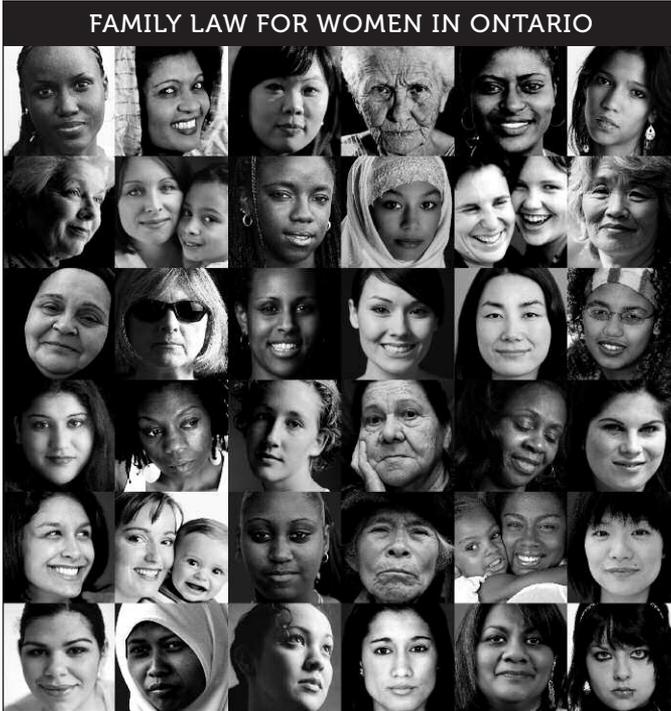


Finding Help with your Family Law Problem

ENG 009/2013



All Women. One Family Law.
Know your Rights.

flew Family Law
Education for Women
Women's Right to Know

fodf Femmes ontariennes et
droit de la famille
Le droit de savoir

Finding Help with your Family Law Problem

This booklet is meant to give you a basic understanding of legal issues. It is not a substitute for individual legal advice and assistance. If you are dealing with family law issues, it is recommended that you get legal advice as soon as possible to understand your options and to protect your rights. For more information and a list of resources visit our website at www.onefamilylaw.ca. You may also find it helpful to view our webinar "Looking for a Family Law Lawyer" on our website at www.onefamilylaw.ca.

Family breakdown is a difficult, stressful time for women and their children. If you and your partner separate, you will have to sort out many legal issues. You will likely have to decide about financial support, make arrangements about your children and divide your family property. These are difficult issues. Some couples are able to deal with them on their own. But in most cases, you will need some help to sort out these arrangements.

Before you look for a lawyer, it may be helpful to gather some general legal information about your situation first. These websites offer free legal information to help you learn more about your legal rights, responsibilities and options:

- **Family Law Education for Women (FLEW)**
www.onefamilylaw.ca
- **Family Law Information Program (FLIP)**
available from Legal Aid Ontario
www.legalaid.on.ca
- **Community Legal Education Ontario (CLEO)**
www.cleo.on.ca

- **Your Legal Rights**

www.yourlegalrights.on.ca

- **Ontario Ministry of the Attorney General**

www.attorneygeneral.jus.gov.on.ca

You can also get free legal information about family law, court processes, court forms and referrals to lawyers at these places:

- **Family Law Information Centres (FLIC)** – located at family courthouses across the province
- **Legal Aid Family Law Service Centres (FLSC)** – currently located in Toronto, North York, Brampton, Newmarket, Sarnia, Windsor, Chatham, and Welland
- **Legal Aid Family Law Offices** – currently located in Kenora, Ottawa, and Thunder Bay

To use some of these services, you may have to show that you cannot afford to pay for a lawyer. For more information about these services and to find locations near you, visit the **Legal Aid Ontario** website at www.legalaid.on.ca or call **toll-free at 1-800-668-8258**.

Deciding When You Need A Lawyer

Not every situation needs a lawyer, but for many family law problems, it is important to get legal advice. If you do not get legal advice, you may give up some important rights that you do not know you have. When deciding whether or not you need a family law lawyer, consider the following questions:

- How important is the issue? (Do you risk losing your children, or your home? Has your partner abused you?)

- Can you and your partner talk calmly and reasonably?
(Do you think you can reach a fair solution with your partner?)
- Are you comfortable, and is it safe, having contact with your partner?
- Does your partner have a lawyer?
- Do you want to go to Court?
- Do you have enough money to hire a lawyer?
- Do you qualify for Legal Aid?
- Can someone other than a lawyer help you?
- Can you do some things without a lawyer and other things with a lawyer?

Partner Abuse

If your relationship is or was abusive, there are services to help you.

1. You can call the **Assaulted Women's Helpline**:

- 416-863-0511 (in Toronto)
- 1-866-863-0511 (toll free)
- 1-866-863-7868 (TTY line)

This is a 24-hour crisis line, and services are available in more than 150 languages, 24 hours/7 days a week. In an emergency, you can also call the police (dial 911).

2. If you are going to Family Court, **Family Court Support Workers** can help you. Family Court Support Workers help survivors of domestic violence who are involved in the family law Court process. A Court Support Worker can:

- provide information about the Family Court process
- help you prepare for Family Court proceedings
- refer you to other specialized services and supports in the community
- help with safety planning, such as getting to and from Court safely
- accompany you to Court proceedings, in some cases.

If you need help finding a Family Court Support Worker, call the **Victim Support Line**:

- 416-314-2447 (in Toronto)
- 1-888-579-2888 (toll free)

3. If your relationship is or was abusive, it is also very important to talk to a lawyer.

Where To Look For A Family Law Lawyer

You should choose the lawyer that is right for you. The information in this booklet is not recommending any particular lawyer or legal service. If you do not know a family law lawyer, here are some places that can help you find one:

1. Legal Aid Ontario (LAO)

Legal Aid Ontario provides legal assistance to Ontarians who can show that they cannot afford to pay for a lawyer. Legal Aid cannot help with every type of legal problem, but you may be able to get help with complex family law cases, such as:

- serious disputes over custody, access, support, or property
- complex claims to change orders for custody, access, or support.

Legal Aid also offers assistance in child protection cases.

To apply for Legal Aid Ontario, call the **Client Service Centre at 1-800-668-8258**. Information is available in more than 200 languages. (See below for more information about Legal Aid Certificates.)

a) Domestic Violence

If you are experiencing **violence or abuse** and need immediate legal help, you can get a free two-hour consultation with a lawyer through the **Family Violence Authorization Program**. The program is offered through some women's shelters, community legal clinics, Family Law Service Centres, and by calling **Legal Aid's Client Service Centre at 1-800-668-8258**.

Even if you are not in immediate danger, it is important to consider telling Legal Aid if your partner is or was abusive. You may ask them to keep your information private.

In situations of domestic violence, Legal Aid Ontario will relax its strict rules about whether you can pay for a lawyer, when deciding if you are eligible to get legal help. Knowing about violence or abuse will also help Legal Aid better understand your legal needs and may help you get legal assistance faster.

b) Legal Aid Summary Advice Services

If you have a family law issue and meet Legal Aid Ontario's low-income rules, you may be able to talk to a lawyer on the phone for up to 20 minutes. **Summary advice** is a lawyer's general opinion based on the facts of your legal situation. The lawyer can discuss your legal options and suggest steps you can take for your case. You will not meet the lawyer in person, and the summary advice lawyer cannot represent you in Court. This service is available by calling Legal Aid Ontario at **1-800-668-8258**. Interpretation services are available in more than 200 languages. It is best to have your facts, documents, and questions ready before you call.

2. Community Legal Clinics

Your local community legal clinic may be able to give you a referral to a family law lawyer in your area. Some community clinics offer limited family law services. There are 77 community legal clinics in Ontario, and 17 specialty legal clinics that focus on helping specific groups. To find the clinic nearest and best for you, call Legal Aid Ontario's main line at **1-800-668-8258** or visit the website at **www.legalaid.on.ca**.

3. JusticeNet

JusticeNet is a not-for-profit service helping people who need legal advice, but who do not qualify for legal aid. JusticeNet can help you find a lawyer who is willing to work at a reduced rate. To find a participating lawyer in your area, use the directory on the website www.justicenet.ca or call 1-866-919-3219 (toll free).

4. Family Law Lawyers In Private Practice

To find a family law lawyer in private practice, you can ask for a recommendation from a relative, friend or support worker at a community agency or women's shelter. Your goal should be to find a lawyer you have confidence in and someone you feel comfortable working with. Just because your friend liked a particular lawyer or your family recommends one does not always mean this will be the right lawyer for you. These services may help you find a lawyer in private practice:

- **Law Society of Upper Canada (LSUC) Lawyer Referral Service** can give you the name of a lawyer in your area who will provide you with a one-time, free half-hour consultation. You may decide to hire this lawyer, but you do not have to.
 - 416-947-3330 (in Toronto)
 - 1-800-268-8326 (toll free)
- **Law Society of Upper Canada (LSUC) Lawyer Directory** of certified family law specialists practicing law in Ontario at www.lsuc.on.ca.

- **Canadian Family Law Lawyers Network** is a network of lawyers who practice in family law. A member lawyer in your city will call you within 24 hours of receiving your name and number. The first contact is confidential and free. After you talk to the lawyer, you can decide whether or not you want to hire him or her, but you do not have to. You can fill out a request on their website at **www.cflln.ca** or call 1-888-660-4869 (toll free).

5. Your local shelter for abused women may also be able to refer you to a local family law lawyer.

Getting Help At The Courthouse

If you are going to Court for a family law issue, you may be able to get some legal information and advice at the courthouse.

1. Duty Counsel

If you have to appear in Court and do not have a lawyer, you may be able to get free legal advice at the courthouse from a Duty Counsel lawyer. You may have to show that you cannot afford to pay for a lawyer. Duty Counsel lawyers are available in most family courthouses. They can explain the Court's process, help you prepare documents for Court, or help you negotiate a settlement. In some cases, Duty Counsel may be able to represent you in Court, for simple matters.

At some family law Courts, you can also get help from law students. Law students can help people who do not have a lawyer to fill out Court forms.

2. Mandatory Information Programs

If you or your partner starts a Family Court case, in most cases, you will each have to attend an information program that explains the Court process and provides local resources for families going through separation and/or divorce. Mandatory Information Programs (MIPs) are available at Family Court locations across Ontario. The information is also available online from Legal Aid Ontario's Family Law Information Program (FLIP) www.legalaid.on.ca.

3. Family Mediation Services

Mediation is a way that partners can agree to settle their differences outside of the courtroom, with the help of a mediator, who is a third person accepted and trusted by the partners. The government provides family mediators in all Family Courts in Ontario. These services are available at the courthouse, free for cases that are scheduled in Court on that day.

Legal Aid Ontario also offers free mediation services if either you or your partner meets Legal Aid's low income rule. You can ask for Legal Aid mediation services at some courthouses, at Family Law Service Centres, and Family Law Information Centres.

If you can pay for a mediator yourself, there are also many private mediation services.

Mediation is not always recommended if there is or has been abuse in a relationship.

For more information about mediation, you may want to read, “Alternative Dispute Resolution and Family Law” or watch the webinar, “Conflict, Court or Another Way?: Different Ways to Resolve a Family Dispute”, both on the FLEW website www.onefamilylaw.ca.

How To Pay For Your Family Law Lawyer

1. Legal Aid Ontario (LAO) – Certificates

Hiring a lawyer will cost money. If you cannot afford a lawyer, the Ontario government may help you pay for a lawyer. You can apply to Legal Aid Ontario (LAO) for a **Legal Aid Certificate** to help pay for a lawyer’s services, for some family law issues.

A Certificate is a voucher (promise) that guarantees the lawyer will get paid by Legal Aid for representing you for a certain number of hours. The number of hours is based on the kind of legal help you need, and is marked on the Certificate (more hours can sometimes be added). Sometimes, Legal Aid Ontario will give you a Certificate on the condition that you pay them back.

If you meet Legal Aid Ontario’s rules for a Legal Aid Certificate, you can use this Certificate to hire a lawyer that you choose. Not all lawyers accept Legal Aid Certificates. When you call to make an appointment, make sure to ask if the lawyer does legal aid work.

If your partner has abused or bullied you, you can get a Legal Aid Certificate for two hours of free legal advice. You do not have to prove you have a low income to get this Certificate.

You must fill out a form called the “**Advice Lawyer Family Violence Authorization**” that you can get from some community legal clinics, women’s shelters, Family Law Service Centres or by calling Legal Aid directly.

For more information, or to apply for a Legal Aid Certificate, you can apply in person at one of the Legal Aid Family Law Service Centres, or visit their website at www.legalaid.on.ca, or call:

- 416-979-1446 (in Toronto)
- 1-800-668-8258 (toll free)
- 1-866-641-8867 (for TTY)

2. Lawyers In Private Practice

If you do not have a Legal Aid Certificate and you are paying for a lawyer’s fees yourself, it is very important to make sure that you understand how the lawyer will bill you. Make sure to discuss what the lawyer will charge you for, an estimate of how much your case will cost, and whether there are different payment options, **before** you start working together. Usually, a lawyer charges **fees** for the lawyer’s time, and adds on charges for other costs, such as photocopying and Court charges, from working on your case (**disbursements**).

You have a right to know the details about your bill at any time. As you work on your case, it is a good idea to frequently ask how the lawyer has billed you, and when you will have to pay. Some lawyers will agree to work on a “sliding scale,” which means he or she will charge lower rates if you have a lower income.

What To Look For In A Lawyer

When you call a new lawyer, make sure to ask if she or he has experience with family law. It is also important to look for a lawyer who:

- has experience with domestic violence, if you have been abused
- listens closely
- explains things so you can understand
- answers your questions
- gives advice but also considers your wishes about your family problem
- is comfortable if you bring a person with you for support
- helps you find an interpreter, if you need one
- doesn't make you feel rushed
- answers your calls within a few days
- is clear about billing
- will accept a Legal Aid Certificate, if you have one
- will accommodate your disability
- will meet you outside of the law office, if you ask
- lets you bring your kids to the office, if necessary

Remember to be prepared and organized for your phone calls and meetings with your lawyer. Ask questions and make sure you understand the answers. You may want to take notes to help you remember important points, or ask someone you trust to go with you to the lawyer's office. You must be able to speak openly and honestly in front of that person, and be sure she or he will keep your information private.

Be prepared for your lawyer to ask you a lot of questions. It is important to be honest with your lawyer. You should tell her or him if your partner has ever bullied or abused you. Your lawyer will be able to help you best if you give as much information as possible about your situation.

If you are more comfortable working in French, you may want to read, “**French Language Services and Family Law**” on the FLEW website, www.onefamilylaw.ca, or go to the Femmes ontariennes et droit de la famille (FODF) website www.undroitdefamille.ca.



• *The views expressed in these materials are the views of FLEW and do not necessarily reflect those of the Province.*



• *While financially supported by the Law Foundation of Ontario, the content of this publication does not necessarily reflect the views of the Foundation.*

There is a greater risk of violence when an intimate relationship is ending. If you are in immediate danger, call 911. If you or someone you know is at risk, visit the FLEW website for information on getting support.

If you are a francophone woman living in Ontario, you have the right to access French language services in family law court proceedings. For more information regarding your rights, contact a lawyer, a community legal clinic, or the support line Femaide at 1-877-336-2433, TTY 1-866-860-7082.

You can find more information on how to access services in French on our website at www.onefamilylaw.ca or www.undroitdefamille.ca.

Family Law topics available in English*

1. Alternative Dispute Resolution and Family Law (ENG 001)
2. Child Protection and Family Law (ENG 002)
3. Child Support (ENG 003)
4. Criminal and Family Law (ENG 004)
5. Child Custody and Access (ENG 005)
6. Domestic Contracts (ENG 006)
7. Family Law Arbitration (ENG 007)
8. Family Law Issues for Immigrant, Refugee and Non-status Women (ENG 008)
- 9. Finding Help with your Family Law Problem (ENG 009)**
10. How Property is Divided in Family Law (ENG 010)
11. Marriage and Divorce (ENG 011)
12. Spousal Support (ENG 012)

** This booklet is available in multiple formats and languages. Please see www.onefamilylaw.ca for more information. You can also find additional materials on the website to help you understand your family law rights.*

