

Frequently Asked Questions

Ø 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, heating and more). You will find comfort, support and accompaniment in undertaking the following procedures (judicial, medical, and/or administrative).

All of these services are confidential. Most of them are offered in French and English and if needed, with the use of interpreter services. In general, the children in the shelter are between the ages of 0 to 18 years old. However, if your child is over the age of 18, it is sometimes possible that he or she stay with you. In most cases, you will have a room for you and your kids and share the common spaces with the other women in the shelter (kitchen, bathroom, living room, etc). The length of stay may vary from a few days to a few months depending on the shelter. Afterwards, the social counsellor can assist you in your search for housing.

Ø I want to report the situation to the police. What will happen ?

To report your situation to the police, you can dial 9-1-1 or go to one of the 32 neighbourhood 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 a criminal offense such as assault, threat, assault with a weapon, sexual assault, kidnapping, harassment took place and police have enough motives, they will arrest the offender. They are obligated to report these situations to the prosecutor. If the offender is not located during the reporting, 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 CAVAC Centre d'aide aux victimes d'actes criminels in French or the Crime Victims Assistance Centre in English (hereafter referred to as "CAVAC"), 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 DYP or Direction of Youth Protection (hereafter referred to as "DYP") by writing an event report. The police officers can accompany you to recuperate your personal belongings such as your passport, medication, children's school supplies, etc. Your file will then be handed over to an investigator. Their role is to establish the facts. They will report the situation to the prosecutor. The prosecutor will then decide whether or not to file charges. It is also the prosecutor who will authorize criminal charges. If your husband is arrested upon the reporting, he will be transported to 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 apartment?

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 for termination of your lease. You have to obtain an attestation file from the public officer; the tenant will have to present three documents:

1. The application form for the termination of a lease on the grounds of violence or sexual assault duly completed. The tenant has to support the request by an oath: they must complete the form section Oath or affirmation, and appear before a commissioner of oaths, where both sign the <http://www.justice.gouv.qc.ca/english/publications/generale/bail.htm> section.

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

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

- ✓ a copy of her deposition to the police
- ✓ a document from a person connected to her or the child living with her, who can be one of the following:
 - § a social counsellor from of a women's shelter;
 - § a counsellor from the Crime Victims Assistance Centre (CAVAC);
 - § a counsellor from a sexual assault centre (CALACS)
 - § a counsellor attached to an institution in the health and social services (hospital, health centre and social services, youth centre);
 - § a doctor or another professional.

3. A copy of her lease. The lease will be terminated two months after you send 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 without issue.

Ø Can I get social housing?

When you're a victim of conjugal violence and you meet the eligibility criteria, it's possible to obtain social housing (hereafter referred to as "HLM") by presenting, with your demand, proof of residence in a women's shelter by the referring shelter, a declaration from the police force or by an establishment of the health and social services. It can take from about 3 to 6 months to obtain social 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, support and accompaniment in your devictimisation process.

However, to be able to access second step apartments, you will need to have stayed for at least one month in a women's shelter, beforehand. In general, the length of the stay can go from a minimum of 3 months to a possibility of 2 years.

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

Social Assistance Program can provide you with last resort financial assistance if you can't provide for your basic needs because of the financial situation you find yourself in due to domestic violence. Your admissibility will be determined according to your income, the amount of money you have in your bank account and the properties that you own. In addition, if you leave your home to seek refuge in a shelter, you're eligible for an additional allowance of about \$100.00 per month due to temporary constraints. To ask for social assistance, you need to open a personal account if you don't already have one. If you do have one and your spouse 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 to direct them to your current address.

Ø The Canadian child allowance (CCA) and the child support payment can help you provide for 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 child 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, etc.).

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 due to domestic violence and 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 (both the provincial and federal governments) to put in place a password that will protect access to your file. For more information, you can visit the following two websites: <http://www.cra-arc.qc.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.

Ø I would like to separate, but I don't know my rights and I have no money to pay for a lawyer.

Within the framework of a separation process or other legal procedures, attorney fees may be high. If you meet the admissibility criteria or if you're receiving social assistance, 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 assets) and the number of children you have. In certain cases, you might have to pay a small 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/>

If you're not admissible for legal aid, but it's impossible for you to afford attorney 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 at low cost.

Ø *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 partners with children attend a session with a mediator. During this mediation, questions concerning divorce, child custody, property separation, and food pension will be discussed. However, if you're a domestic 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 based on equality. You sometimes wish it would end quickly, cause as little problems as possible and settle on 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/laseparation-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-spouse.

In any case, you should seek advice from a lawyer before making any legal decision.

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

Both parents are equal before the law, so each parent has the right to custody of the child or children. 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 domestic 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 therefore vital that you consult a lawyer as soon as possible in order to make a demand to obtain a safeguard order (ordonnance de sauvegarde in French) 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 (ex: change 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. However, if you fear for the safety of your children, it's important that you discuss it with your lawyer. He/She 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 well-being. Whether it's with your lawyer at the court or with the DYP, you will need to have proof of the reality of your concerns in order to justify your refusal of shared custody. All these procedures can seem long and complex, hence the importance of having a lawyer to guide and to help you make 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.

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

Ø 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 a joint account immediately after your departure. Also, the money that is deposited into a joint account belongs to both

owners. It is why you are allowed to withdraw half of it. You should do this as soon as you leave your home, because it's possible that your spouse will decide 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 to a shelter. This is advisable because your spouse could ask the address of the branch where the withdrawal was made in order to locate you.

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

Regarding 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 (hereafter referred to as "CIC") or consult the legal aid office in immigration law to verify if you meet the admissibility criteria in order to have access to the services of a lawyer. If you are a refugee, you can also obtain advice from the CIUSSS du Centre-Ouest Montreal with the regional program for the reception and integration of asylum seekers or PRAIDA.

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

- Duplicate keys of your home and car;
- Your address book with phone numbers;
- 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 for your own personal belongings

If you have other questions concerning your departure or to ensure your security and that of your children, do not hesitate to call SOS Violence Conjugale, the counsellors are there to help 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 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.).