

LEGAL AID BC RESOURCES IN PRINT

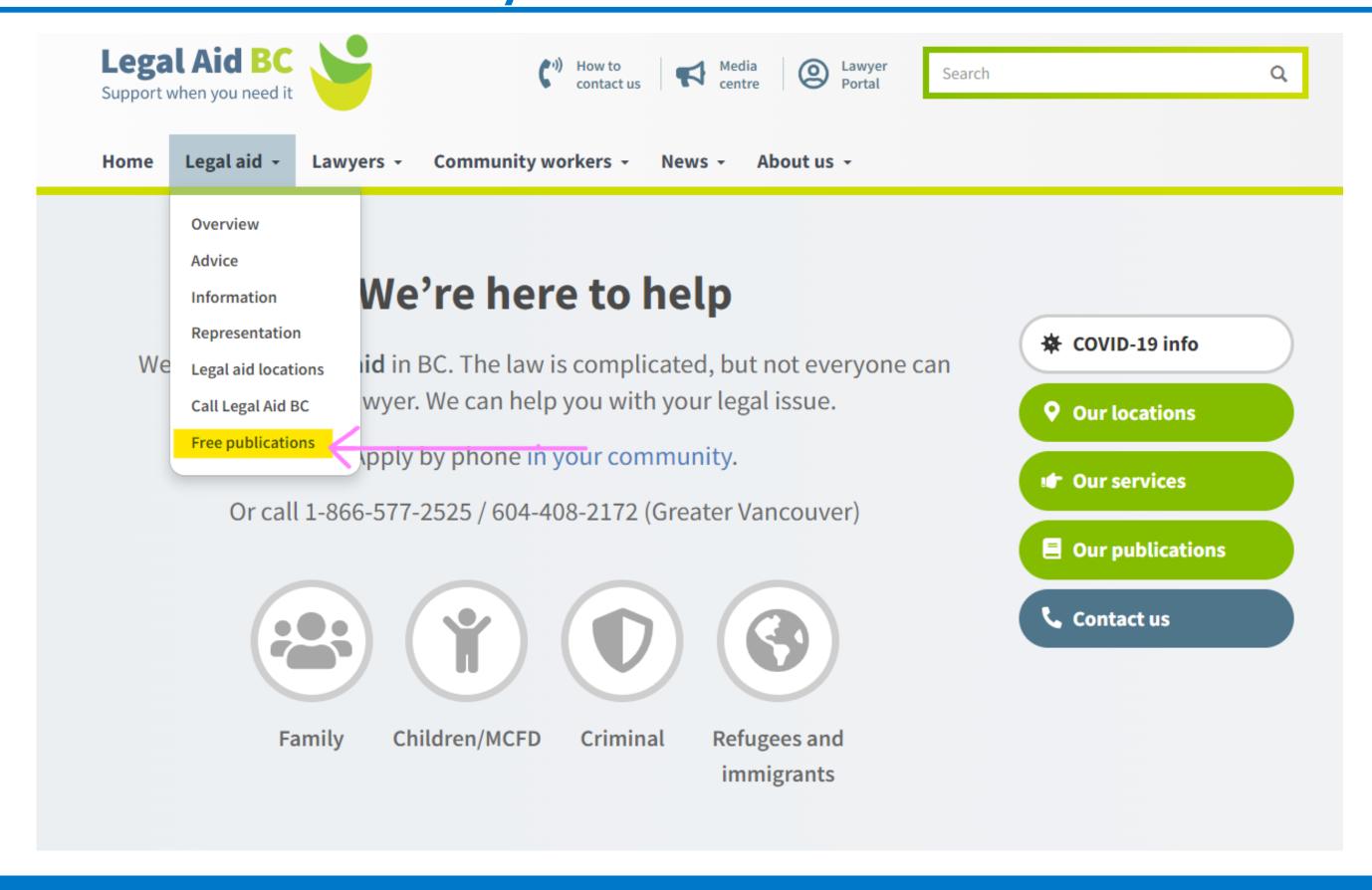
SUPPORTING SELF REPRESENTED LITIGANTS IN PROVINCIAL COURT







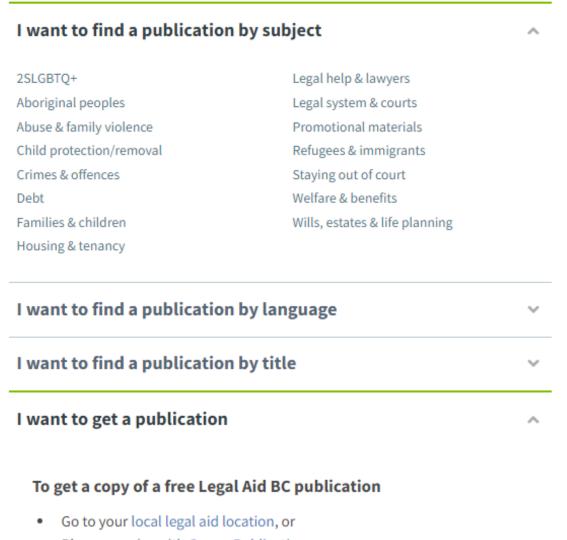
LEGALAID.BC.CA/PUBLICATIONS



FINDING PUBLICATIONS



Free publications



· Place an order with Crown Publications.

Featured publications



How to Become a Child's Guardian

This fact sheet explains how to become a child's guardian.

Anyone who wants to become a guardian can apply,
including a parent who isn't a guardian...



Now You're Talking!

A compilation of engaging picture stories about common legal problems when families come apart. These short, charmingly illustrated scenarios feature...



Working with Your Legal Aid Lawyer

Describes client and lawyer responsibilities to help them both know what to expect from a legal aid contract. Also explains: what the lawyer's time...

Publications Lists

- Availability list
- Readability list

Publications updates

- The Factum Blog
- Twitter

Still can't find what you're looking for?

Can't find what you're looking for? Clicklaw 🗹 has resources from organizations across BC.

READABILITY

LABC 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.

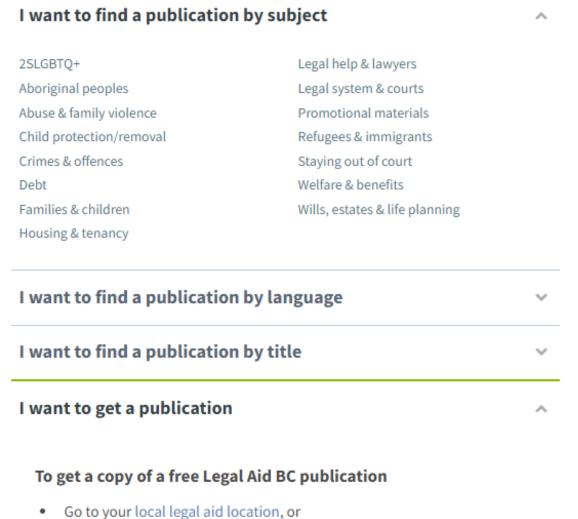
Level 3 — Some needed.

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.

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THE STORY....

Breanna and Jason met through friends in 2009 in Williams Lake when she was 24 and he was 30.

Within a few months, they moved in together and before long she was pregnant. In August 2010 she gave birth to their baby Ellie, and in January 2013, their son Leo.

For the first few years all went well, but then Jason lost his job, and the stress took its toll on their relationship.

Breanna decides ending the relationship is best for her and her kids, and wants to separate, but she doesn't know where to start.

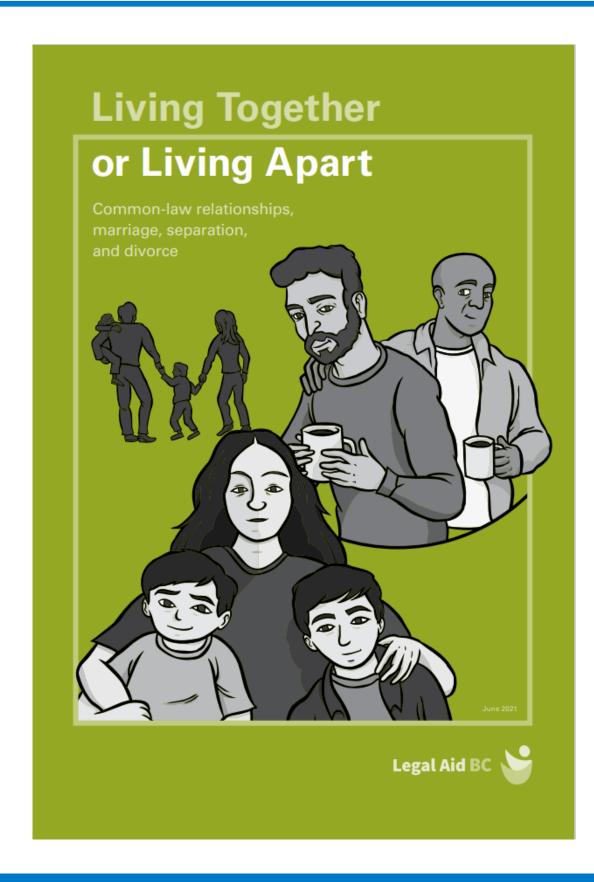
Her friend Mary suggests she goes to the local library to see if they can help – she'd seen some legal posters and booklets on display there.



Legal Aid publications in print can be found at many public libraries around the province, and are often placed on display to increase awareness!

They are also available at Legal Aid offices in 31 locations.

Image: Winning display from the 2019 Okanagan Regional Library Legal Display contest.



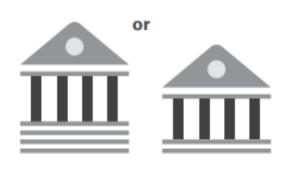
Living Together or Living Apart

- Current to 2021
- Applies to common law and married couples
- More comprehensive coverage of a range of issues: kids? Permanent resident or not?
- Practical information regarding processes and laws
- Level 2 readability; available only in English
- Mix of text & illustration

Which court to go to



Supreme Court



Supreme Court Provincial Court

- · apply for a divorce
- get an order for decision-making responsibility and parenting time under the Divorce Act
- get contact orders under the Divorce Act
- · divide property or debts
- get an order for protection
- deal with your property, including exclusive occupancy of the family residence (only one of you stays in the home, maybe with your children)
- set aside (cancel) or enforce (put into action) an agreement dealing with property or debt

- get an order for child support or spousal support
- get an order for guardianship under the Family Law Act
- get an order about parenting arrangements (allocation of parental responsibilities and parenting time) under the Family Law Act
- get an order for contact with a child under the Family Law Act
- get an order about moving
- get a family law protection order (including an order so the other spouse can't come into the home)
- set aside or enforce an agreement about guardianship, parenting arrangements, contact with a child, or child support or spousal support
- get an order for only you or you and your children to stay in the home (called an order for exclusive occupancy)

The divorce process BEFORE YOU BEGIN Who's a Which laws Which court spouse apply to go to page 1 page 4 page 67 ISSUES TO CONSIDER Property Children Support and debt page 25 page 39, 47 page 51 Agreements Court orders Made by both parties Made by the court when you can agree page 5, 14 page 61 **Divorce**

See family.legalaid.bc.ca for how to get a divorce.

If You Have Children

■ 64 If You Can't Agree — Going to Court

Now that Ashley is 19, what do we do about child support?

The law says I have to keep paying. Even though she's 19, she's in university full-time and still depends on us for financial support. We want her to finish her degree, right?

Yes, of course. Well, that's a relief. I thought I might have to get another job to keep paying her tuition.

We're both responsible for supporting her. We're both her parents, after all.



Family justice counsellors can help you explore ways to settle your parenting and support issues.

WHAT ELSE...

- Making agreements: when why and how
- How to separate & options for avoiding court
- How to enforce agreements
- Parenting and child protection
- Going to provincial court: what is expected from you, what can you expect, what kind of help is available & what types of orders you may need to apply for
- Homes on reserve for Indigenous and non-Indigenous spouses

THE STORY....

Breanna tells you that she would like to move the family to Prince George after they separate. She has family there to help support her and she's got a promising job offer with better pay.

However, she's worried that Jason won't want them to go and might be able to stop them.

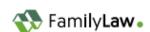


family.legalaid.bc.ca

Now You're Talking!

Illustrated conversations about family law issues

- Picture stories from the Family Law in BC website





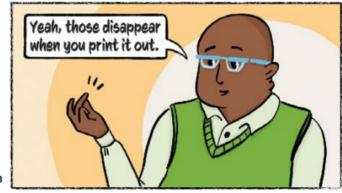


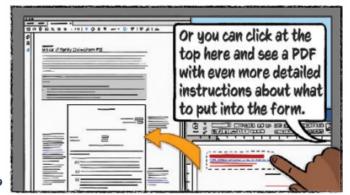
Now You're Talking

- Current to 2021
- Primarily illustrated; Level 1 readability
- Issues contextualized in stories
- Practical coverage of some key things to consider when separating, e.g: working with mediators, moving away, child and spousal support, safety, protection orders & child protection

























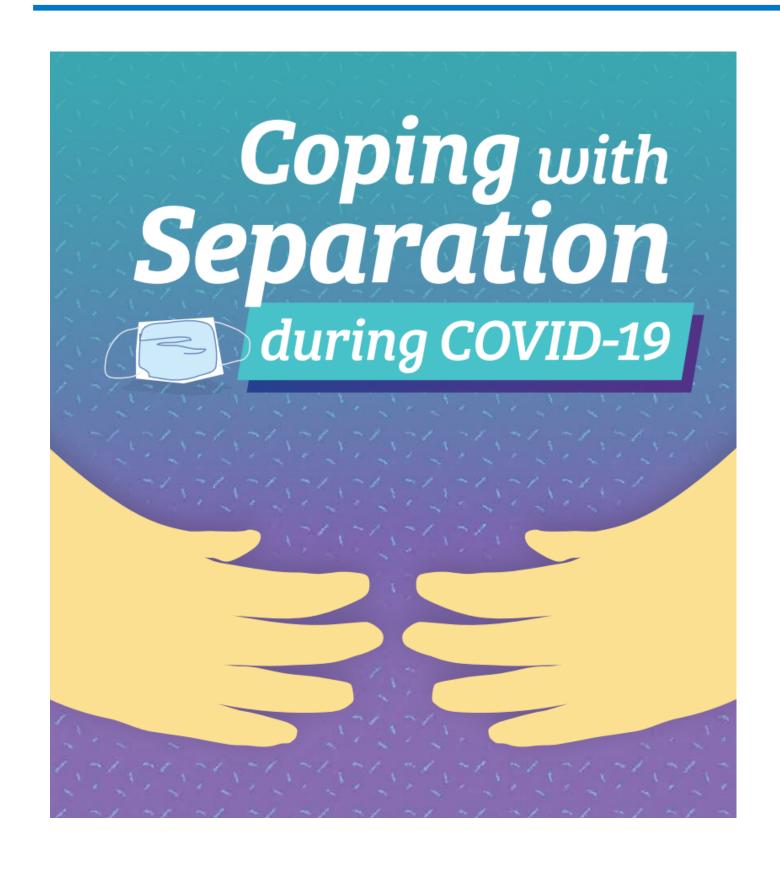


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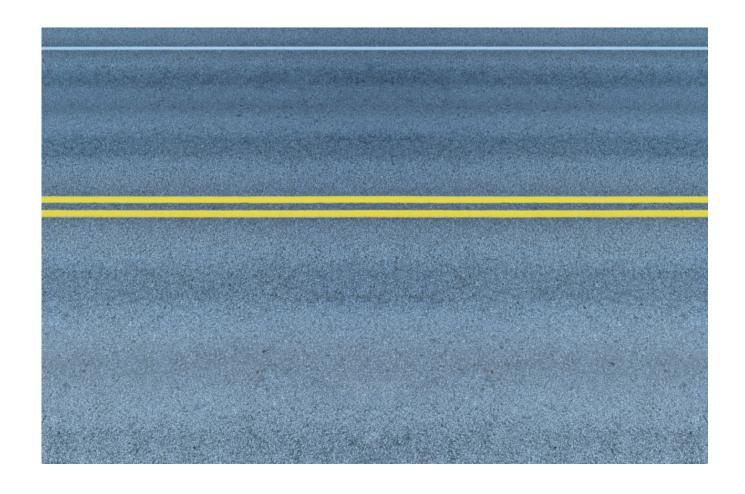


Coping with Separation During Covid-19

- Current to 2020
- Level 1 readability; text mixed with some illustration
- Focused on the emotional impact of separation on families
- Includes short- & long-term coping strategies, practical tips for communicating with kids and negotiating with spouses, & reducing conflict

SEPARATION AGREEMENTS

Your Rights and Options



Separation Agreements: Your rights and Options

- Current to 2021
- Level 2 readability; primarily text
- Available in multiple languages
- Not actually about making a separation agreement; more about how to change an existing agreement if someone thinks it is unfair



How to Become a Child's Guardian

This fact sheet helps you apply to court to become a child's guardian using the Family Law in BC website.



What's a quardian?

The BC Family Law Act defines a guardian as the person responsible for:

- · caring for and bringing up a child, and
- · making decisions about that child.

Who can be a quardian?

When parents live together, they're both guardians of their children, even if they're not married. This means they share responsibility for their children's care and upbringing. If the children's parents stop living together, both of them are still the children's guardians. It doesn't matter who moves out or who the children

If a parent has never lived with their children, that parent is still a guardian if:

- · they've taken care of their children regularly,
- · there's an agreement or court order that says they're
- · the other parent dies and they're named as a guardian in the will.

A parent who isn't a guardian can become one if they're named as a guardian in: a court order, an agreement, or a will. A person who isn't a parent can become a guardian only by court order or in a will. See family.legalaid.bc.ca (under Children, click Parenting & guardianship).

Who can apply to be a quardian?

Anyone can apply to the court to become a guardian. The court will carefully consider anyone who applies,

- parents who aren't quardians;
- · grandparents, siblings, and other family members;
- step-parents; or
- · people who aren't family members.

ightarrow Is the Ministry of Children and Family Development involved?

The Extended Family Program might be able to help you if you want to look after a relative's or friend's children for a while so they don't go into foster care. But you can't apply for this program if you're the children's guardian or plan to become one.

Before deciding what's best for you, see www2.gov.bc.ca (search for Temporary & Permanent Care Options for Kids and Teens

How do you apply?

To apply for guardianship, you need to file:

- · an application to get a family order in either Provincial or Supreme Court, and
- · a special quardianship affidavit.

Apply for a family order

First, decide which court to use. Go to family.legalaid.bc.ca (search for Do you need to go to Provincial (Family) Court or Supreme Court?). Then follow the step-by-step guide for the court

Supreme Court: Start a family law case to get a new order in Supreme Court and then Get a final family order in Supreme Court if you both agree.

Provincial Court: Get a family order in Provincial Court if you both agree OR Get a new family order in Provincial Court if you can't agree.





Fill out the special guardianship affidavit

You'll need Form 5 for Provincial Court or Form F101 for Supreme Court. See family.legalaid.bc.ca/forms.

You'll need to get these three background checks:

1) Criminal records check. Go to your nearest police station or RCMP detachment.

2) MCFD records check. Fill out a Consent for Child Protection Record Check, See www2.gov.bc.ca (search for Form S51).

3) Protection Order Registry records check. Fill out a Request for Protection Order Registry Search. See www2.gov.bc.ca (search for pfa914).

Then file these last two completed forms along with your application for a quardianship order. You can start the process for getting an order and file the affidavit later when the record checks are complete.

Background checks may take a while. Check in regularly with the court registry; the registry will give you copies when they're ready.

In the affidavit, include information about:

- · the nature and length of your relationship with the child.
- · where the child is living right now,
- · your plans for how you're going to care for the child,
- · any other children in your care,
- · any history of family violence in the child's family,
- · any family or child protection court proceedings you've been involved in.

When you receive your three records checks, attach them to the affidavit as exhibits. Swear or affirm the affidavit. See family.legalaid.bc.ca (search for Who can swear an affidavit?). Or do this at the court registry.

Deadline for Provincial Court

Your records checks must be dated no more than 60 days before you file your affidavit (Form 5).

You must serve the filed affidavit along with the records checks to the other party at least seven days before the date of your hearing.

Deadline for Supreme Court

Your records checks must be dated no more than 60 days before the date of your hearing.

Can you get a temporary order?

You can get an interim (temporary) guardianship order without the affidavit if the judge is satisfied that it would be in the child's best interests. Apply for an interim order if you need to get an order quickly and don't have time to get all the background checks first. This order lasts for no more than 90 days.

During this time, complete the background checks and then fill out and file the guardianship affidavit.

In Provincial Court, you can ask for an interim order at the Family Management Conference. Go to family legalaid bc.ca (search for Family management conferences in Provincial Court).

Who can help?

Family duty counsel are Legal Aid BC lawyers who can help you with your application. They can give you free legal advice if you qualify, but they can't take on your whole case or represent you at trial. See legalaid.bc.ca (under Legal Aid, click Advice).

For more information, see family.legalaid.bc.ca (under BC Legal System, search for Tips about getting





Order our free publications online: crownpub.bc.ca (under Quick Links, click BC Public Legal Education & Information)

How to Become A Child's Guardian

- Current to 2021
- Level 2 readability; primarily text
- English & French
- Useful as a guide to help people use the website to find relevant information and complete the required forms

About This Law

In December 2014 the federal government made new laws for homes on reserve. The law is the Family Homes on Reserves and Matrimonial Interests or Rights Act.

Under this act, if you and your spouse live on reserve and at least one of you is a member of that First Nation or a status Indian, you have rights to your family home on reserve:

- · during the relationship
- if you and your spouse separate (break up)
 if your spouse dies

A spouse is the person you're married to or you live with in a common-law relationship (legally known as a marriage-like relationship

What the act does

e act:

- gives spouses who live on reserve some of the same rights and protections to their family home as spouses who live off reserve; at least one of the spouses must be a First Nation member or status Indian (someone who's registered as an Indian under the Indian Act)
- gives First Nations the right to make their own matrimonial real property laws
- gives spouses who live on reserve some rights and protections until their First Nation makes its own matrimonial real property laws

The most common example of matrimonial real property is the family home. Matrimonial means marriage or marriage-like relationship.

Before the new laws, you and your children might have left the family home on reserve when your relationship ended. You probably would have lost your family ties, social supports, and cultural connections.

The act says it's important that children stay connected with their First Nation. This means court orders that judges make about the family home must be in the best interests of any children. That includes the right of a child who's a First Nation member to stay connected with their First Nation.

Who the act applies to

The act applies if:

- · you live on a First Nation reserve
- you're married or have lived common law for one year or more
- at least one of you is a First Nation member or status Indian

The act applies to opposite-sex couples and same-sex couples.

The act doesn't apply to

- First Nations who have their own matrimonial real property laws
- First Nations with a self-government agreement (unless they have reserve land and choose to follow the act)
- First Nations with land codes in place under the First Nations Land Management Act and who have their own matrimonial real property laws

 For a list of First Nations who have their own

matrimonial real property laws under the act, go to canada.ca/en. In the search bar, type matrimonial property laws. Click the link to the list.

Family Home and Matrimonial Interests or Rights

Under the act. family home means:

- the structure you and your spouse now live in on reserve
- the structure you and your spouse lived in on reserve before your relationship ended

Under the act, matrimonial interests or rights means your rights to any other property (not the family home) you or your spouse got:

- during your relationship
- before your relationship began, and the property went up in value during your relationship

Matrimonial interests or rights don't include interests or rights you got as a gift from someone, or in a will.

Who owns the family home

You can't sell, transfer, encumber (place a legal claim or financial charge, like a mortgage, against a property), or do anything that affects your interests or your spouse's interests in the family home, unless you have your spouse's consent (agreement). This means:

- the consent must be in writing
- your spouse must understand what they're agreeing to
- they must give their consent freely (they can't be tricked or forced into agreeing)

If you and your spouse can't agree about how the family home and other matrimonial interests will be divided, you can apply to court for an order to divide the property. You have to apply within three years from when you stopped living with your spouse.

Make sure you understand what to do in your situation. Talk to a lawyer. Contact Legal Aid BC to find out if you qualify for legal aid. See Get More Help for contact information.

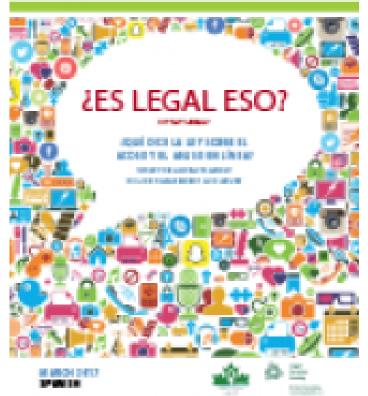
My husband, Sam, wants me to leave our home on reserve. I don't agree with him about selling it. I phoned Legal Aid BC to find out what I can do. They said Sam has to get my consent — that means I have to agree to sell it — and Sam has to get my agreement in writing. If we can't agree and if I qualify for legal aid, they can help me with what I can do next.



Who Can Stay in the Family Home on Reserve

- Current to 2019
- Level 1 readability
- Illustrated brochure
- Provides clear and concise explanation of basic principles of matrimonial property on reserve

ABUSE & FAMILY VIOLENCE





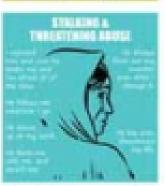


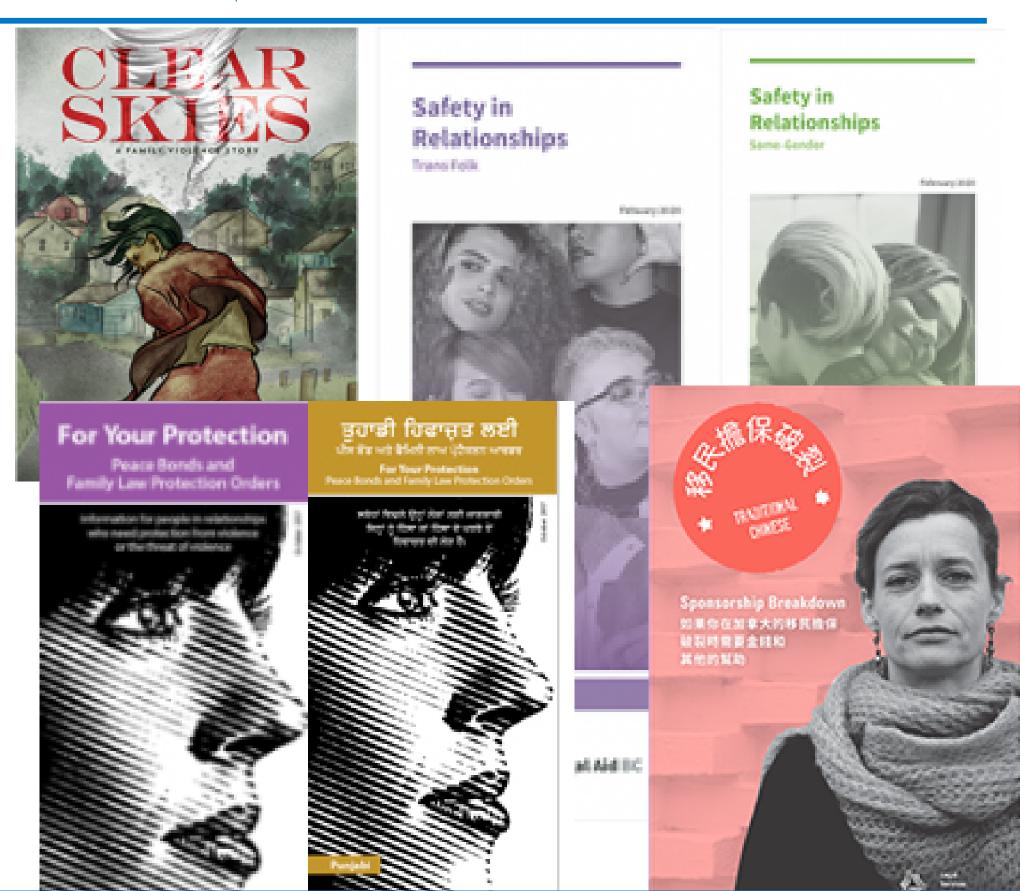
Family violence has many faces











THE STORY...

Jason is having a hard time financially and emotionally. Ellie's birthday is coming up and he wants to get her a gift but can't afford much.

He sees something he knows she'll like and thinks it's worth the risk. He tries to steal it.

He's caught and the police are called. He's then given a notice to appear in court in a few weeks time.

He wants to prepare, but doesn't know what to expect. He hears about Legal Aid, so calls the intake line.

They direct him to a local Legal Aid office.

If You're Charged with a Crime





1. Talk to a lawyer

Remember, you have the right to remain silent when you're arrested or charged. Talk to a lawyer before you make a statement, admit to anything or plead guilty, and before you talk to Crown counsel (government lawyer).

See page 9 for where to get free legal help. Call Legal Aid BC immediately to find out if you qualify for a free lawyer.

A lawyer can tell you:

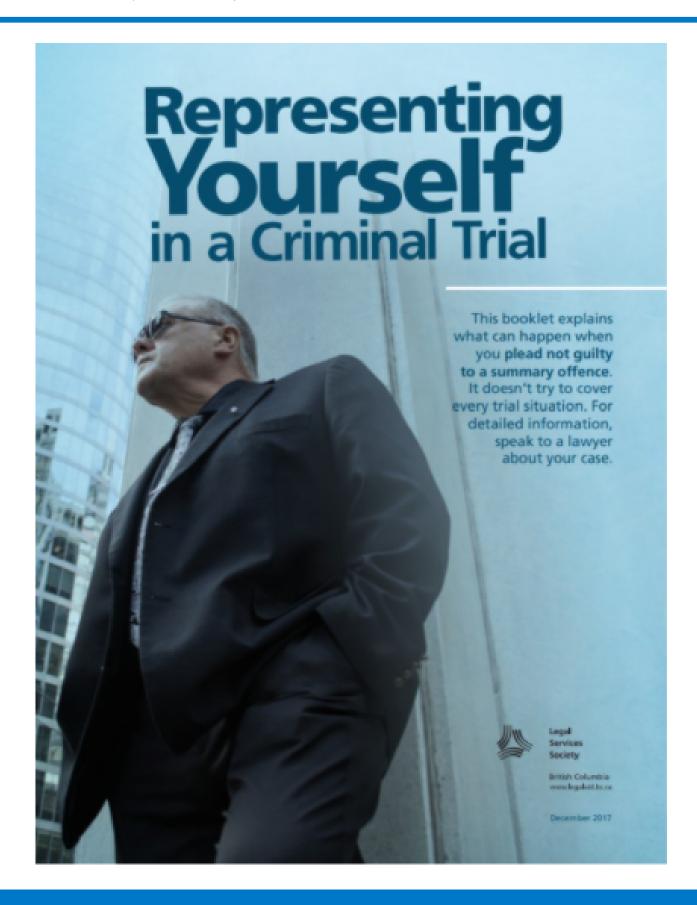
- about your legal rights
- what your defence may be
- how strong the case is against you
- if the government lawyer (called Crown or Crown counsel) may ask for a lesser charge
- what kind of sentence you may get if the judge finds you guilty
- if you can avoid a criminal record

A lawyer can also:

- negotiate (work out a plan for you) with Crown counsel
- defend you in court
- help you change the conditions (rules) of your bail

If You're Charged with a Crime

- Current to Jan 2022
- Level 1 readability
- English & French
- Brochure format
- Outlines what happens when someone is charged with a criminal offence.



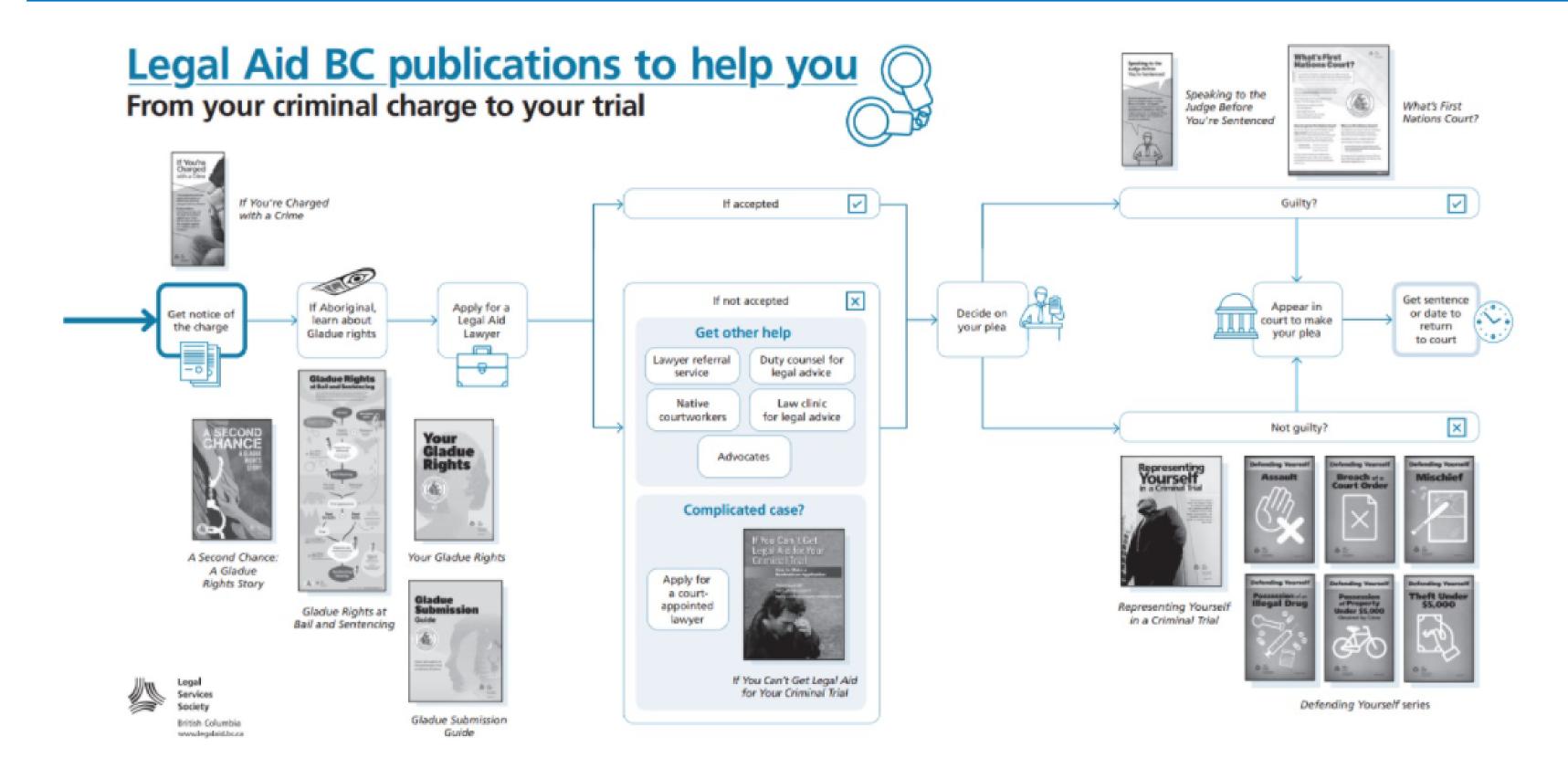
Representing Yourself in a Criminal Trial

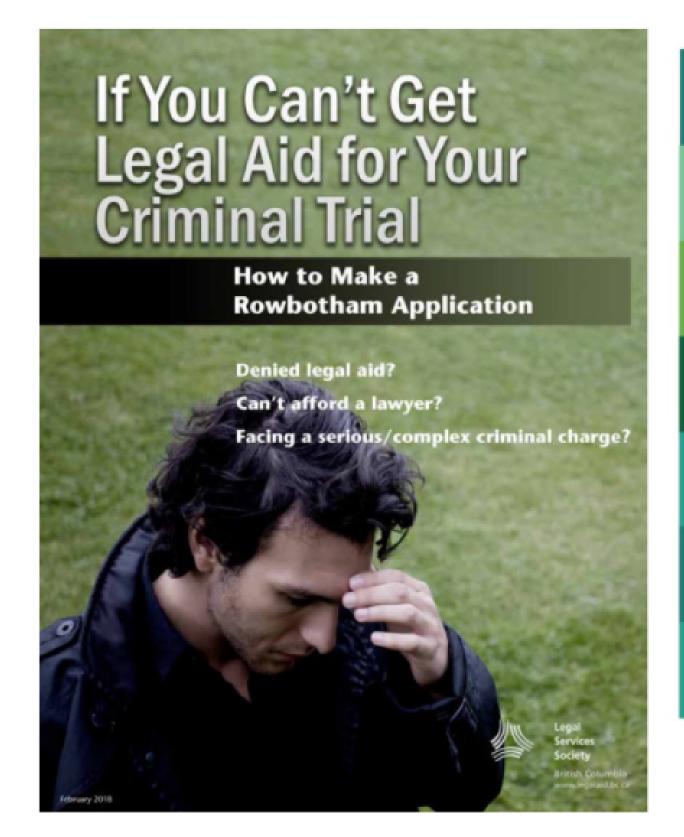
- Current to Dec 2017
- Level 2 readability
- English & French
- 36 page booklet aimed at those accused of summary offences who want to plead not guilty
- Outlines the entire court process, from before trial to at trial.

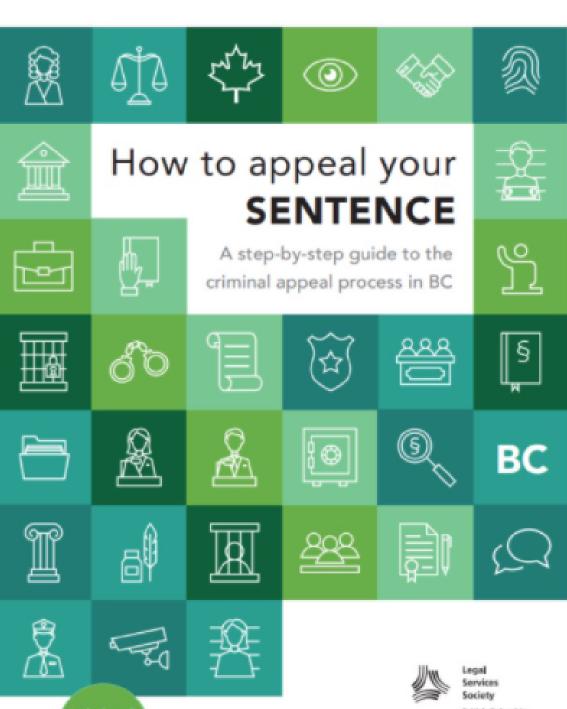


Defending Yourself: Theft Under \$5,000

- Current to Oct 2019
- Level 2 readability
- English & French
- Part of Defending Yourself series for those representing themselves in court.
- Outlines court process for this specific charge, from before trial to at trial.

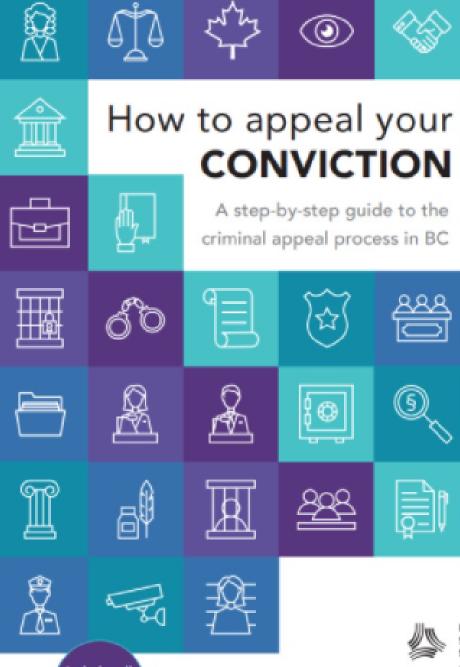






www.legalaid.bc.ca

February 2019



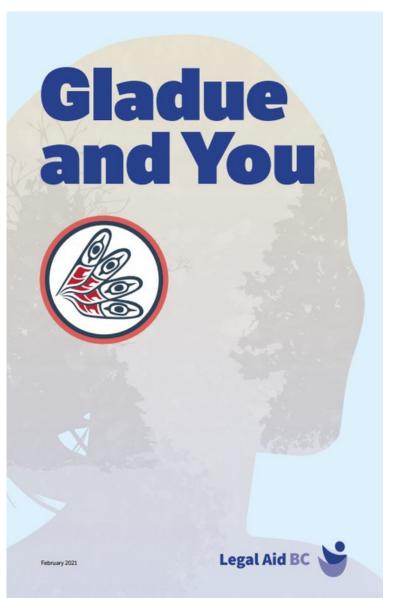
the forms you need

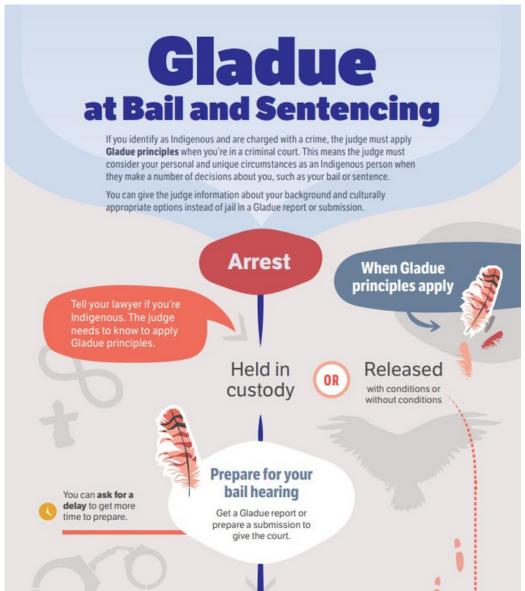


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BC

GLADUE & INDIGENOUS RESOURCES





Gladue Submission Guide

Are you Indigenous? Have you been accused or found guilty of a crime?

You can use this guide to help share your story with the court. Then the court can make a decision at your bail, sentencing, or inmate hearing that's appropriate for you.

What Are First Nations/ **Indigenous Courts?**

Figure altered by an indispersion, price than he able to performer of BCs Find Related Indiameter Courts for antimode, The bride. Youriginal and "Indigenous" these through thing and include visite and one visite. First Nations, Mills, and Instit.

First Nations, Independen Courts are commun sentencing courts for indigenous people who presed quelty or are found quelty. Their goal is to restore batance and create pathways for healing by including indigenous knowledge and tractitions, restorative parker practices, and General in the court process.

You must accept that you're exponente for your actions. Then the judge tooks at

- The harm you caused to the victimos.
- · your background.
- your strengths and resilience,
- princi female riche, and
- how a healing plan can be made for you and plus community

How do I get into these courts?

You or your tarryer can call duly counsel at First Nations Midgenous Court, at the number below. to any if your coverces be transferred to their court, and what's best for you. They can answer your guestions and left you stood the courts. requirements. You can from decide if you want to request a transfer of your cose to First National Independent Court.

SAPHARILANG Information in IRO

604 601-6016 | Greater Vencouver!

Where do I find them?

First Husbans, Indigenous Courts are in Duncan. Ramoops, Monte, Populos, New Hestmerche, North Vancouses, Princer Sworge, and Wittense. Law. There may be more incolors in the Mure.

Court its unusely held once a morth of each

For a way of all First Rations/Indigenous Courts in BC, and more information about who can help you, over altertigered legislatelite can





THE STORY...

Nearly a year has passed since they separated. The kids live exclusively with Breanna and see their dad intermittently. She meets a new guy, things start off really well, and she invites him to move in with her and the kids.

Things start changing. His behaviour becomes more and more volatile and frightening. One day when the kids are over at their auntie's, Breanna and he have a bad fight, he becomes violent, and then leaves the apartment. The neighbours overhear and call the police out of concern for her safety, and the police arrive just as the kids return home with their aunt.

She tells the police that the kids are safe and he poses no threat to them, but the police tell her they have contacted MCFD. Shortly after, a social worker visits the home.

THE STORY...

Breanna is terrified that she could lose her kids. After the police leave, she and her sister sit down and try to figure out what to do. Her sister tells her about the Parents Legal Centre in Williams Lake.

After she contacts the Parents Legal Centre, she is connected with a lawyer and an advocate.



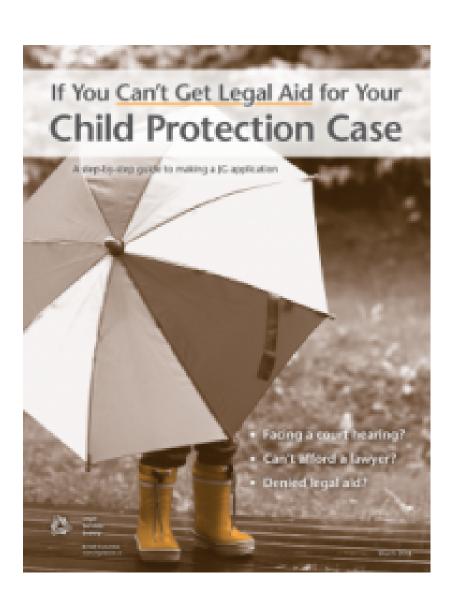
Parents Legal Centre brochure

- What support you can get
- How you qualify
- Available at specific locations



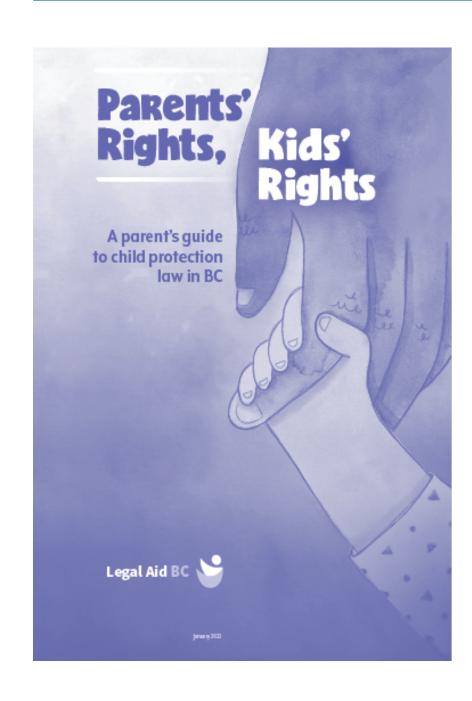
Aboriginal child protection wallet card

- Lets parents know that they can get legal advice as soon as a social worker contacts them
- How to contact Legal Aid



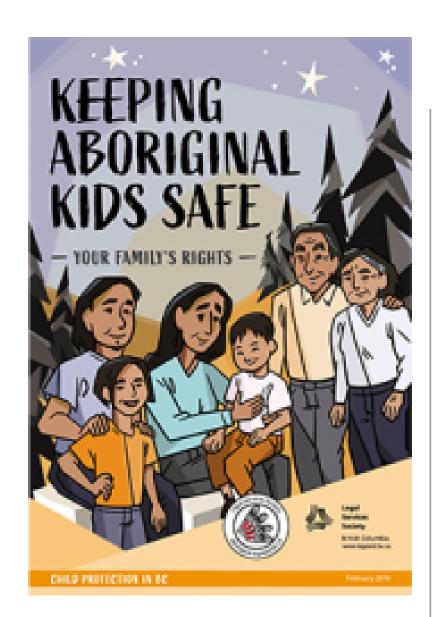
If You Can't Get Legal Aid for Your Child Protection Case

- Step-by-step guide on how to make a JG application (where government pays for a lawyer) if you are denied legal aid and facing a court hearing
- Includes glossary and forms



Parents' Rights, Kids' Rights

- Level 2 readability
- Indigenous and non-Indigenous
- Comprehensive child protection information with practical tips throughout the process
- 2022 edition coming in April (2019 edition still legally accurate)



Your Aboriginal organization and representative

Your child's Aboriginal community representative could be a person from your child's band, friendship centre, treaty First Nation, Aboriginal community, Aboriginal organization as listed in the Child and Family Service Act regulations, or the Nisga'a Lisims government.

Talk to your lawyer to make sure the right people in your child's Aboriginal organization are told at the right time about decisions that affect your child.

Your Aboriginal representative has the right to:

- * receive all court documents,
- * speak at court, and
- * take part in mediation.

Call Legal Aid BC

604-408-2172 (Greater Vancouver) 1-866-577-2525 (elsewhere in BC)

If a social worker from the ministry or a delegated Aboriginal agency contacts you or visits your home, you might be under investigation. Call Legal Aid BC immediately to find out if you qualify for a free lawyer.

You have the right to get legal advice.

Parents Legal Centre

The Parents Legal Centre is a service of Legal Aid BC. You'll work with a lawyer and an advocate to help you address the social worker's concerns about your children's safety (child protection). The service is available any time after the social worker first contacts you.

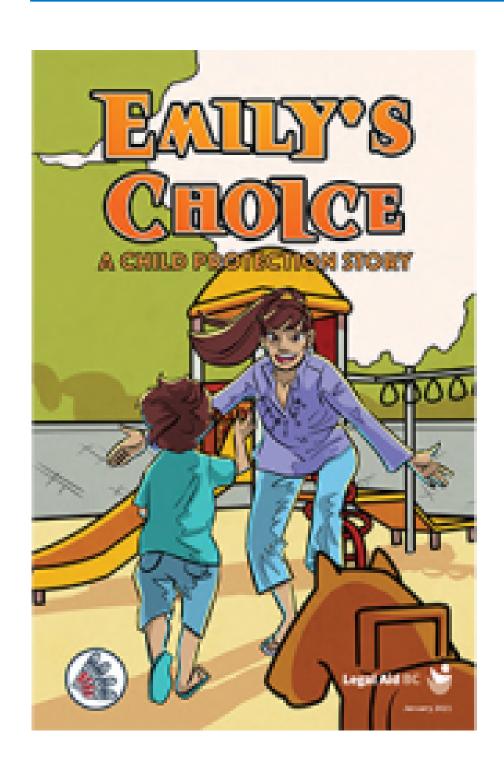
To find out if a Parents Legal Centre is near you and if you qualify, see legalaid.bc.ca/legal_aid/childProtection.php or call Legal Aid BC at the above numbers.



Keeping Aboriginal Kids Safe

- Level 1 readability
- Indigenous audience
- Mix of illustrations and text
- What parents and members of their community can do

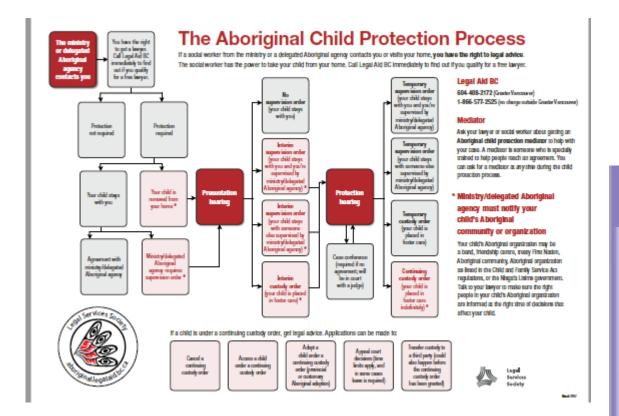
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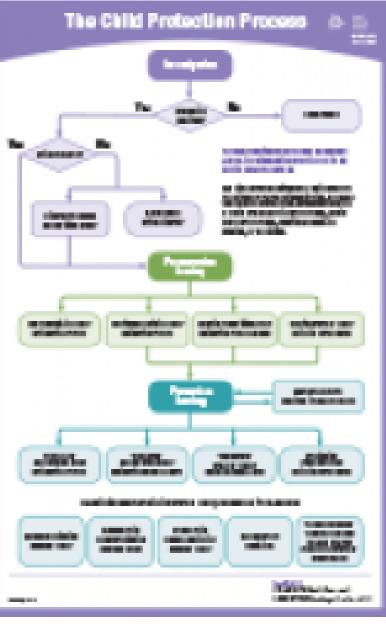




Emily's Choice

- Level 1 readability
- Graphic novel & video
- Could be used with Indigenous and non-Indigenous parents
- Overview of the process in a story format

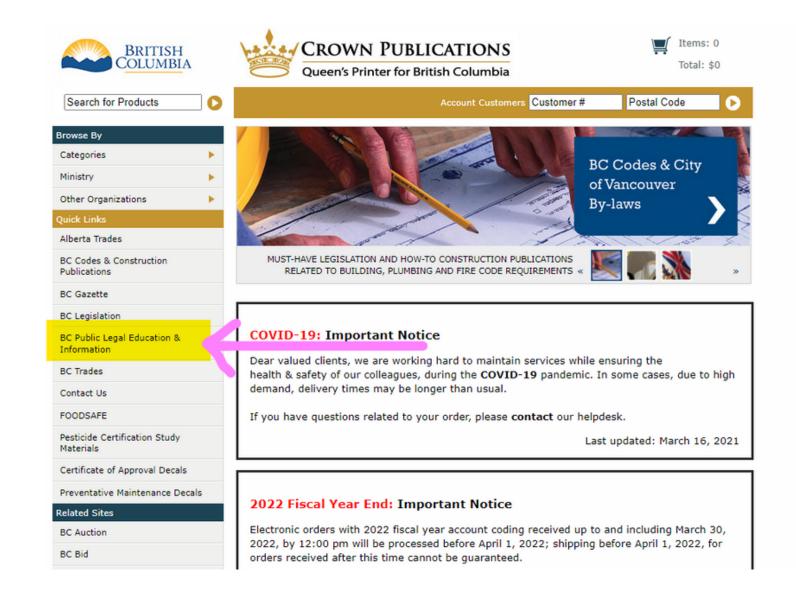




Aboriginal Child Protection Process / Child Protection Process flow charts

- For intermediaries
- Could be useful on a bulletin board in a public space: library, community space, etc.

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Materials

Certificate of Approval Decals

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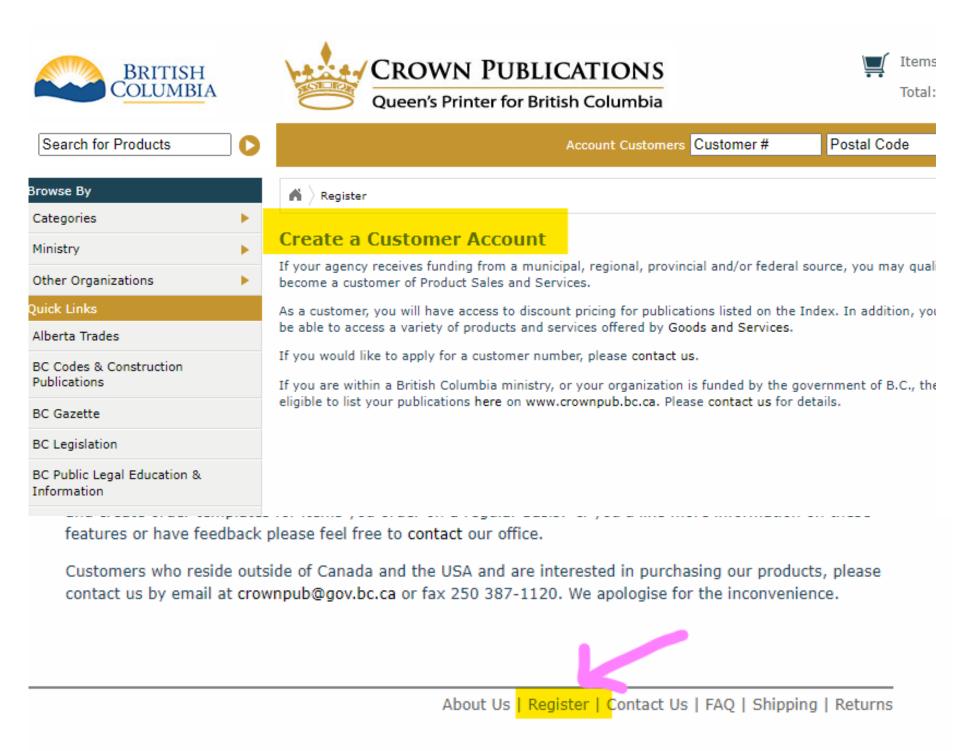


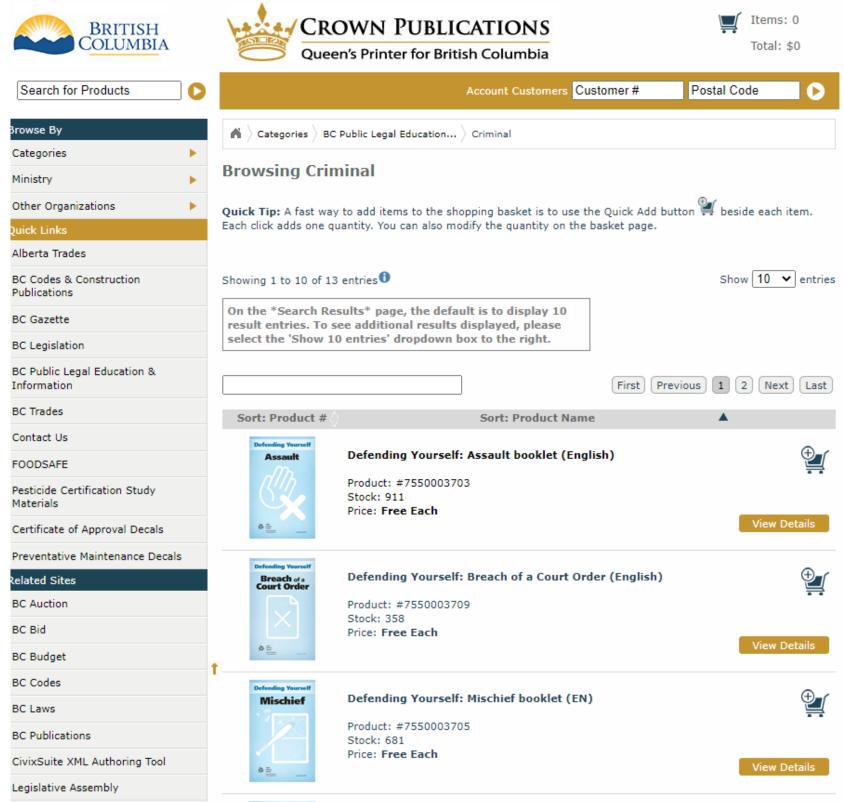
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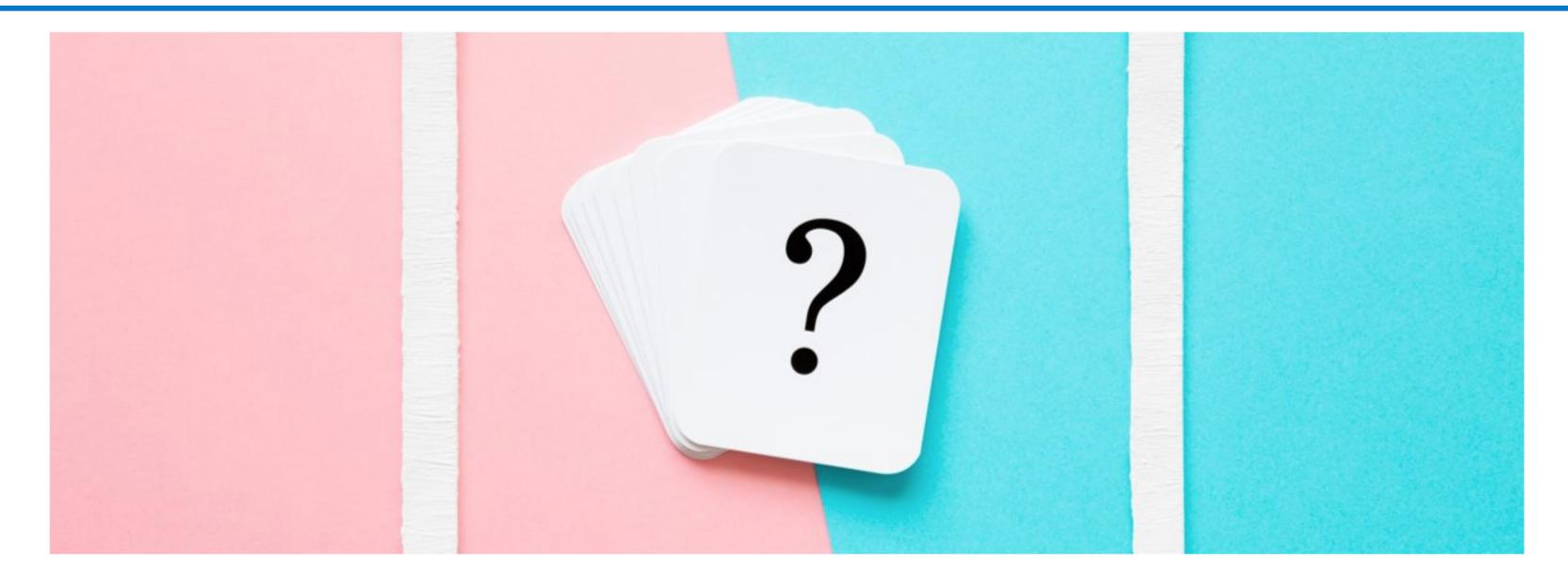
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