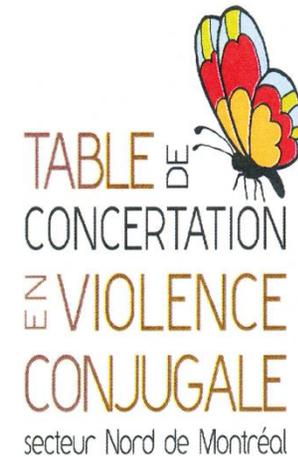


Resources and references

Police	911
SOS conjugal violence	514-873-9010 or 1-800-363-9010
DPJ	514-896-3100
CAVAC	1-866-532-2822
Legal aid in immigration law office	514-849-3671
Retirement Quebec (payment of child assistance)	514-864-3873
Canada Revenue Agency (Canadian child allowance)	1-800-387-1194
CIUSSS of the North-end of the Island of Montreal	514-384-2000

- <https://www.educaloi.qc.ca/en>
- <http://www.justice.gouv.qc.ca/english/accueil.asp>
- <http://domesticviolence.gouv.qc.ca/>
- <http://www.gouv.qc.ca/EN/Pages/Accueil.aspx>
- http://cdi.merici.ca/2011-01-30/brisex_silence.pdf
- <http://droit-finances.commentcamarche.net/>
- <http://fede.qc.ca/>
- <http://www.cra-arc.gc.ca/bnfts/ccb/menu-eng.html>
- http://www.rrq.gouv.qc.ca/SiteCollectionDocuments/www.rrq.gouv.qc.ca/Francais/formulaires/soutien_aux_enfants/LPF800_fr.pdf
- https://www.csj.qc.ca/SiteComm/W2007Francais/Main_fr_v4.asp
- http://www.rrq.gouv.qc.ca/fra/posae/Content/DO13_03.htm
- <http://cra.arc.gc.ca/>
- <https://www.spvm.qc.ca/en/Fiches/Details/Domestic-and-Intrafamily-Violence>



DOMESTIC VIOLENCE

Beyond the cycle of violence...

Autumn 2016

You're not feeling good in your relationship.

You feel like you're walking on eggshells, that you're never good enough and that everything is always your fault.

You put your energy towards making sure everything's alright so your husband doesn't get mad.

You're under the impression that he's watching and controlling you. He gets jealous, insults you, and denigrates you. He threatens you, intimidates you and says that you're a bad wife and a bad mom.

You're not quite sure if it's violence that you're suffering from.

You feel all alone and wish you had someone to confidentially talk to.

You don't know if you should leave your house.

You're wondering if it's the right thing to do. You feel responsible and ashamed.

Know that **you are not alone** and that help is available for you. You can call SOS Conjugal violence; go to a CLSC (*local community service center*) or to a women center. In case of an emergency, dial 9-1-1 for the police, 24 hours/24 and 7 days/7. Violence, whether it's physical, verbal, psychological, economical, sexual or spiritual, is **inacceptable, intolerable and unjustifiable**. This pamphlet aims towards answering some of the questions you might be asking yourself. However, if you need more information, don't hesitate and go get help.

We must break the silence.

➤ ***I want to leave my house and get out this violent situation, but I don't know where to go?***

There are resources that can help you. You can go to a shelter that will offer you a free, safe place, whether you are alone or with your kids (housing, food, heat and more). You will find comfort, support and guidance to accompany you in your procedures (judiciary, medical, administrative and more). All these services are confidential.

If you decide to leave, here is a list of important things to take with you:

- Duplicate keys of your home and car;
- Your phonebook;
- Your driver's licence and matriculation certificate;
- Identity documents (yours and those of your children): social insurance card, passports, birth certificates, your immigration file and more;
- Your wedding contract;
- Medical cards and vaccination books;
- Your credit card, debit card, bank books, documents concerning your mortgage or bank loans;
- Your lease and property titles;
- School reports and diplomas;
- Your valuable objects (ex: jewelry) and the receipts of your own property.

If you have other questions concerning your departure or to ensure your security and that of your children, don't hesitate to call a shelter, the stakeholders are there to help you and support you. Also, if you're still at home, it would be important for your security to delete the phone numbers of the organizations you tried to contact on your cellphone.

Know that your electronical devices can indicate where you are. Smart phones and tabloids are equipped with a GPS (Global Positioning System) that allows it to geographically locate its user.

When the GPS is activated, it integrates the exact position of each picture taking (geo tag). Deactivate the « images geolocation option » on your devices.

Your use of the social Medias can also allow people to find you. Make sure that the geolocation is not activated in each of your applications (ex: Facebook, Instagram, Twitter, Snapchat, etc.).

A shelter can support you with all these steps and can protect you in the event of a kidnapping accusation.

➤ ***I have a joint bank account with my partner, what do I have to do?***

Both owners of a joint account are responsible for the debts incurred on this account. If one of the owners doesn't pay, the other one will have to make the due payments.

This is why you should close this account immediately after your departure. Also, the money that is deposited in a joint account belongs to both owners. It is why you are allowed to withdraw half of it.

You should do it as soon as you leave your home, because it's possible that your spouse decides to empty the account after your departure.

The withdrawal should be done in a branch near you, to assure your security if you decide to go in a shelter, because your spouse could ask the address of the branch where the withdrawal was made in order to locate you.

➤ ***I am neither a Canadian citizen nor a permanent resident; I am worried about my immigration process if I leave my spouse.***

Concerning your immigration file (refuge with a family file or in a sponsorship process), many scenarios are possible.

You would have to communicate with Citizenship and Immigration Canada or consult the legal aid office in immigration law to verify if you answer to the admissibility criteria in order to have access to the services of a lawyer.

If you're a refugee, you can also obtain advices from the CIUSSS West-Central Montreal with the PRAIDA *YMCA Day Centre for Refugee Claimants*.

Most of them are offered in French and English, and, if needed, an interpreter's service is available. Usually, children must be between 0 and 18 years old. However, if your child is over 18 years of age, it is sometimes possible that he or she stays with you.

In most cases, you will have a room for you and your kids, and share the common areas with the other women of the shelter (kitchen, bathroom, living room).

Depending on the houses, the length of the stay may vary from a few days to a few months. Afterwards, the social workers can help you in your search for housing.

➤ ***I want to denounce the situation to the police. What will happen?***

To denounce your situation to the police, you can dial 9-1-1 or go to one of the 32 community police stations (www.spvm.qc.ca). The police officers will intervene to stop the situation and ensure that you and your kids are safe.

In cases where there have been criminal offenses such as assault, threat, assault with a weapon, sexual assault, kidnapping, harassment and that the police have enough motives, they will arrest the offender. They are obligated to denounce these situations to the prosecutor.

If the offender is not located during the denunciation, they will look for him to ensure your safety and bring him to justice.

The police officers can offer you resources such as support from the CAVAC *The assistance centres for victims of crime*, the CLSC, and they can drive you to a shelter if necessary. They will write an event report to explain the facts. They will ask you to write a declaration. You can write it in your first language. If the children were exposed to conjugal violence, the police will notify the situation to the DPJ *Director of Youth Protection* by writing an event report.

The police officers can accompany you to recuperate your essential belongings such as your passport, medications, children's school supplies and more.

Your file will then be handed over to an investigator. His role is to establish the facts. He will report the situation to the prosecutor. The prosecutor will file the charges. It is also him who will authorize the file.

If your husband is arrested upon the denunciation, he will be transported to in a detention center. He can be detained until his appearance before the judge or be released by the investigator. If he's released, he will have conditions to respect while waiting for his appearance in front of the judge. He could be forbidden to communicate with you and/or to approach you.

After his appearance, the judge will decide if he will be released with conditions or kept detained until trial.

The investigator will inform you of the offender's release and conditions. Also, you can consult the organization « Côté Cour ». They offer many services at the Court to support you during the judicial process. Do not hesitate to break the silence. Devoted people are there to assist you!

➤ ***How can I leave, I signed a lease for my housing?***

In a context of conjugal violence, where you or your children's security is at risk or in a case of sexual abuse by your husband, ex-husband or someone else, you can ask the termination of the lease.

You have to obtain an attestation file from the public officer; the tenant will have to present three documents:

1. The certificate application form for the termination of a lease on grounds of violence or sexual assault. The tenant has to support the request by an oath: he must complete the form section Oath or affirmation, and appear before a commissioner of oaths, where both sign the section.

<http://www.justice.gouv.qc.ca/english/publications/generale/bail.htm>

➤ ***He told me that if I leave him, I will lose my children.***

To the Court, both parents are equal, so each parent gets the right to have child custody. Your husband can't assume he will get child custody, just like you can't take for granted that, if you leave with your children, you will necessarily get full custody.

However, if you're a victim of conjugal violence, you can leave your home with your children without the permission of your husband, but you have to stay within the province of Quebec.

It is then essential that you consult a lawyer as soon as possible in order to make a demand to obtain a Safeguard Order to avoid being accused of kidnapping. This order is a decision made by a judge concerning child custody and is valid for a maximum of 6 months.

This will allow you to take decisions regarding your children (exchange of school, of kindergarten and more). Afterwards, the custody right is decided by the Court according to the best interests of the children, regardless of your personal income.

Yet, if you fear for the safety of your children, it's important that you mention it to your lawyer. He might ask you about supervised visits or advise you to contact the direction of the youth protection (DYP) in order to receive support.

Know that the goal of the DYP is not to take the children away from their parents, but to help ensure their safety and proper development. Whether it's with your lawyer at the court or with the DYP, you will need to make proof of the reality of your concerns in order to justify your refusal of shared custody.

All these procedures can seem long and complex, where the importance of having a lawyer to guide and to help you take the best decisions.

You also need to know that, even in a violent context, it's possible that the judge will consider that it's the child's interest to continue to be with his father and decide to go with a shared custody.

If you're not admissible for legal aid, but it's impossible for you to afford attorneys' fees, you can contact with organizations such as Juripop legal clinic. If you meet the admissibility criteria, this organization can offer you the services of a lawyer for a low cost.

➤ ***My husband offers me an amicable separation or mediation. Should I accept his offer?***

When it comes to separation or divorce, the law requires that legally married spouses, civil union or common-law with children attend a session with a mediator. During this mediation, questions concerning divorce, child custody, property separation, food pension will be discussed.

However, if you're a conjugal violence victim, the law allows you to be excluded, because in a violent context, it's possible that your husband will try to intimidate or threaten you to ensure that you do not get what you're entitled to. It is likely that you will not dare to make a demand in his presence. So, the negotiation will not be equal.

You sometimes wish it would end quickly, cause as little problems as possible and settle in good terms by accepting mediation or an amicable settlement. **Be careful. Talk to a lawyer. You have rights and they have to be respected.**

If you're married, you will be able to choose between legal separation and divorce. The separation allows you to settle your questions such as child custody, food pension or property separation. However, it doesn't put an end to the marriage, so the spouses have to respect the rights and obligations of their union. For more information, you can visit the following website: <https://www.educaloi.qc.ca/capsules/la-separation-legale>.

If you're living in a common-law union, you need to know that the law does not protect you from certain things such as property separation or food pension for the ex-husband. **Nonetheless and no matter your marital status, you should seek advice from a lawyer before taking any decision.**

If the tenant doesn't know a Commissioner of Oaths, he can address himself at the court having jurisdiction over the municipality.

2. A document to support his demand that can be:

- a copy of his deposition
- a document from a person connected to him or the child living with him, who can be one of the following:
 - a speaker of a shelter;
 - a speaker of a victim support center of crime (CAVAC);
 - an intervener from a help and fight against sexual assault center (SACs);
 - a speaker attached to an institution in the health and social services (hospital, health center and social services, youth center);
 - a doctor or professional.

3. A copy of his lease.

The lease will be terminated two months after you sent your notice or one month after if your lease is indeterminate or less than 12 months. During this period, you will have to continue to pay your rent.

Beware: only the person that signed the lease has the right and the power to make such a demand. If you didn't sign the lease, you are free to leave your home.

➤ ***Can I get a social housing?***

When you're a victim of conjugal violence and you answer to the eligibility criteria, it's possible to obtain a priority social housing (HLM) by presenting, with your demand, a certificate delivered by a shelter, a police force or by an establishment of the health and social services.

It can take from 3 to 6 months before obtaining housing. In more particular cases (ex: large families), the time limit can be longer. Otherwise, second step apartments also exist and can offer you a subsidized secure housing, some support and some accompaniment.

However, for that, you need to have stayed one month in a shelter, beforehand. In general, the length of the stay can go from a minimum of 3 months to a possibility of 2 years.

➤ ***I have no income, how can I provide for my needs?***

Social Assistance and Social Solidarity Programs can provide you with financial assistance of last resort if you can't provide for your basic needs because of the financial situation you're in.

Your admissibility will be determined according to your incomes, the amount of money you have in the bank and the properties that you own. Also, if you leave your home to seek refuge in a shelter, you're eligible for an additional allowance of about 100\$ per month for temporarily limited capacity. To ask for welfare, you need to open a personal account if you don't already have one.

If you do have one and your husband knows the password to get in your online account, you need to change it immediately. Similarly, if you used to receive your bank account statements at home, you need to communicate with your bank institution to lead them towards your new address.

➤ ***The Canadian child allowance (CCA) and the child support payment can help you provide the needs of your children.***

The Canadian child allowance is a tax-free monthly payment given to the families that meet the eligibility criteria to help them support the needs of their children under 18 years of age. The CCA plans, approximately, a maximum annual benefit of 6 400\$ per child under 6 years old and of 5 400\$ per kid between the age of 6 and 17 years old.

On the other hand, the child support payment is a provincial benefit, tax-free, paid every 3 months (or every month if the family makes a demand). This amount varies from one family to another, taking into account various elements (ex: the number of children, the income and more).

In general, when two parents live under the same roof, whether it's for the CCA or the child support payment, it's the mother that receives the benefits.

If you decide to leave your home for conjugal violence reasons and that the benefits were paid into a joint account, it would be important to close it as soon as possible, to open a personal account and to immediately notify government agencies.

Also, when you explain your situation, you can ask (to both governments) to put in place a password that will protect the access to your file. For more information, you can visit the following two websites:

<http://www.cra-arc.gc.ca/bnfts/ccb/menu-fra.html>

http://www.rrq.gouv.qc.ca/fr/Pages/page404.aspx?url=/fr/programmes/soutien_enfants/paiement/Pages/paiement

On the other hand, if it's your husband that receives the benefits, you need to call as soon as possible both governments to explain your situation and follow the cancellation procedures so they can be paid in your name.

➤ ***I would like to get separated, but I don't know my rights and I have no money to pay for a lawyer.***

Within the frame work of a separation process or other legal procedures, attorneys' fees may be high. If you meet the admissibility criteria or if you're on welfare, you can get free access to a lawyer through legal aid.

To do so, the legal aid office will consider the state of your finances (ex: your incomes, your goods and more) and the number of children you have. In certain cases, you might have to pay a contribution.

If you wish to have more information or take a first appointment, simply call your nearest legal aid office.

To be able to find it, you can visit the website of the Commission legal services: <https://www.csj.qc.ca/>