other language versions.

#### Read this publication in...

[📖 English](#)[Other languages ▾](#)

#### Order from Crown Publications in...

[🛒 English](#)[Other languages ▾](#)

#### Available as an eBook in...

[📄 English](#)

# How to order multiple copies



## Customer Account Application Form

To order:

- Fill in the form online, then e-mail it to Legal Services Society; or
- Print out and fill in the form, then fax it to Legal Services Society

If you plan to order multiple copies of a publication or place regular orders, then you can apply for a customer account. Please fill in the information below and return this form to Legal Services Society by email at [distribution@lss.bc.ca](mailto:distribution@lss.bc.ca) or by fax at 604-682-0965. We will contact you after we have reviewed your application. You will receive your customer number and your pre-approved order quantity if your application is accepted.

Does your organization already have an approved Crown Publications customer number? Yes ☐ No ☐

Organization name:			
Contact person:			Title: <input type="text"/>
Mailing address:	<input type="text"/>		
Phone:			Fax: <input type="text"/>
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Preferred languages:	<input type="text"/>		
Area of law:	<input type="checkbox"/> Aboriginal <input type="checkbox"/> Civil <input type="checkbox"/> Criminal <input type="checkbox"/> Family <input type="checkbox"/> Immigration <input type="checkbox"/> Legal aid		
Type of organization:	<input type="checkbox"/> Aboriginal <input type="checkbox"/> Community group <input type="checkbox"/> Government <input type="checkbox"/> Library <input type="checkbox"/> Legal organization <input type="checkbox"/> Medical <input type="checkbox"/> Police/RCMP <input type="checkbox"/> School/College <input type="checkbox"/> Victim services <input type="checkbox"/> Other		
Demographics: (Groups/individuals you serve)	<input type="checkbox"/> Aboriginal <input type="checkbox"/> Children and youth <input type="checkbox"/> Community workers/Advocates <input type="checkbox"/> Gay/Lesbian/Bisexual/Transgender <input type="checkbox"/> Immigrants/Refugees <input type="checkbox"/> Police/RCMP <input type="checkbox"/> Seniors/Elders <input type="checkbox"/> Victims <input type="checkbox"/> Women <input type="checkbox"/> Other		
Services: (Type of service offered)	<input type="checkbox"/> Advocacy services <input type="checkbox"/> Counselling/Support Group <input type="checkbox"/> Crisis line <input type="checkbox"/> ESL/Literacy training <input type="checkbox"/> Legal advice <input type="checkbox"/> Legal representation <input type="checkbox"/> Mediation and conflict resolution <input type="checkbox"/> Pro bono legal services <input type="checkbox"/> Restorative justice <input type="checkbox"/> Other		

#### Disclaimer

LSS collects and uses personal information solely to operate its business and provide legal aid in BC. LSS does not sell the personal information it collects and will not disclose an individual's personal information to a third party unless the disclosure is authorized under FOIPPA and/or in writing by the individual.



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# CROWN PUBLICATIONS

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Ministry  
Publications

BROWSE GOVERNMENT PUBLICATIONS FROM CATEGORIES SUCH AS  
EDUCATION, HEALTH AND TRANSPORTATION



Welcome to the new Crown Publications Website! This visually-appealing site, with enhanced features, makes it easier to navigate, search for publications and order online.

#### Proud distributor of publications on behalf of:



Legal Services Society



People's Law School

#### Featured Publications





**CROWN PUBLICATIONS**  
Queen's Printer for British Columbia



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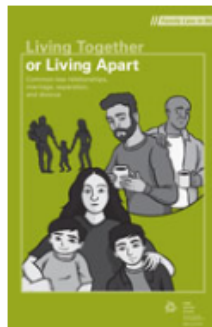
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Other Organizations > Legal Services Society > Living Together or Living...



### **Living Together or Living Apart: Common-Law Relationships, Marriage, Separation, and Divorce (English)**

Explains the basics of family law in BC. Includes information about:

- being married or in a marriage-like relationship (also called a common-law relationship),
- what separation and divorce mean,
- how to work out arrangements for parenting if you have children, and
- how to sort out money matters.

Also explains your legal options and where to get help, and includes a chapter for Aboriginal families. Updated to conform to the new BC Family Law Act (March 18, 2013).

To view this publication online: [Click Here](#)

**Stock:** 7161

**Price:** Free

March 18, 2013

7550003735

Guide

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[Legal Services Society, Families > Children](#)

**Publish Date:**

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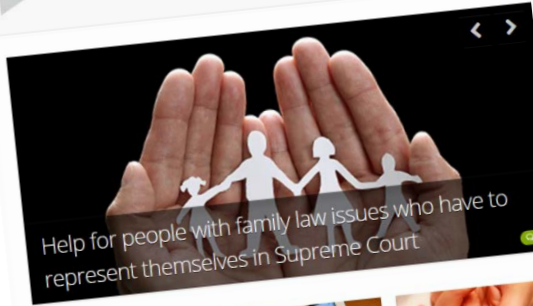
Providing legal information  
for British Columbians

# Online Outreach

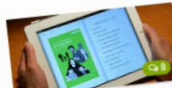
Nate Prosser, Online Outreach Coordinator

[nate.prosser@lss.bc.ca](mailto:nate.prosser@lss.bc.ca) | 604.601.6058





**IN FAMILY LAW PUBLICATIONS & RESOURCES**  
Help for people with family law issues who have to represent themselves in Supreme Court



**IN PUBLICATIONS & RESOURCES**  
What's so great about eBooks?



**IN FAMILY LAW**  
The end of assigning maintenance rights: does it mean?



## development blog

f twitter

### User testing: Round 2

BY LEGAL AID IN UPDATE -- 4 SEP, 2015

User testing is an important part of the process of making MyLawBC. This site is different from every other website we've made. We want to make sure that when the site launches, it won't just be full of useful information but that everyone can use the site to find the solution they need.

Our first round of user testing happened in February. We took the brainstorming and sketches we had put together by that point and made a quick prototype. In that round of testing, we were concerned with how people would react to the idea behind MyLawBC, whether the guided-pathway approach was needed to make tweaks and changes to the formula to have it translate to BC.

Feedback was great, and we learned a lot about how people interact with a site like MyLawBC. This summer we held our second round of testing (which recently wrapped up). We ran users through a new prototype of the site. Each user spent an hour working their way through a guided pathway. We watched how they interacted with the site and asked them about their experience once they finished.

User testing can be time consuming and difficult, but it's also invaluable to gather feedback from the actual people who will be using the site so that we can make a better MyLawBC for everyone.



Follow the development of **MyLawBC**, our innovative, interactive site that will help British Columbians solve their legal problems.

SUBSCRIBE TO RSS



#### RECENT POSTS

- User testing: Round 2
- A look at MyLawBC's emblem
- User testing on the road: Terrace and Duncan

facebook



**Legal Aid BC**  
389 likes · 5 talking about this

Non-Profit Organization  
Owner: Legal Services Society www.legalaid.bc.ca. This is general information, not legal advice. Posts are deleted if inappropriate or infringing privacy and users can be blocked.

About

TWEETS 1,428 FOLLOWING 679 FOLLOWERS 973



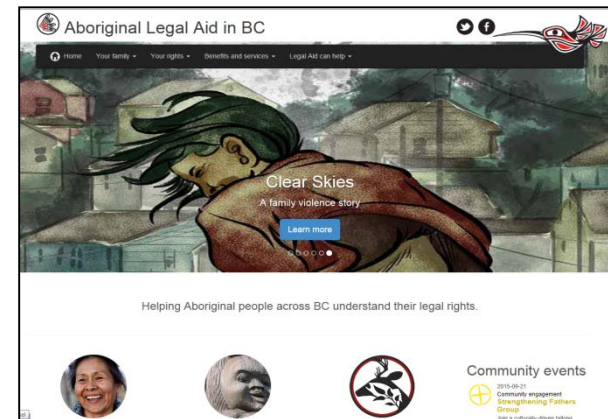
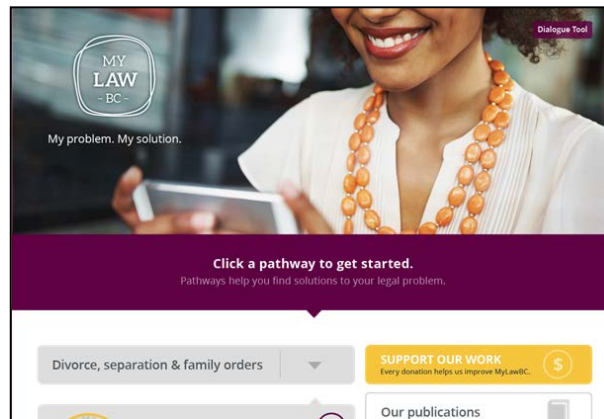
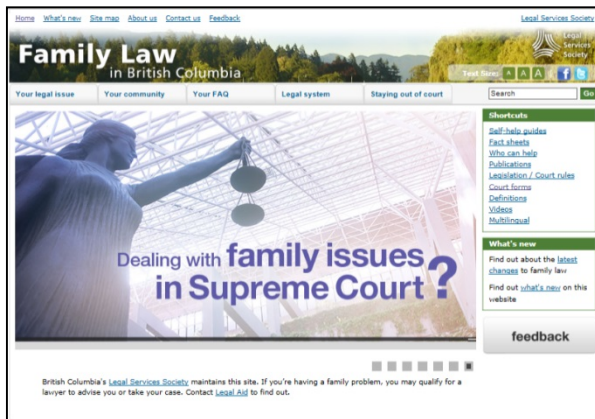
Photos

389 Likes

Follow

# PLEI websites from LSS

1. Family Law Website
2. MyLawBC (launching early 2016)
3. Aboriginal Legal Aid in BC



# Family Law

in British Columbia



Text Size: [A](#) [A](#) [A](#)



# Family Law Website

[www.familylaw.lss.bc.ca](http://www.familylaw.lss.bc.ca)



# Family Law

## in British Columbia



Text Size: [A](#) [A](#) [A](#)



[Your legal issue](#)

[Your community](#)

[Your FAQ](#)

[Legal system](#)

[Staying out of court](#)

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### Shortcuts

[Self-help guides](#)  
[Fact sheets](#)  
[Who can help](#)  
[Publications](#)  
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### What's new

Find out about the [latest changes](#) to family law  
Find out [what's new](#) on this website

**Live Help**  
Available



Live Chat by [LivePerson](#)



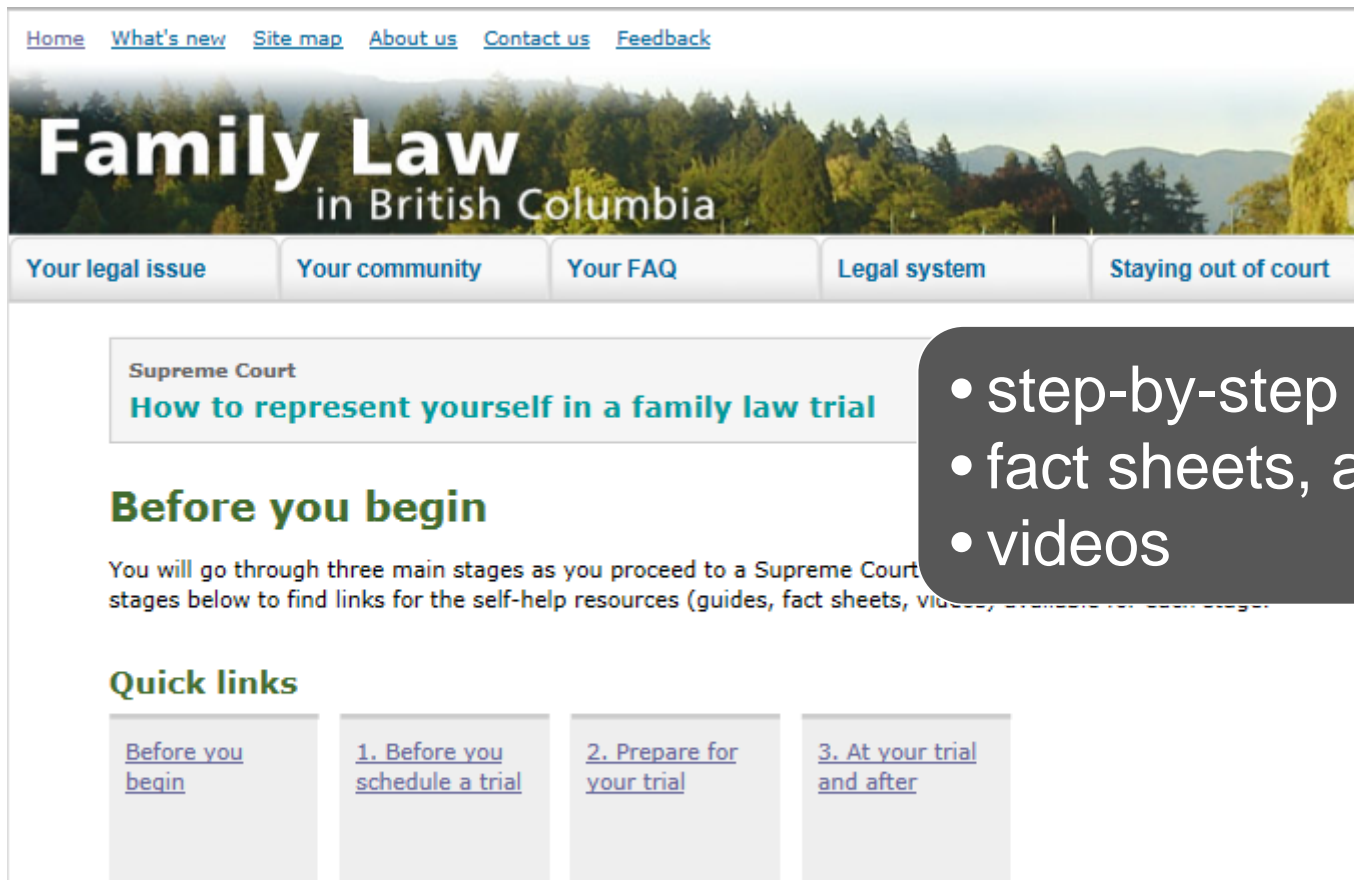
Dealing with **family issues**  
**in Supreme Court?**

British Columbia's [Legal Services Society](#) maintains this site. If you're having a family problem, you may qualify for a lawyer to advise you or take your case. Contact [Legal Aid](#) to find out.

Each section of the agreement is divided into topics. Each topic has a heading. Under each heading, there's a **Show instructions** button. If you click this button, step-by-step instructions for how to go through and fill out that part of the agreement appear. (See the sample button below.)



# New! Step-by-step help for people with family law issues representing themselves in Supreme Court



Home [What's new](#) [Site map](#) [About us](#) [Contact us](#) [Feedback](#)

## Family Law

in British Columbia

Your legal issue   Your community   Your FAQ   Legal system   Staying out of court

Supreme Court  
**How to represent yourself in a family law trial**

### Before you begin

You will go through three main stages as you proceed to a Supreme Court trial. Use the stages below to find links for the self-help resources (guides, fact sheets, videos, etc.) for each stage.

### Quick links

<a href="#">Before you begin</a>	<a href="#">1. Before you schedule a trial</a>	<a href="#">2. Prepare for your trial</a>	<a href="#">3. At your trial and after</a>
----------------------------------	--	---	--

- step-by-step guides,
- fact sheets, and
- videos

# Stage 1: Before you schedule a trial

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Supreme Court

**How to represent yourself in a family law trial**

## Stage 1

### Before you schedule a trial

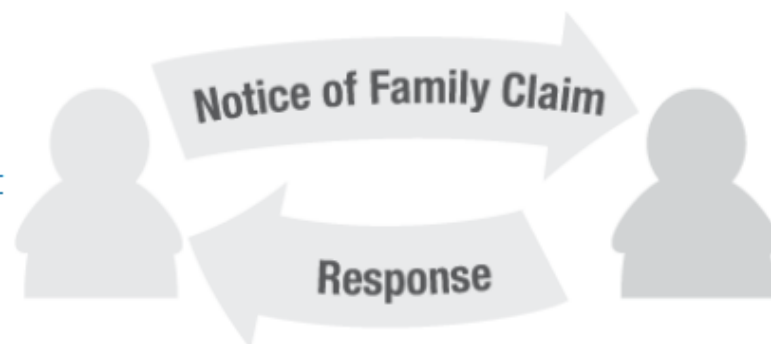
#### Fact sheet

[Discovery — Sharing information with the other party](#)

#### Court forms

Notice of Family Claim [PDF](#) | [Word](#) | [Sample](#) (PDF)

Response [PDF](#) | [Word](#) | [Sample](#) (PDF)



#### Quick links

[Before you begin](#)

[1. Before you schedule a trial](#)

[2. Prepare for your trial](#)

[3. At your trial and after](#)

# Stage 2: Prepare for your trial

Supreme Court

**How to represent yourself in a family law trial**

## Stage 2

### Prepare for your trial

#### Self-help guide

[How to schedule and prepare for your Supreme Court trial](#)

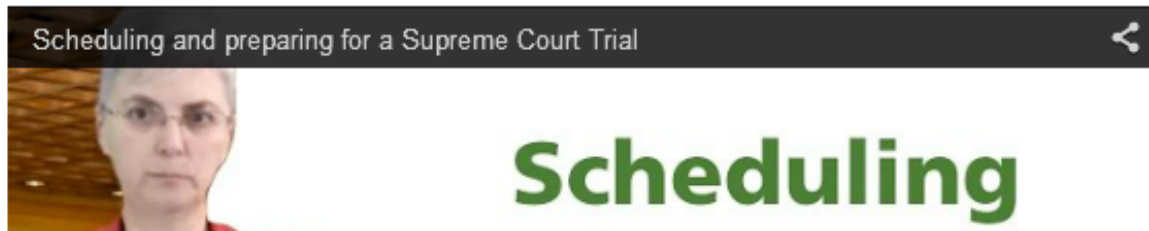
#### Fact sheets

[Making an offer to settle](#)

[Present your evidence in Supreme Court](#)



#### Videos



# Stage 3: At your trial and after

Supreme Court

How to represent yourself in a family law trial

## Stage 3

### At your trial and after

#### Self-help guide

[How to draft a Supreme Court order](#)

#### Fact sheets

[Coping with the court process](#)

[Costs and expenses](#)

[Preparing to attend Supreme Court](#)

[Tips for conducting your Supreme Court trial](#)

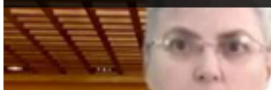
[What happens at a Supreme Court trial?](#)

[Tips for drafting a Supreme Court order](#)



#### Video

An introduction to Supreme Court



## Step-by-step help for people with family law issues representing themselves in Supreme Court

An introduction to Supreme Court

Scheduling and preparing for a Supreme Court Trial

Giving testimony in Supreme Court

Questioning witnesses in a Supreme Court trial

Using documents in a Supreme Court trial

5:10 / 7:30

CC YouTube





- Divorce & separation
- Family violence
- Wills & Estates
- Foreclosure

[devblog.mylawbc.com](http://devblog.mylawbc.com)



My problem. My solution.

Dialogue Tool

**Click a pathway to get started.**

Pathways help you find solutions to your legal problem.

Divorce, separation & family orders



**SUPPORT OUR WORK**

Every donation helps us improve MyLawBC.



Our publications



Our other sites



**Make a separation plan**

Answer questions that help you understand your situation.

New!



**Get a family order**

Answer questions that help you understand your situation.



**I've been served with a court document**

Work with your partner to find solutions and reach agreements.



Guided pathways



Action plan to solve legal problems



Family negotiation platform

[Summary >](#)[Read first >](#)[Do now >](#)[Do next >](#)[Get more help >](#)

## Your first steps

WHAT TO DO NOW

[Download your plan \(PDF\)](#)

Your first steps towards addressing your family law matters are to:

1. Figure out if you can work together
2. Use the Dialogue Tool to make an agreement for the issues you agree on
3. Get support when you need it

### 1. Figure out if you can work together

#### Use your Negotiation Toolkit to find common ground

Your [Negotiation Toolkit](#) helps you figure out where you and your spouse agree and don't agree. Save or print this PDF, so you can refer to it later.

##### a. Make sure you understand your rights and responsibilities

It's important to understand your rights and responsibilities before you make any decisions about your family matters.

##### b. See where you agree and disagree

Your toolkit has tools you and your spouse can use to see where you agree and don't agree.

### 2. Use the Dialogue Tool to

MyLawBC's [Dialogue Tool](#) helps you and your spouse work together to make an agreement:

- You and your spouse can communicate and negotiate with each other online.
- The Dialogue Tool helps you to find your common goals and interests.

**End point:** Gives tools, information, resources who can help, and next steps.



Communication



Children



Family home



Properties



Income

Your Separation Plan

10%

View

CHILDREN

Interests

Details

● Visitation

Belongings

● Information

Decisions

Costs

Current

During intake

online ( 2 )

Rachel has joined  
your separation plan

Client contact centre

0800 - 2124124

Visit help page

 Calculator tool  
view School holidays  
view

WORK TOGETHER ON A GOOD &amp; STABLE FUTURE FOR YOU CHILDREN

**We find it is important that our children have a stable living situation. That is why we agree that our children...**

Will live at . She will visit once every 14 days. This takes place in the weeks. The weekend starts on Friday afternoon at and ends on Sunday afternoon at .

RACHEL

AGREED

MEDIATION

✓ Agreed

Mediation

Decision

DIALOGUE



NICHOLAS

I find it  
How c  
ADDED

RACHEL

We do  
ADDED

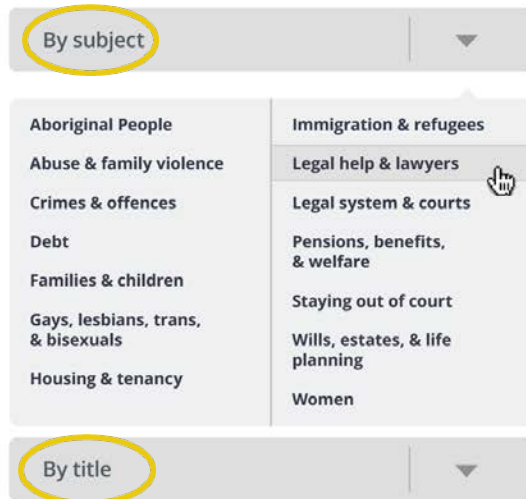
We should indeed discuss this with her

**Dialogue Tool:** Users decide together on different sections of a separation plan.

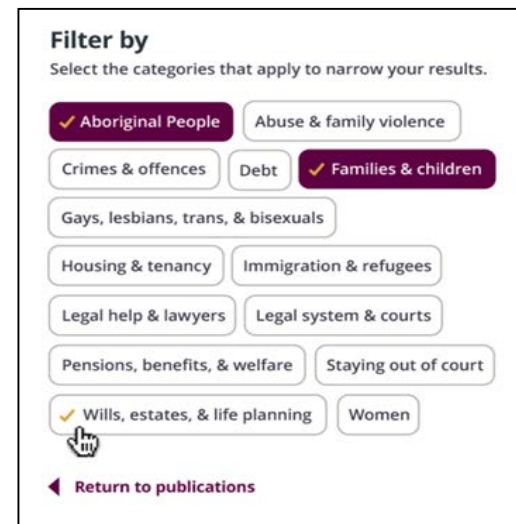


# Publications page:

## New search and filter functions



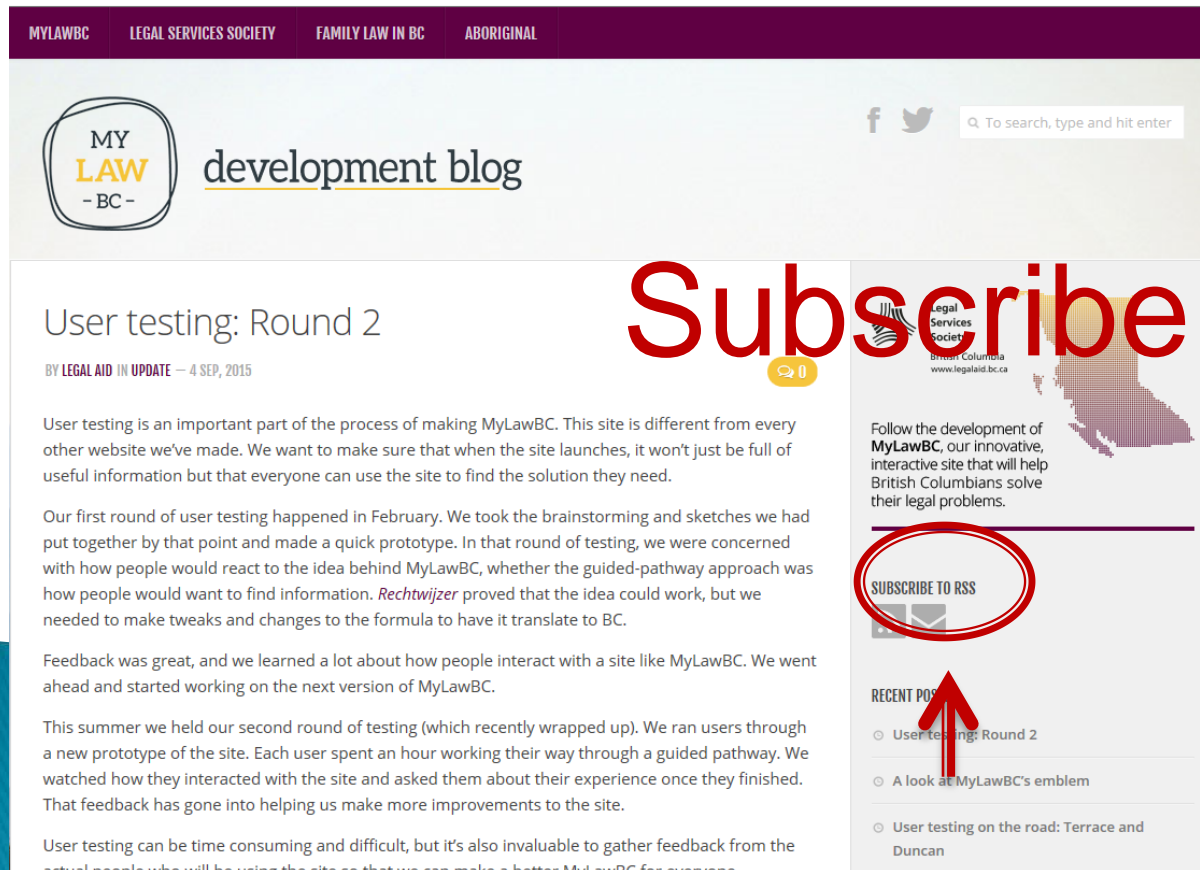
- ✓ Filter publications by selecting multiple categories





# MyLawBC Blog

## devblog.mylawbc.com



The screenshot shows the homepage of the MyLawBC development blog. The header is purple with navigation links: MYLAWBC, LEGAL SERVICES SOCIETY, FAMILY LAW IN BC, and ABORIGINAL. Below the header is a light blue section with the MyLawBC logo (a circle with 'MY LAW - BC -') and the text 'development blog'. To the right of the logo are social media icons for Facebook and Twitter, and a search bar with the placeholder text 'To search, type and hit enter'. The main content area has a large red 'Subscribe' text overlay. Below this, there is a section titled 'User testing: Round 2' by LEGAL AID IN UPDATE, dated 4 SEP, 2015. The text describes the user testing process and the importance of feedback. To the right of the main text, there is a sidebar with a 'SUBSCRIBE TO RSS' button circled in red, and a 'RECENT POSTS' section with a red arrow pointing to the first post, 'User testing: Round 2'.

MYLAWBC LEGAL SERVICES SOCIETY FAMILY LAW IN BC ABORIGINAL

MY LAW - BC - development blog

f To search, type and hit enter

## Subscribe

Legal Services Society  
British Columbia  
www.legalaid.bc.ca

Follow the development of MyLawBC, our innovative, interactive site that will help British Columbians solve their legal problems.

SUBSCRIBE TO RSS

RECENT POSTS

- User testing: Round 2
- A look at MyLawBC's emblem
- User testing on the road: Terrace and Duncan

### User testing: Round 2

BY LEGAL AID IN UPDATE — 4 SEP, 2015

User testing is an important part of the process of making MyLawBC. This site is different from every other website we've made. We want to make sure that when the site launches, it won't just be full of useful information but that everyone can use the site to find the solution they need.

Our first round of user testing happened in February. We took the brainstorming and sketches we had put together by that point and made a quick prototype. In that round of testing, we were concerned with how people would react to the idea behind MyLawBC, whether the guided-pathway approach was how people would want to find information. *Rechtwijzer* proved that the idea could work, but we needed to make tweaks and changes to the formula to have it translate to BC.

Feedback was great, and we learned a lot about how people interact with a site like MyLawBC. We went ahead and started working on the next version of MyLawBC.

This summer we held our second round of testing (which recently wrapped up). We ran users through a new prototype of the site. Each user spent an hour working their way through a guided pathway. We watched how they interacted with the site and asked them about their experience once they finished. That feedback has gone into helping us make more improvements to the site.

User testing can be time consuming and difficult, but it's also invaluable to gather feedback from the actual people who will be using the site so that we can make a better MyLawBC for everyone.



Aboriginal Legal Aid in BC



[Home](#) [Your family](#) [Your rights](#) [Benefits and services](#) [Legal Aid can help](#)

# Aboriginal Website

[aboriginal.legalaid.bc.ca](http://aboriginal.legalaid.bc.ca)

[Home](#)[Your family](#)[Your rights](#)[Benefits and services](#)[Legal Aid can help](#)

- Your family and the law
- Abuse and family violence
- Your home on reserve

- The ministry and your kids
- Your family's rights
- Aboriginal delegated agencies
- Mediation
- Understanding court orders and hearings
- The Extended Family Program

## Your home on reserve

The laws have changed. If you break up with your partner or your partner dies, you may be able to stay in your home.

[Learn more](#)

Helping Aboriginal people across BC understand their legal rights.



### Is this site for you?

This website is for anyone who identifies themselves as **Aboriginal**.

[Learn more »](#)

### Do you know about First Nations Court?

There are now four First Nations Courts in BC. You may be able to have your



### Find out more in a publication

We have free publications. See if we have one that's right for you

### Community events



2015-10-15  
Conference

#### **Accommodating FASD: Strategies, Skills & Support 2015 Conference**

For front-line and primary care professionals working in Vancouver's Downtown Eastside

[Read more »](#)

Vancouver Aboriginal Friendship Centre, 1607 East Hastings Street  
Vancouver, BC





## Your family's rights

### The ministry and your kids

If a social worker from the [Ministry of Children and Family Development](#) or an [Aboriginal delegated agency](#) contacts you or visits your home, this means that they think your child might be at risk and are looking into it. This is part of the **child protection** process. (This is also called an **investigation**.) An **investigation** is a process where a social worker looks into a report about a child. **Your child is placed in foster care.** It may result in the social worker **taking your child from your home**.

You, your family, and your community have rights. The law says the ministry should respect your child's family ties and **Aboriginal** identity.



### What is child protection?

BC law says that if the ministry gets a report about your child, the ministry (or an [Aboriginal delegated agency](#)) must look into it. If the ministry believes your child is at risk, they must:

- go to court to get an [order that supervises your child's care](#), or
- if necessary, take your child from your home.

This process is called **child protection**.

### Child protection and Aboriginal families

BC law also says that:

- Aboriginal cultural ties are very important to the well-being of Aboriginal children.

### Find out more

[Understanding Aboriginal Child Protection/Removal Matters](#)



Explains what Aboriginal parents can do during a child protection investigation

[Get PDF »](#)[Order »](#)



# Be involved with publications development

- ideas for new resources or publications
- recommendations or suggestions
  - images or design
  - content
- surveys, user testing, feedback on new or revised publications

Patricia Lim  
Publications Development Coordinator  
Patricia.lim@lss.bc.ca | 604.601.6007



Legal  
Services  
Society

British Columbia  
[www.legalaid.bc.ca](http://www.legalaid.bc.ca)



# Any questions?

**QUESTIONS**  
FOUND IN GOOGLE AUTOCOMPLETE

**WHY DO WHALES JUMP**  
WHY ARE WITCHES GREEN  
WHY ARE THERE MIRRORS ABOVE BEDS  
WHY DO I SAY UH  
WHY IS SEA SALT BETTER  
WHY ARE THERE TREES IN THE MIDDLE OF FIELDS  
WHY IS THERE NOT A POKEMON MMO  
WHY IS THERE LAUGHING IN TV SHOWS  
WHY ARE THERE DOORS ON THE FREEWAY  
WHY ARE THERE SO MANY SVCHOST.EXE RUNNING  
WHY AREN'T THERE ANY COUNTRIES IN ANTARCTICA  
WHY ARE THERE SCARY SOUNDS IN MINECRAFT  
WHY IS THERE KICKING IN MY STOMACH  
WHY ARE THERE TWO SLASHES AFTER HTTP  
WHY ARE THERE CELEBRITIES  
WHY DO SNAKES EXIST  
WHY DO OYSTERS HAVE PEARLS  
WHY ARE DUCKS CALLED DUCKS  
WHY DO THEY CALL IT THE CLAP  
WHY ARE KYLE AND CARTMAN FRIENDS  
WHY IS THERE AN ARROW ON AANG'S HEAD  
WHY ARE TEXT MESSAGES BLUE  
WHY ARE THERE MUSTACHES ON CLOTHES  
WHY ARE THERE MUSTACHES ON CARS  
WHY ARE THERE MUSTACHES EVERYWHERE  
WHY ARE THERE SO MANY BIRDS IN OHIO  
WHY IS THERE SO MUCH RAIN IN OHIO  
WHY IS OHIO WEATHER SO WEIRD  
WHY ARE THERE MALE AND FEMALE BIKES  
WHY ARE THERE BRIDESMAIDS  
WHY DO DYING PEOPLE REACH UP  
WHY AREN'T THERE VIKINGSE FRIENDS  
WHY ARE OLD KINGDOMS DIFFERENT

**WHY ARE THERE SLAVES IN THE BIBLE**  
WHY DO TWINS HAVE DIFFERENT FINGERPRINTS  
WHY ARE AMERICANS AFRAID OF DRAGONS  
WHY IS HTTPS CROSSED OUT IN RED  
WHY IS THERE A LINE THROUGH HTTPS  
WHY IS THERE A RED LINE THROUGH HTTPS ON FACEBOOK  
WHY IS HTTPS IMPORTANT  
WHY AREN'T MY ARMS GROWING  
WHY ARE THERE WEEDS  
WHY DO I FEEL DIZZY


**WHY AREN'T ECONOMISTS RICH**  
WHY DO AMERICANS CALL IT SOCCER  
WHY ARE MY EARS RINGING  
WHY ARE THERE SO MANY AVENGERS  
WHY ARE THE AVENGERS FIGHTING THE X MEN  
WHY IS WOLVERINE NOT IN THE AVENGERS  
WHY ARE THERE SURVIVORS OF GNATS  
WHY IS THERE PHLEGM  
WHY ARE THERE SO MANY CROWS IN ROCHESTER,  
WHY IS PSYCHIC WEAK TO BUG  
WHY DO CHILDREN GET CANCER  
WHY IS POSEIDON ANGRY WITH ODYSSEUS  
WHY IS THERE ICE IN SPACE

**WHY ARE THERE ANTS IN MY LAPTOP**  
WHY IS THERE AN OWL IN MY BACKYARD  
WHY IS THERE AN OWL OUTSIDE MY WINDOW  
WHY IS THERE AN OWL ON THE DOLLAR BILL  
WHY DO OWLS ATTACK PEOPLE  
WHY ARE AK 47s SO EXPENSIVE  
WHY ARE THERE HELICOPTERS CIRCLING MY HOUSE  
WHY ARE THERE GODS  
WHY ARE THERE TWO SPOCKS  
WHY IS MT VESUVIUS THERE  
WHY DO THEY SAY T MINUS  
WHY ARE THERE OBELISKS  
WHY ARE WRESTLERS ALWAYS WET  
WHY ARE OCEANS BECOMING MORE ACIDIC  
WHY IS ARWEN DYING  
WHY AREN'T MY QUAIL LAYING EGGS  
WHY AREN'T MY QUAIL EGGS HATCHING  
WHY AREN'T THERE ANY FOREIGN MILITARY BASES IN AMERICA

**WHY ARE THERE GHOSTS**  
WHY IS EARTH TILTED  
WHY IS SPACE BLACK  
WHY IS OUTER SPACE SO COLD  
WHY ARE THERE PYRAMIDS ON THE MOON  
WHY IS NASA SHUTTING DOWN  
WHY ARE THERE TINY SPIDERS IN MY HOUSE  
WHY DO SPIDERS COME INSIDE  
WHY ARE THERE HUGE SPIDERS IN MY HOUSE  
WHY ARE THERE LOTS OF SPIDERS IN MY HOUSE  
WHY ARE THERE SPIDERS IN MY ROOM  
WHY ARE THERE SO MANY SPIDERS IN MY ROOM  
WHY DO SPIDER BITES ITCH  
WHY IS DYING SO SCARY  
WHY IS THERE NO GPS IN LAPTOPS  
WHY DO KNEES CLICK  
WHY AREN'T THERE E GRADES  
WHY IS ISOLATION BAD  
WHY DO BOYS LIKE ME  
WHY DON'T BOYS LIKE ME  
WHY IS THERE ALWAYS A JAVA UPDATE  
WHY ARE THERE RED DOTS ON MY THIGHS  
WHY IS LYING GOOD  
WHY IS SEX SO IMPORTANT

**WHY ARE THERE SQUIRRELS**  
WHY ARE THERE GODS  
WHY IS PROGRAMMING SO HARD  
WHY IS THERE A 0 OHM RESISTOR  
WHY DO AMERICANS HATE SOCCER  
WHY DO RHYMES SOUND GOOD  
WHY DO TREES DIE  
WHY IS THERE NO SOUND ON CNN  
WHY AREN'T POKEMON REAL  
WHY AREN'T BULLETS SHARP  
WHY DO DREAMS SEEM SO REAL  
WHY AREN'T THERE GUNS IN HARRY POTTER  
WHY ARE ULTRASOUNDS IMPORTANT  
WHY ARE ULTRASOUND MACHINES EXPENSIVE  
WHY IS STEALING WRONG

**WHY ARE THERE DINOSAUR GHOSTS**  
WHY ARE THERE FEMALE MR NIMES





# Clear Skies video





# Family Homes on Reserve and Matrimonial Interests or Rights Act

In force December 16, 2014

by Ardith Walkem and Halie Bruce  
(Cedar and Sage Law)





# Why might family law processes for Indigenous Peoples may be different

- Location of property (on reserve)
- Indian status of one or more parties
- Treaty (lands or laws)
- Need to account for Indigenous heritage of children
- Indigenous Laws



## Prior to the Act:

- Indigenous laws regarding matrimonial property were not recognized.
- Provincial laws regarding matrimonial property did not apply on reserve.
- Exclusion intended to preserve a land base for the use and benefit of Indigenous Peoples.

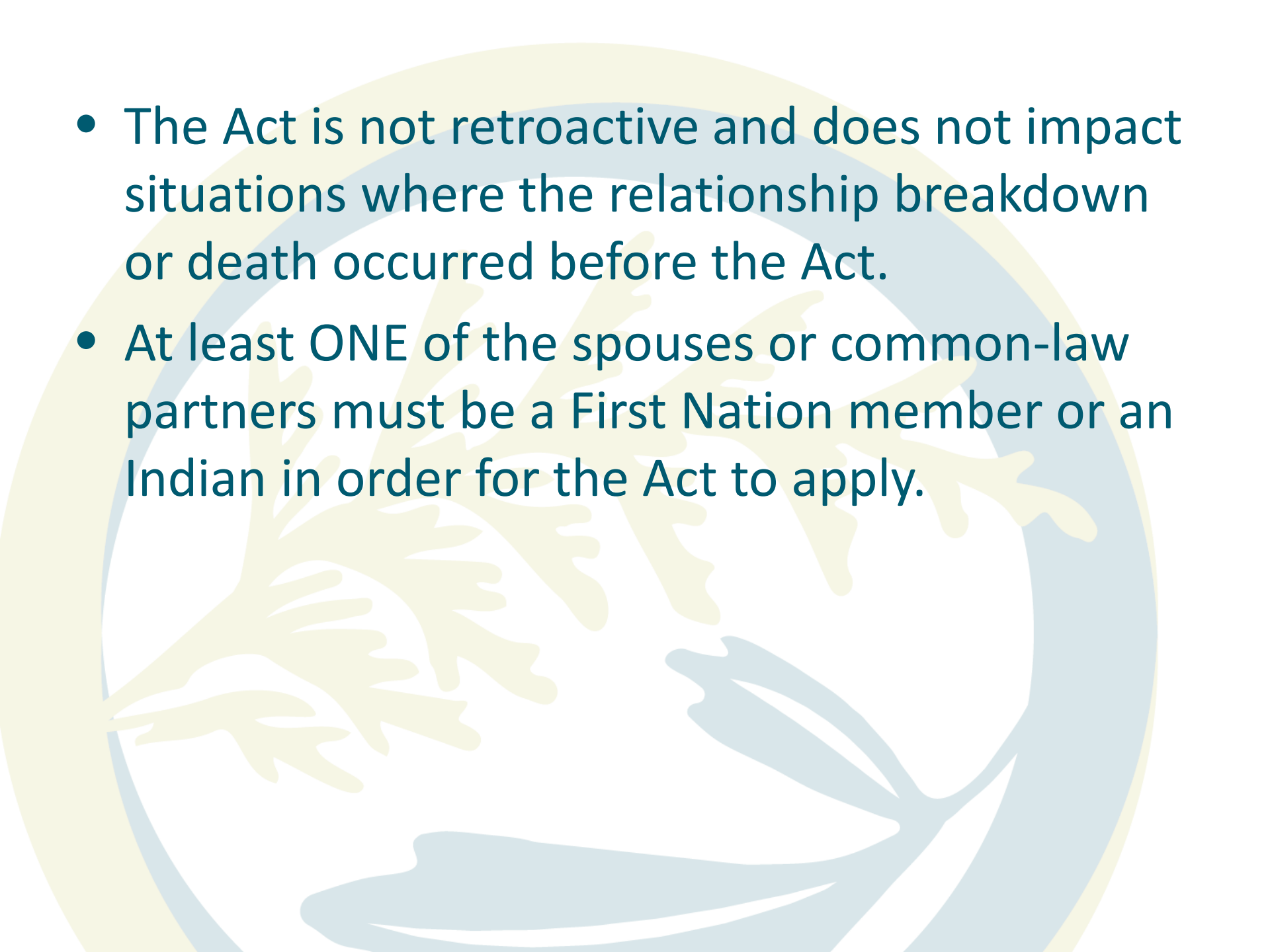
# Result:

- No recognized law that applied to determine rights to, or in, matrimonial property on reserve upon breakdown of a relationship, or rights of non-members upon death or relationship breakdown.
- Derickson v. Derickson
- Considerable hardship - primarily to Indigenous women and children.

# Family Homes on Reserves and Matrimonial Interests Act applies:

- In the event of a relationship breakdown or death of one of the partners in a marriage or common law relationship,
- Where at least one of the spouses is a status Indian or member of a First Nation,
- To the matrimonial home, and other real property interests on reserve, acquired during the course of (or in contemplation of) their relationship.



- 
- The Act is not retroactive and does not impact situations where the relationship breakdown or death occurred before the Act.
  - At least ONE of the spouses or common-law partners must be a First Nation member or an Indian in order for the Act to apply.

# Under the Act, First Nations can:

- 1) Pass their own matrimonial property law; or
- 2) Provisional federal rules will apply.

First Nations under the *First Nations Land Management Act* or with separate self-government agreements may be subject to different rules or timelines.

# Provisional Federal Rules

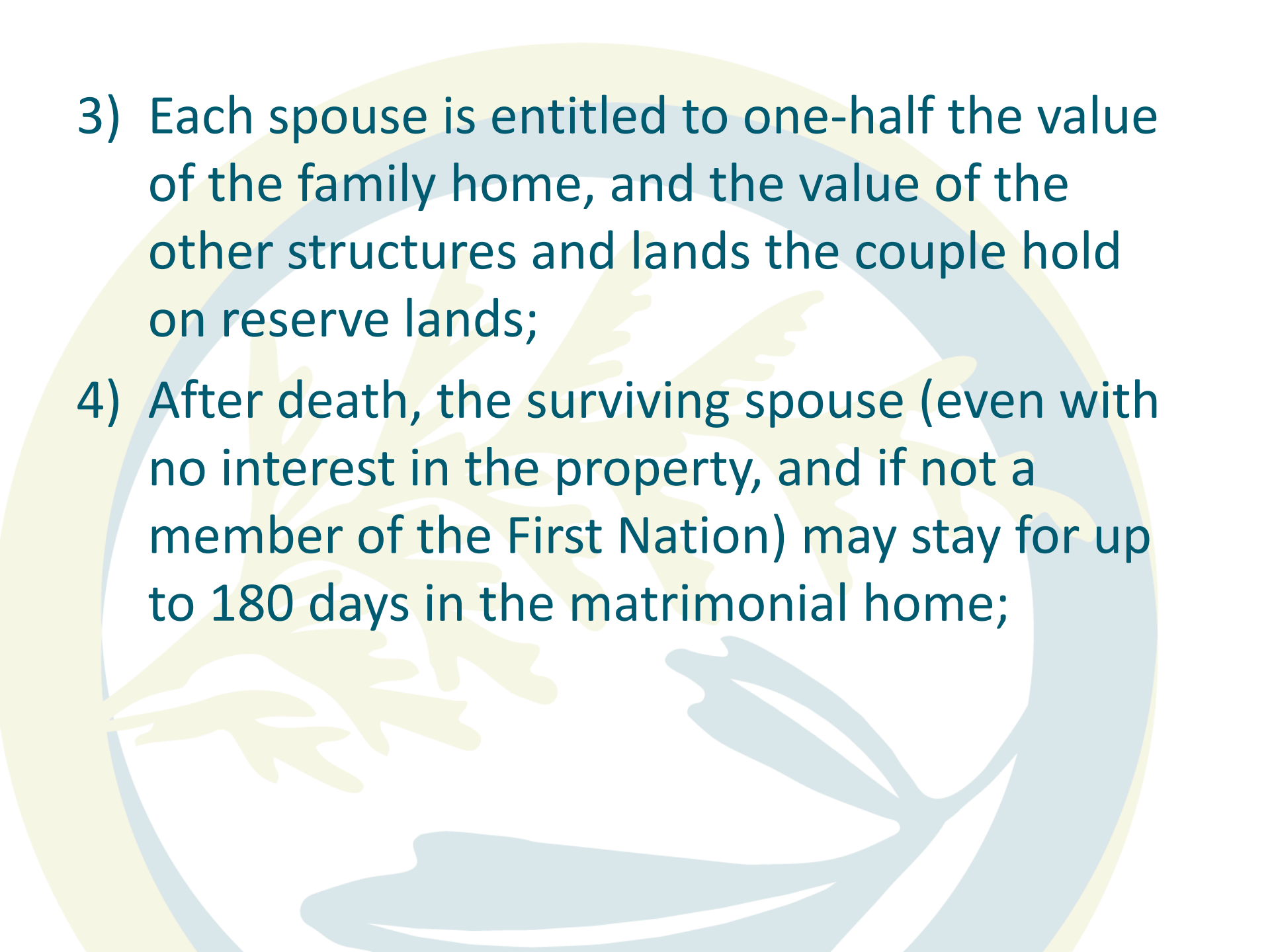
Apply unless or until a First Nation passes its own law

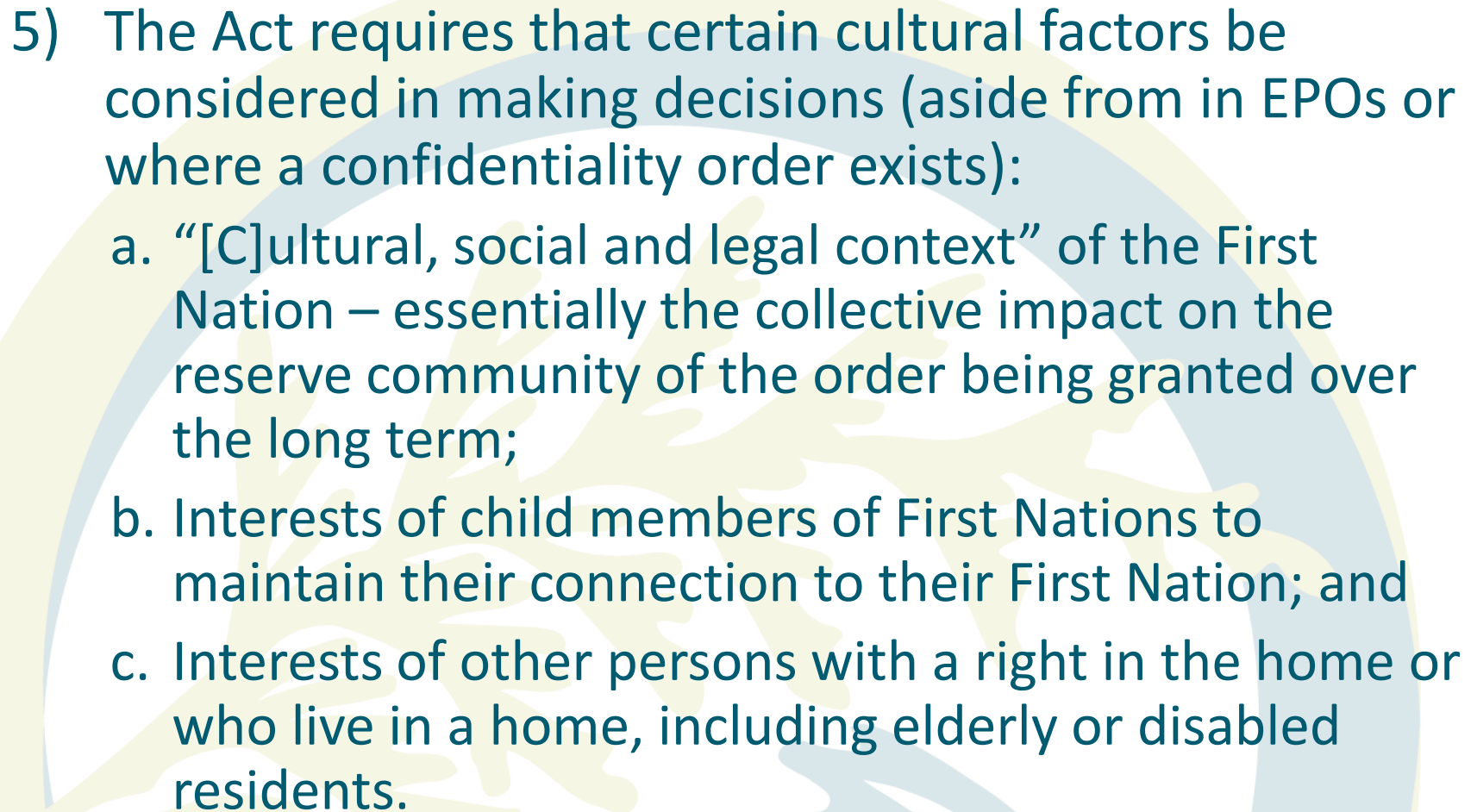


# General

- 1) A spouse or common law partner will not be able to sell or otherwise encumber (for example: mortgage) an on-reserve family home without the written consent of the other spouse;
- 2) One spouse cannot block the other spouse or from their on-reserve family home – it does not matter if the other spouse is not a status Indian or member of the First Nation;



- 
- 3) Each spouse is entitled to one-half the value of the family home, and the value of the other structures and lands the couple hold on reserve lands;
  - 4) After death, the surviving spouse (even with no interest in the property, and if not a member of the First Nation) may stay for up to 180 days in the matrimonial home;

- 
- A background graphic featuring a stylized globe with a blue and yellow color scheme. Overlaid on the globe are several hands in yellow and blue, reaching out and holding each other, symbolizing global unity and support.
- 5) The Act requires that certain cultural factors be considered in making decisions (aside from in EPOs or where a confidentiality order exists):
- a. “[C]ultural, social and legal context” of the First Nation – essentially the collective impact on the reserve community of the order being granted over the long term;
  - b. Interests of child members of First Nations to maintain their connection to their First Nation; and
  - c. Interests of other persons with a right in the home or who live in a home, including elderly or disabled residents.

There is no mechanism or resources to ensure that these interests are brought before the Courts.

# Emergency Protection Order (EPO)

An **Emergency Protection Order (EPO)** allows a court to order the exclusive occupation of the family home for up to 90 days (time can be extended) to either spouse, whether or not they are a member of the First Nation.

- A party can make an application for an EPO, without other spouse knowing or making submissions.

# Emergency Protection Order (EPO)

can:

- 1) Grant the applicant exclusive occupation and access to the home
- 2) Require spouse and others specified to vacate at a time the judge orders, and prohibiting re-entry
- 3) Give instructions for a Peace Officer to remove a person and keep the person away from the home
- 4) Any other necessary provisions to protect the family at risk

# In deciding whether to grant an EPO, the judge should consider:

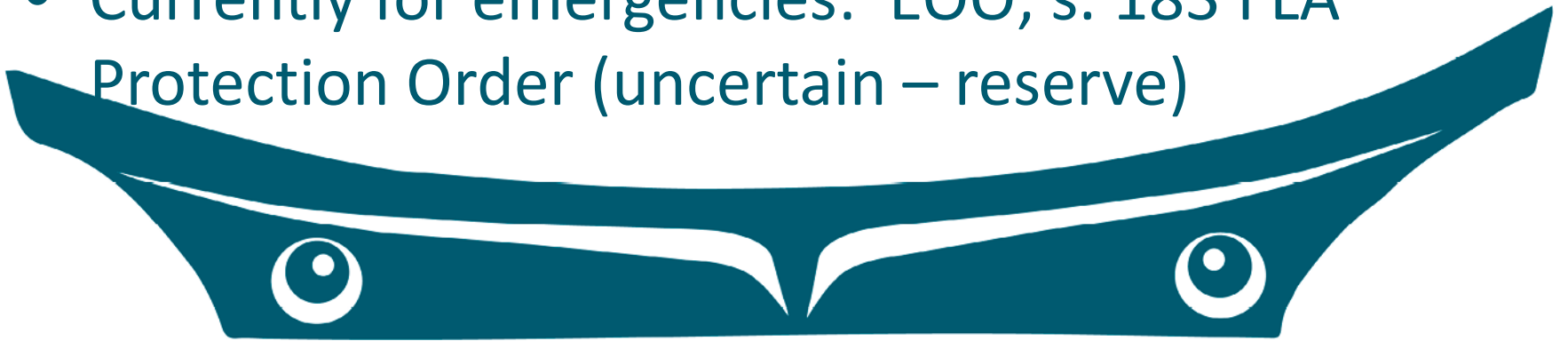
- History and nature of family violence, and risk of immediate danger;
- Best interests of any children involved (including their right to maintain their connection to the First Nation that they are part of);
- Interests of any elderly or disabled persons who reside in the family home, or others who have an interest in the home;
- Period of residence on the reserve; and
- Exceptional circumstances that require removing a person other than the applicant's spouse.

Any person named in the EPO can appeal. An order can extend beyond the initial 90-day period. The Court decides confidentiality issues and whether the information on which the order was granted will be made public.



# Generally – BC Supreme Court Jurisdiction

- Justices of the Peace or designated judges of the provincial court sometimes (EPO) under the Act
- Reference to having matters referred to Provincial court – BC has said it will not appoint provincial judges to do the review
- Currently for emergencies: EOO; s. 183 FLA Protection Order (uncertain – reserve)

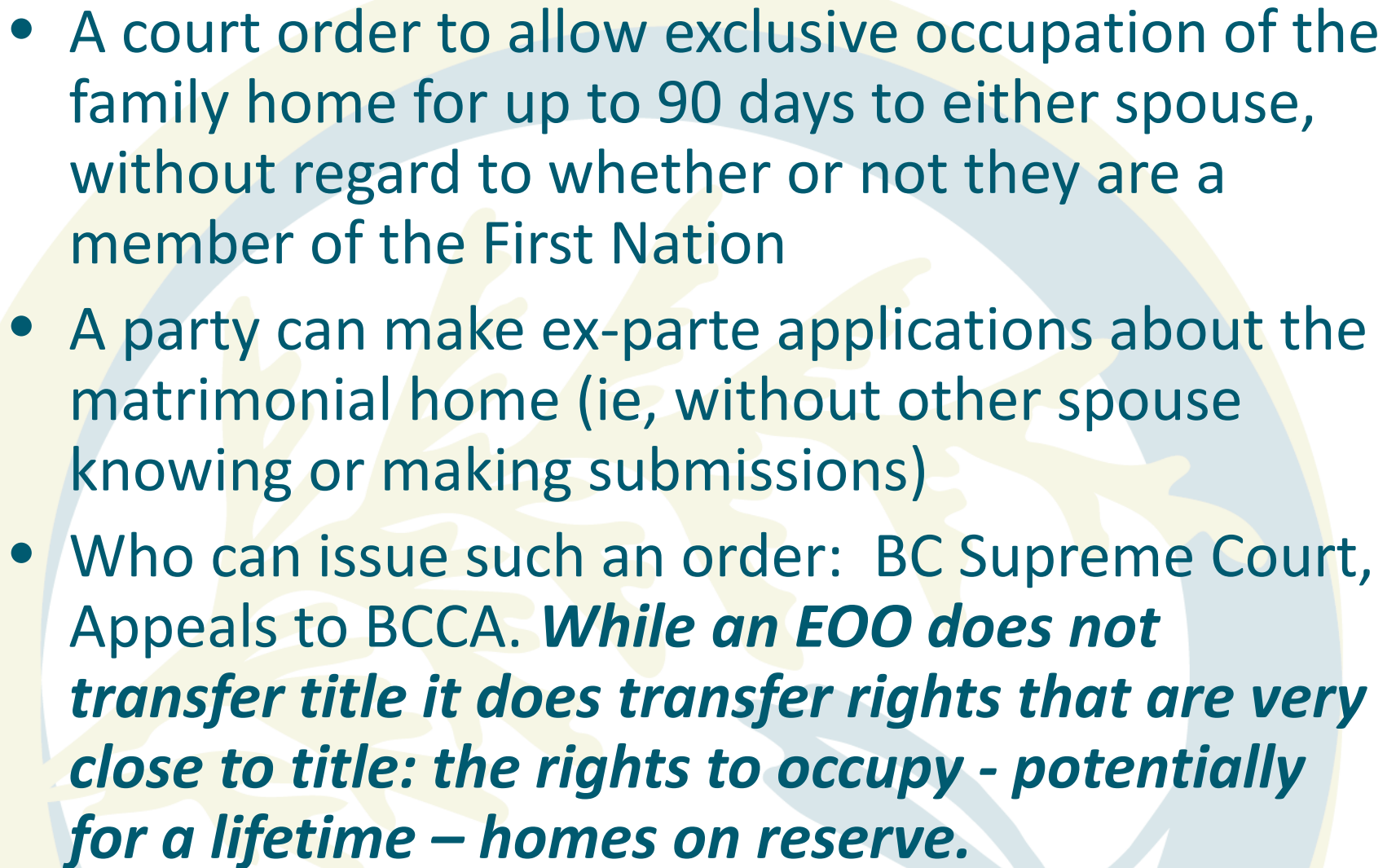


# Exclusive Occupation Order (EOO)

A court can make an **exclusive occupation order (EOO)** for the family home to one spouse upon the death of a spouse or breakdown of a relationship.

An EOO could:

- Require a spouse and other persons to vacate the matrimonial home;
- order a spouse to make payments to the other spouse toward the cost of accommodation;
- require one spouse to preserve the condition of the home (or contribute toward repairs and maintenance); or,
- order a spouse to make payment of all or part of the repair and maintenance of the home.

- 
- A court order to allow exclusive occupation of the family home for up to 90 days to either spouse, without regard to whether or not they are a member of the First Nation
  - A party can make ex-parte applications about the matrimonial home (ie, without other spouse knowing or making submissions)
  - Who can issue such an order: BC Supreme Court, Appeals to BCCA. ***While an EOO does not transfer title it does transfer rights that are very close to title: the rights to occupy - potentially for a lifetime – homes on reserve.***

# Exclusive Occupation Order:

A court can order exclusive occupation of, and access to the family home to one spouse.

When can this judge make such an order?

- Death of a spouse [An Exclusive Occupation Order does NOT change who holds an interest or right in the home or prevent an Executor/Administrator from transferring this interest.]
- Break-up of a conjugal relationship
- For removal of disruptive person(s)

# What does the judge consider in deciding to grant an EOO?

- Best interests of any children involved
- Terms of any agreement between the spouses
- Terms of any wills
- Medical condition of the survivor
- Financial situation and/or medical issues of spouses
- Any existing orders made on the matter
- History of any family violence or psychological abuse
- Any exceptional circumstances
- Collective interests of the First Nation (it is not clear how this will get before the Court in every instance though a First Nation has a right to be notified of the proceeding)
- Interests of other persons with a right in the home or who live in the home, including elderly or disabled occupants (again it is not clear how this information will get before the Court in each instance)



# An Exclusive Occupation Order could:

- 1) Require spouse and others specified to vacate at a time the judge orders, and prohibiting re-entry
- 2) Preserve the condition of the home
- 3) Make payments to the other spouse toward the cost of other accommodation
- 4) Payment of all or part of the repair and maintenance of the home

# Revoking an Exclusive Occupation Order:

On Application an EOO can be revoked or varied, only if there are changes in circumstances, and the other party must be given notice of the application.

# Exclusive Occupation Order could include:

- Conditions to preserving the condition of the home;
- Requiring someone to vacate the home and not re-enter it;
- Having a Peace Officer deliver notice to certain persons; or
- Having the executor of the will or the administrator of the estate pay for repairs and maintenance.

# Notice to First Nation Council

- For any order other than an EPO, or order where a Court has granted a Confidentiality Order, an applicant must send a copy to the First Nation.
- The Court must allow the First Nation to make representation at the hearing about the cultural, social and legal context surrounding the application and to present the community's views about whether the order should be made.
- There is no direction in the Act for how these submissions must be considered or weighed in decision making
- If the First Nation does not appear, there is no process or factors set out for how the Court must consider the collective interests of the First Nation.

# Notice to First Nation Council required:

- No notice: where there is an Emergency Protection Order or there is a Confidentiality Order [Section 19: The Court will weigh the balance between making the information public and the need to protect affected parties, especially children.]
- The successful applicant must send a copy of the Court Order to the First Nation Council



# Division of Value on Breakdown:

- Each spouse is entitled to one half of the value of the family home; and, the evaluation of other structures and lands they hold on reserve, considering the appreciation in value during the time of the relationship, and the difference in payments each made for maintenance/improvements.
- Assessed according to what a buyer would reasonably pay minus debts/liabilities or any agreement between the parties.

# Division of Value – Relationship Breakdown

Courts may make changes...

...if it is considered unconscionable, given:

- 1) needs of caring for children
- 2) the debts or liabilities of each spouse
- 3) a significant change in value of the interests
- 4) other pertinent factors

# Division of Value – Relationship Breakdown

Can the Order be revoked?

On Application it can be revoked or varied...

- ... only if there are changes in circumstances, and
- ... the other party must be given notice

# Division of Value – Death of a Spouse

Surviving **First Nation member spouse** is entitled, on application, to:

- $\frac{1}{2}$  of the value of the interest of the deceased in the family home, plus
- $\frac{1}{2}$  of the value of the interest of the deceased in the land on which the family home is situated, plus
- Amount =  $\frac{1}{2}$  of the value of interest of the deceased of other on-reserve structures and lands

# Division of Value – Death of a Spouse

Surviving **non-First Nation member spouse** is entitled, on application, to:

- $\frac{1}{2}$  of the value of the interest of the deceased in the family home, plus
- Amount =  $\frac{1}{2}$  of the value of interest of the deceased of other on-reserve structures (NOT land), plus
- The greater of:  $\frac{1}{2}$  appreciation, or, the difference between survivor payments minus debts



# Division of Value – Death of a Spouse

Can the amounts be changed?

On application by the survivor, the Court may vary the amount owed if it is considered unconscionable

- ... given the needs of caring for children, and
- ... if the spouses had previously resolved the consequences of a breakdown

# Division of Value – Death of a Spouse

If survivor makes an application within 10 months of the death of the spouse...

The court may make changes with respect to...


- The amount payable to the survivor
- The method of payment (lump sum, installments)
- If the survivor is an FN member, the transfer of any interests or rights in any structure or land situated on the reserve
- Extension of the 10-month period due to special circumstances
- Permitting the executor of a will to vary the terms under the will to allow for the amounts due to be paid to the survivor
- Ensuring that proper notice is given



Centre of Excellence for Matrimonial Real  
Property at [www.coemrp.ca](http://www.coemrp.ca) (forms,  
information)

# First Nation Law-Making

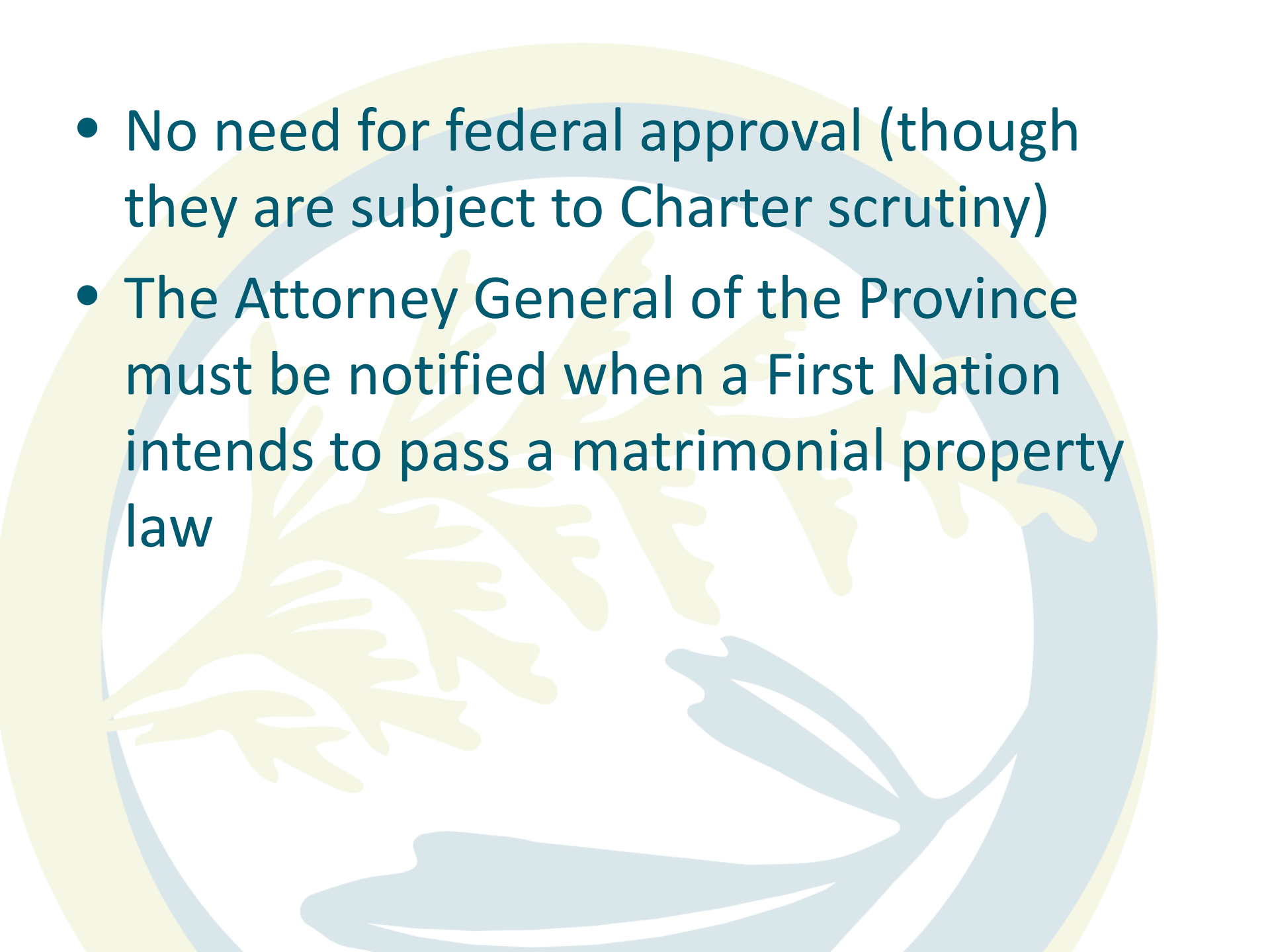




First Nations can pass their own laws in this area


- Required support: 25% of members must participate in the vote, and majority of those who vote must approve



- 
- No need for federal approval (though they are subject to Charter scrutiny)
  - The Attorney General of the Province must be notified when a First Nation intends to pass a matrimonial property law

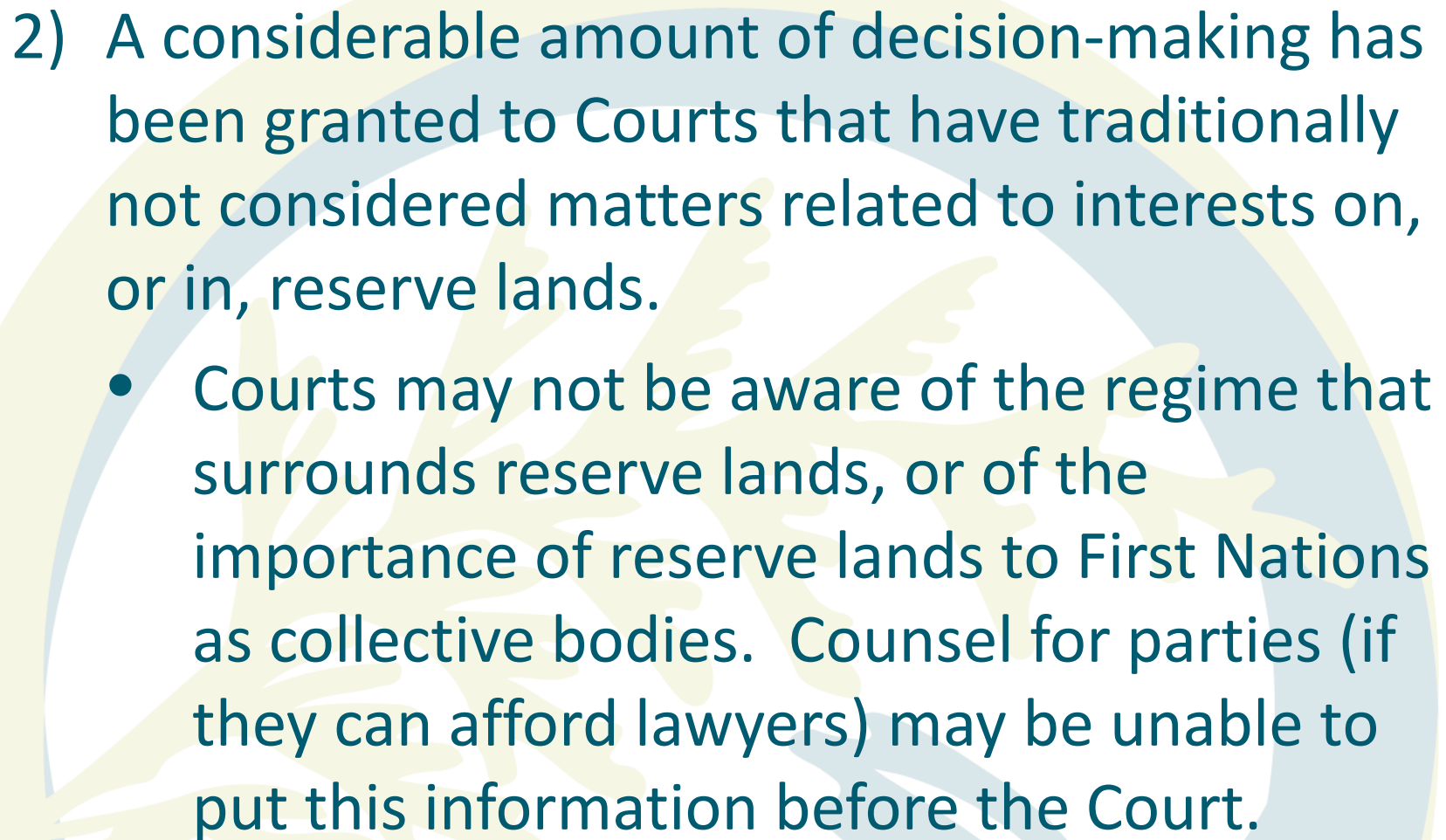
# Significant Areas of Concern

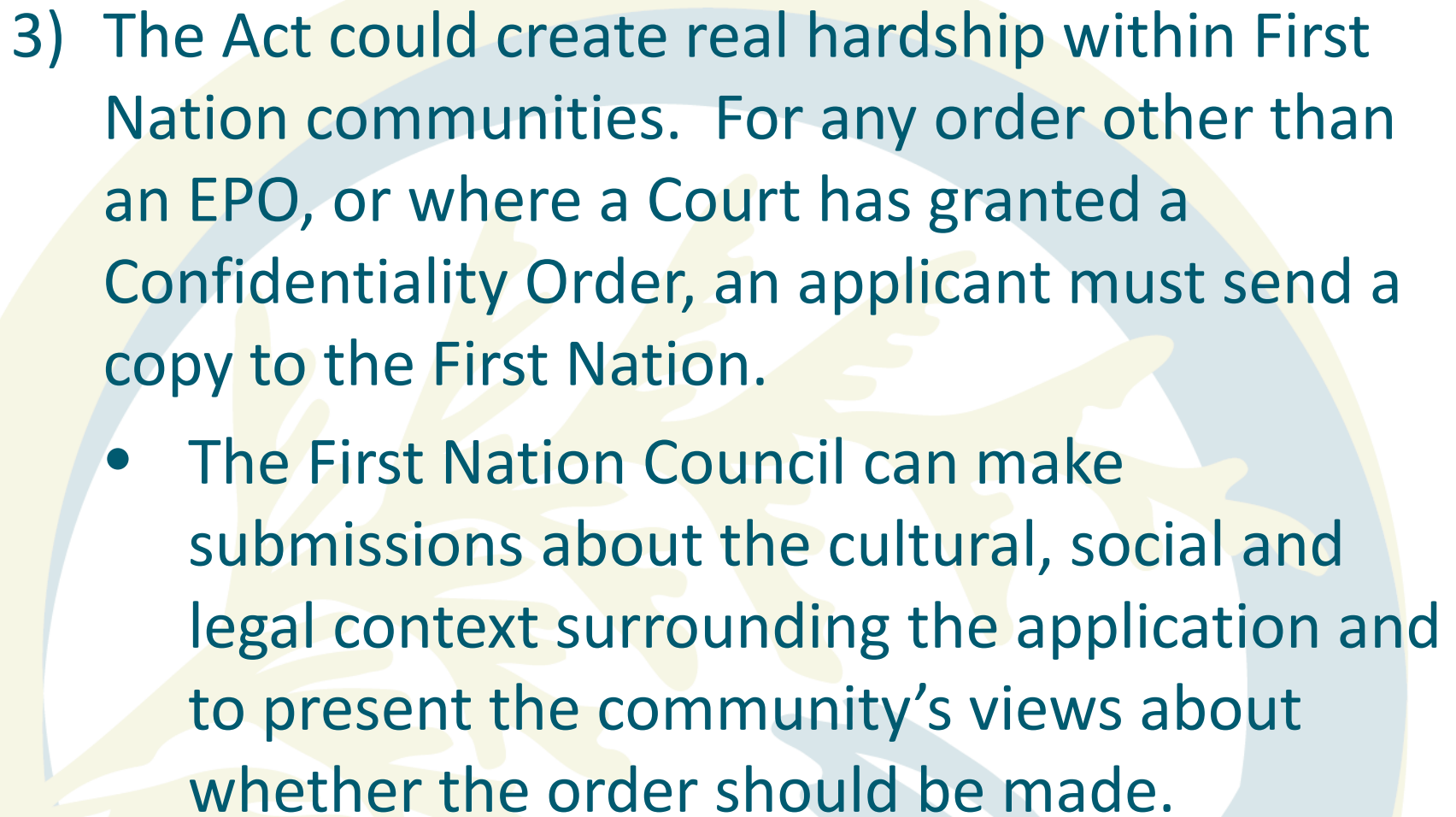




1) Access to justice (to lawyers, to courts) is a significant issue for Indigenous Peoples.

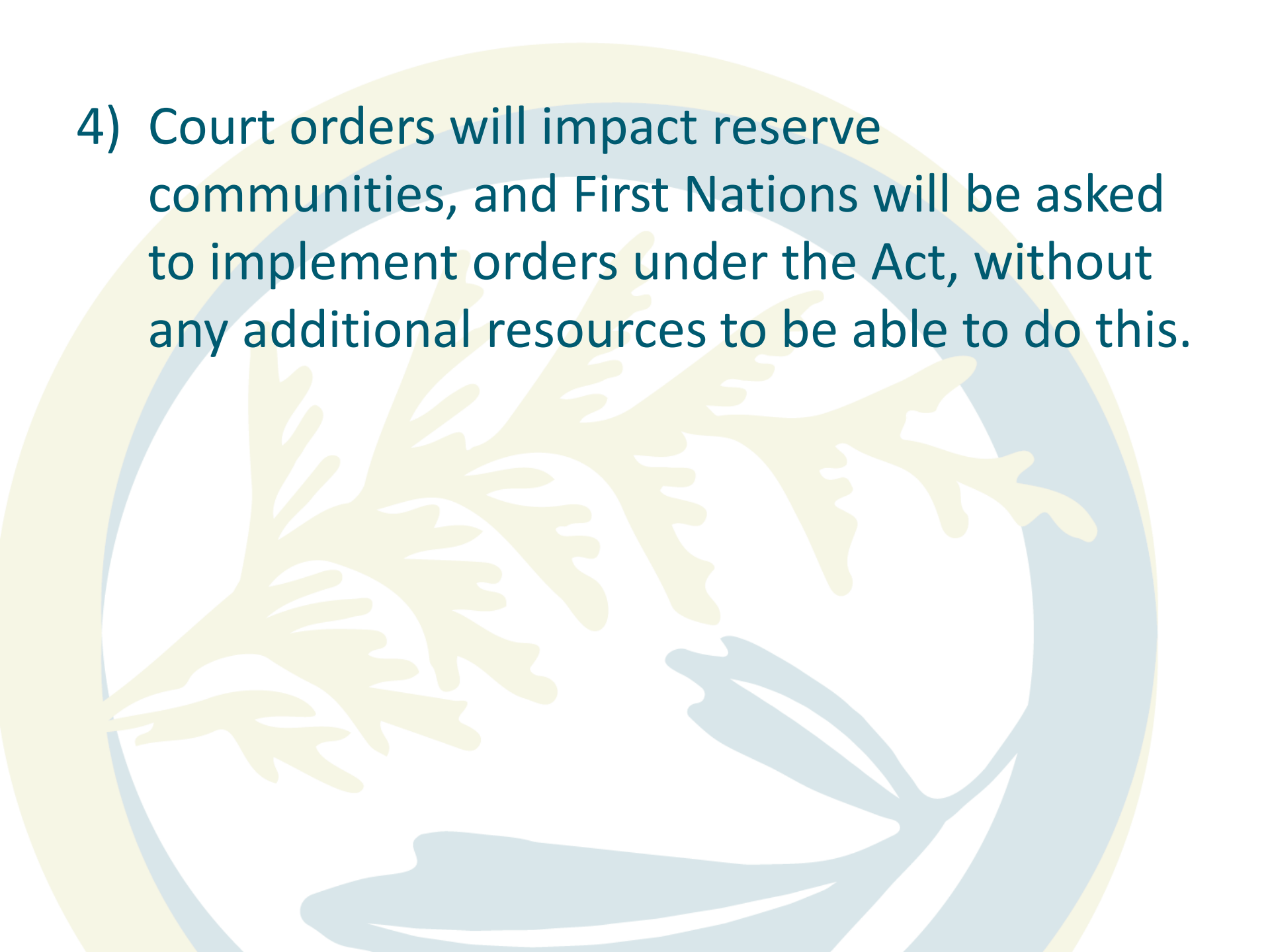
- The Act moves more decisions to the court process.
- Without legal representation, and without access to courts, peoples' rights may be seriously impacted or denied.
- Forms require parties to say that they give their “full and informed consent” .
- Decisions may be made with one party being self-represented or not appearing at all.

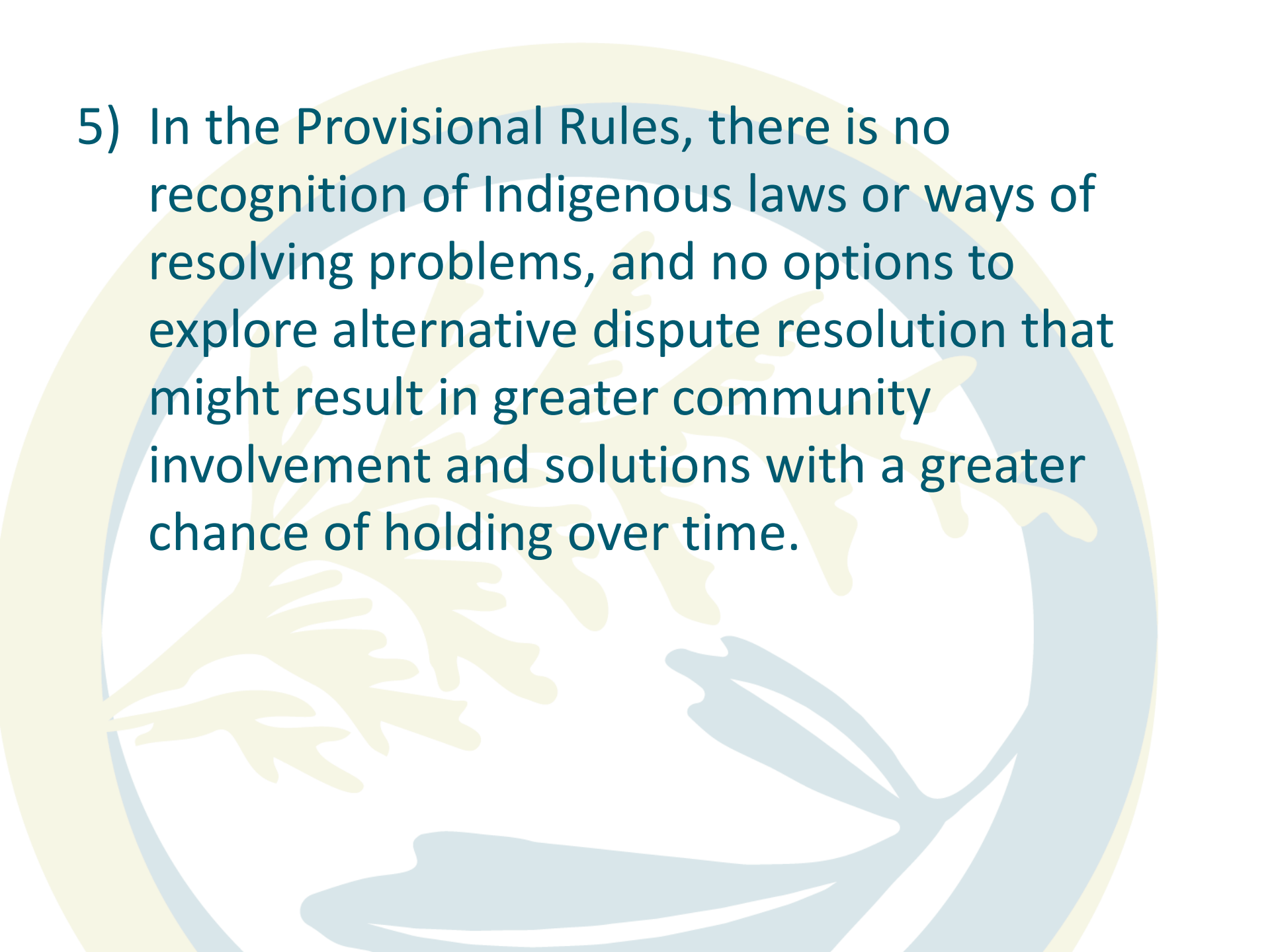
- 
- 2) A considerable amount of decision-making has been granted to Courts that have traditionally not considered matters related to interests on, or in, reserve lands.
- Courts may not be aware of the regime that surrounds reserve lands, or of the importance of reserve lands to First Nations as collective bodies. Counsel for parties (if they can afford lawyers) may be unable to put this information before the Court.

- 
- A background graphic featuring a stylized globe with a blue and yellow color scheme. Overlaid on the globe are several hands in a light yellow color, reaching out and holding each other, symbolizing unity and support.
- 3) The Act could create real hardship within First Nation communities. For any order other than an EPO, or where a Court has granted a Confidentiality Order, an applicant must send a copy to the First Nation.
- The First Nation Council can make submissions about the cultural, social and legal context surrounding the application and to present the community's views about whether the order should be made.



4) Court orders will impact reserve communities, and First Nations will be asked to implement orders under the Act, without any additional resources to be able to do this.





5) In the Provisional Rules, there is no recognition of Indigenous laws or ways of resolving problems, and no options to explore alternative dispute resolution that might result in greater community involvement and solutions with a greater chance of holding over time.

## 6) Complexities of housing situations on reserve:

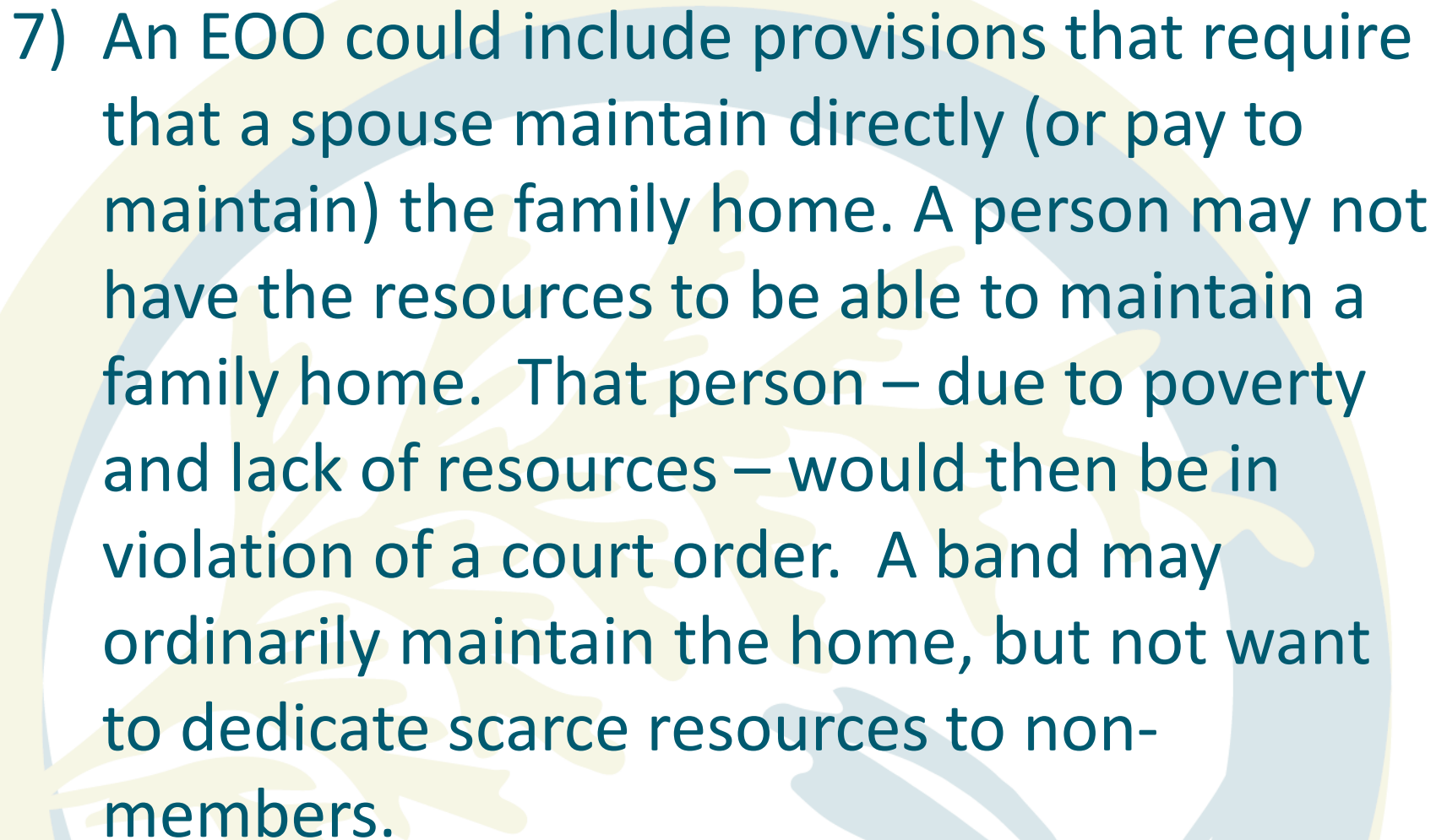
The “matrimonial home” of a couple whose relationship has broken down, might simultaneously be the home of an aging grandparent; an unemployed aunt; or, a barely-adult teenager starting their own family. Decisions made under the Act have the potential to consider only the interests of one couple, and not others who live within the home.

Different reserves have very complex systems of land ownership. Some interests are held under Certificate of Possession, some are held under custom, there are combinations of these interests; many people live in social housing which is owned and maintained by the First Nation.



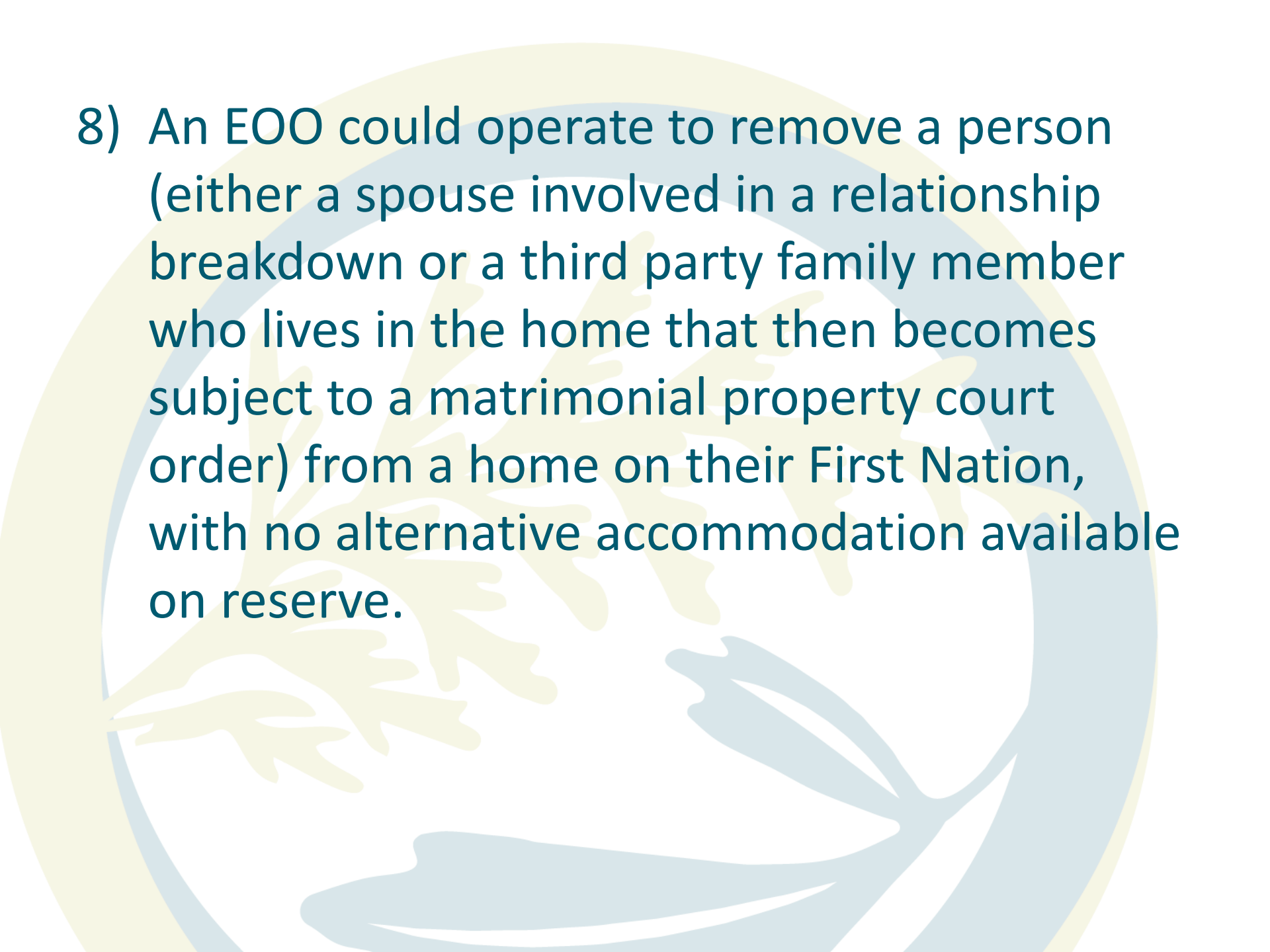
## For example:

A couple may live in a house but have no right to the house itself (for example, band owned social housing, or a home that they are borrowing from a family member). An EPO could grant temporary occupation of social housing on reserve to a non-member. The First Nation might be in a position of having to maintain the home, but have no way of forcing the occupant to pay rent, or, the EPO might displace others on a housing waiting list who have the next right of occupation.



7) An EOO could include provisions that require that a spouse maintain directly (or pay to maintain) the family home. A person may not have the resources to be able to maintain a family home. That person – due to poverty and lack of resources – would then be in violation of a court order. A band may ordinarily maintain the home, but not want to dedicate scarce resources to non-members.



A stylized background graphic featuring a large, light blue circular shape. Inside this circle, there is a yellow tree-like structure with multiple branches extending upwards and outwards. Below the tree, there is a light blue fish-like shape, possibly representing a salmon, swimming towards the right. The overall design is simple and uses a limited color palette of yellow, light blue, and white.

8) An EOO could operate to remove a person (either a spouse involved in a relationship breakdown or a third party family member who lives in the home that then becomes subject to a matrimonial property court order) from a home on their First Nation, with no alternative accommodation available on reserve.

# First Nation Councils asked to enforce orders?

- Councils may be asked to enforce orders – if they do not enforce, the party who has the order can go to court and seek to have a monetary payment made instead by the party against whom the order was made
- Penalties include fines and prison

# Will Provincial law apply?

- Provincial laws can be used to determine how to divide the overall value of all matrimonial property (house, cash, cars, etc.)
- Either spouse can ask a court to determine their share of the matrimonial property
- Court can order one spouse or common-law partner to pay the other a sum of money to make an equal division of the matrimonial property