



BC Association of
Specialized Victim
Assistance &
Counselling Programs



B.C./Yukon
Society of Transition
Houses



BC Institute
Against Family Violence

CRITICAL ELEMENTS OF AN EFFECTIVE RESPONSE TO VIOLENCE AGAINST WOMEN

BRIEFING DOCUMENT

ISSUE: Legal Aid and Related Family Law Services for Abused Women

There are significant gaps in legal services for abused women who are dealing with family law issues.

KEY POINTS

- Despite welcome increases to Legal Aid coverage and other Legal Services Society (LSS) funding and services in 2005 and 2006, significant gaps remain in Legal Aid coverage and other family law services for women who are victims of domestic violence.
- While continuing inadequate levels of Legal Aid funding affect all women dealing with family law issues, they have a particularly serious impact on victims of domestic violence because it may be unsafe for these women to participate in alternative methods of dispute resolution with abusers.
- While all abused women who are dealing with family law matters are adversely affected by insufficient levels of Legal Aid, some groups are particularly disadvantaged. These include:
 - Immigrant women, particularly those who do not speak English, who may be unfamiliar with the justice system and available services, and who, in addition to family law issues, may have legal issues relating to immigration or sponsorship
 - Aboriginal women, who, in addition to family law issues, may have legal issues relating to their aboriginal status and housing and, in some cases, may have low literacy levels
 - Women in rural areas who, in addition to limitations faced by all abused women dealing with family law issues, often face a lack of family lawyers in their community, as well as difficulties getting to court because of lack of transportation, particularly since recent court closures.
- Although interpreters are available for criminal and family matters in both Provincial and Supreme Court, and for criminal matters in Supreme Court, interpreters are not provided for family matters in Supreme Court. This is a very serious situation. Access to justice is not possible for immigrant women who do not speak English, who cannot afford to pay for private interpreters and for whom Supreme Court is their only option for resolving family issues. Even in courts where interpreters are provided, interpreters are not provided for Court Registry or Legal Aid office matters.
- While LSS has developed useful on-line resources, these are not an answer for many marginalized women. Aboriginal and immigrant women, and women who live in poverty, for example, are often not computer literate (or may have low literacy levels in general) and are

often not able to access material online. LSS has a reputation for producing excellent print resources, which should not be sacrificed in favour of online resources. Translation of these key print resources is also crucial, as is the development of innovative materials for those who are illiterate or have low literacy levels.

- While innovative strategies undertaken by LSS, such as web-based resources, Law Line, training for family law advocates and piloting of “Family Justice Information Hubs” are potentially useful resources, they do not resolve the central problem of the need for more legal representation for abused women—and particularly marginalized women—dealing with family law matters.
- While self-representation is never an optimal solution for any abused woman facing family law issues in court, self-representation for marginalized women, such as aboriginal women, immigrant women, or women living in poverty is virtually impossible.

THE CONTEXT

- The Ministry of Attorney General and LSS are to be commended for recent enhancements to legal services for women dealing with family law issues, including:
 - Extended legal advice and representation services for women at greatest risk whose legal issues cannot be resolved through mediation because of domestic violence
 - Limited Supreme Court family referrals for women whose only option is Supreme Court
 - Increases in the number of duty counsel available in both Provincial and Supreme Courts and expanding the role of family duty counsel
 - Expansion of eligibility for clients with significant custody, access and financial security issues
- In 2005, the BC Association of Specialized Victim Assistance and Counselling Programs (BCASVACP) produced a paper on family law issues and options for BC. While we are gratified that some of the recommendations in this paper have been addressed to some extent, significant recommendations on Legal Aid coverage and other family law issues are outstanding.

SUGGESTED ACTIONS

- Outstanding recommendations in the BCASVACP paper *Family Law Services for Women Who are Victims of Violence* (2005) should be addressed on a priority basis.
- Enhanced Legal Aid coverage for representation in both Provincial and Supreme Court should be provided for women who are victims of domestic violence, and particularly for marginalized women, including aboriginal women, immigrant women and poor women.
- Interpreters should be made available for family matters in Supreme Court, as well as for Court Registry matters and matters dealt with in Legal Aid offices.
- Key information for abused women dealing with family law issues should be made available in print resources as well as online and should be translated into all major languages used in BC. Resources should be developed in alternative formats for those with low literacy skills.

- In rural areas where family lawyers are not available, Legal Aid must develop innovative strategies for providing appropriate lawyers where required, as well as assistance with transportation to court for women who face particular barriers getting to court locations.
- Legal Aid family lawyers representing abused aboriginal or immigrant women must also have expertise in aboriginal or immigration law as required.
- Funding for community-based legal advocates should be increased, as a cost-effective way of enhancing legal services for women who are victims of domestic violence, and mandates of legal advocates should include close collaboration with community-based victim support services.
- Wherever possible, coordination between family and criminal law matters should be encouraged.
- Ongoing developments in family law should continue to be undertaken in collaboration with community-based victim support services.

CONTACT: Tracy Porteous, Executive Director
 BC Association of Specialized Victim Assistance and Counselling Programs
 Telephone: 604-633-2506
 Email: porteous@endingviolence.org

Mary Clifford, Executive Director
 BC/Yukon Society of Transition Houses
 Telephone: 604-669-6943
 Email: maryclifford@bcysth.ca

Colleen Varcoe
 Board of Directors
 BC Institute Against Family Violence
 Telephone: 604-827-3121
 Email: resource@bcifv.org

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References

Light, Linda. 2005. *Family Law Services for Women Who Are Victims of Violence: What Can Be Done? Issues and Options for BC*. Vancouver, BC: BC Association of Specialized Victim Assistance and Counselling Programs.