

# Living Common-Law

Your rights and responsibilities



Legal  
Services  
Society

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**This booklet explains the law in general. It is not intended to give you legal advice on your particular problem. Because each person's case is different, you need to get legal help. The information in this booklet is up to date as of January 2005.**

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This booklet is also available in French and in PDF format on the LSS website and on the LSS Family Law in British Columbia website at [www.familylaw.lss.bc.ca](http://www.familylaw.lss.bc.ca).

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# Contents

Physical safety for women .....	iii
<b>1. What is a common-law relationship? .....</b>	<b>1</b>
Is this booklet useful for me? .....	1
Am I a spouse or a common-law partner? .....	1
You never “become” married .....	2
Living common-law in Canada .....	2
<b>2. What does it mean for the children? .....</b>	<b>4</b>
Child support .....	4
Natural parent .....	4
Legal parent .....	5
How much child support should parents pay? ....	5
Income tax rules .....	6
Changing a support order .....	7
If you are on income assistance (welfare) .....	8
Custody .....	9
Access .....	10
Adoption .....	11
<b>3. Other common-law rights and responsibilities .....</b>	<b>12</b>
Support for partners .....	12
If you are on income assistance (welfare) .....	12
Property .....	13
Who gets what? .....	14
Debts .....	16
Income tax .....	17
RRSPs .....	17
Car insurance .....	17
Your legal name .....	17
Putting your affairs in order .....	18
Appoint a representative .....	18
Make a will .....	19
<b>4. What you need to know about benefits .....</b>	<b>20</b>
Income assistance (welfare) .....	20
Employment Insurance .....	20

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Federal pension programs .....	21
Canada Pension Plan .....	22
Pension sharing .....	22
Division of credits .....	22
Other pension benefits .....	23
Medical and dental plan benefits .....	23
<b>5. Get it in writing .....</b>	<b>24</b>
<b>6. Your legal options if the relationship ends .....</b>	<b>26</b>
Talk things over with your ex-partner .....	26
Get more information .....	26
Take a "Parenting after Separation" workshop .....	27
Make a written separation agreement .....	27
Use a mediator .....	28
See a family justice counsellor .....	29
See a lawyer .....	30
Go to court .....	30
Family Court .....	30
Supreme Court .....	31
File a support order or agreement with the Family Maintenance Enforcement Program .....	31
Change an order or agreement .....	31
Enforce an order or agreement .....	32
<b>7. If your partner dies .....</b>	<b>33</b>
If your partner made a will .....	33
If your partner did not make a will .....	33
Your partner's children .....	34
Other rights .....	34
Joint bank accounts .....	34
Share of the house .....	35
Life insurance policies .....	35
Wages .....	35
Workers' Compensation .....	35
Crime Victim Assistance Program .....	36
Canada Pension Plan .....	36
<b>8. Where to get legal help and information .....</b>	<b>38</b>
To get help from a lawyer .....	38
To get legal information .....	42
Also available from the Legal Services Society .....	48

## ***Physical safety for women***

If you're afraid that your common-law partner will physically hurt you or your children, or if he has done so in the past, you need to protect yourself.

Here are some things you can do:

- **Call the police if you're in immediate danger of being hurt, or if you've been hurt.**

- **Phone a transition house.**

Transition houses are places where women and children can go if they're in danger. Usually you can stay for up to one month. Transition houses are sometimes called safe houses. One of these houses can take you in, help you find legal help, and give you protection.

Transition houses don't give out their addresses, but most crisis lines, Ministry of Human Resources offices, Family Courts, police, or legal aid offices will be able to put you in touch with the house closest to you. Transition houses provide a 24-hour service, and there is no charge.

If you don't want to go to a transition house, you can still talk to transition house staff. They can give you information about your rights and refer you to emotional counselling and legal help.

- **Get legal help.**

After you're safe, you may want to talk to a lawyer about getting a court order that keeps your partner away from you or your children. If you can't afford a lawyer and you meet the financial eligibility guidelines, you can apply for legal aid. A legal aid lawyer can help you if your partner has hurt you



or your children, threatened to hurt you or your children, or threatened to take your children out of BC permanently. For more information about legal aid, see page 38.

- **Get more legal information.**

Free booklets called *Speaking of Abuse* and *For Your Protection: Peace Bonds and Restraining Orders* contain useful information about court orders.

If you need emergency financial help, you may be able to apply for income assistance (welfare). To get more information about applying for income assistance, see the free booklet called *Your Welfare Rights*.

See the back cover of this booklet to find out how to order these booklets.

## **What is a common-law relationship?**

If you're living as a couple but you're not married, you're in a common-law relationship. You can be a same-sex couple or an opposite-sex couple.

If you're dating but don't live together, you're not in a common-law relationship.

When you stop living together, the common-law relationship is over. You don't have to do anything else to end a common-law relationship.

## **Is this booklet useful for me?**

This booklet explains how the law in BC views common-law couples. It tells you what rights and responsibilities you have as a common-law partner. It also tells you what your legal choices are if you split up or if your partner dies.

Under some laws, common-law couples have different rights than legally married couples.

## **Am I a spouse or a common-law partner?**

Federal laws distinguish between "spouses" and "common-law partners." They say only married people are spouses. Under federal laws, you become a common-law partner after you've lived with your same-sex or opposite-sex partner for one year or more.

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BC provincial laws refer to common-law couples as “spouses.” Under most of these laws, you become a spouse after you’ve lived with your same-sex or opposite-sex partner for two years or more.

In practical terms, the difference in terminology does not matter.

This booklet refers to common-law couples as “partners.” The word “partner” covers all common-law relationships.

## **You never “become” married**

To be legally married, you must have a legal marriage ceremony (religious or civil). After that, you stay married until one partner dies or until the marriage is legally ended by a divorce.

So if someone tells you: “If you stay together X number of years, you’re legally married,” it isn’t true. If you didn’t have a legal marriage ceremony, you’re not in a legal marriage.

## **Living common-law in Canada**

Over the years, many couples have decided that a traditional marriage isn’t necessary for them. These couples have lived together as though they were married. This living together as though husband and wife came to be called living common-law.

You may have come from a country that doesn’t legally recognize common-law relationships or approve of them. In Canada, many people live in common-law relationships as same-sex or opposite-sex couples.



**Anita and Tan live together. Most of their friends think they are married. But Tan has a wife who lives in another country. Sometimes Tan and Anita worry about this. Is there anything illegal about having a wife and living in a common-law relationship?**

There is nothing illegal about living in a common-law relationship while you're still legally married to another person.

## What does it mean for the children?

### Child support

Are there children in your common-law family? If there are, you may be the natural parent or the legal parent. All parents have a legal obligation to support their children financially.

This means that if you and your partner break up, the parent who doesn't live with your child has a responsibility to pay child support.

In BC, this legal responsibility to support a child usually lasts until your child is 19. However, if your child remains a dependant after that age, the obligation may continue.

### *Natural parent*

The legal system refers to a biological mother and father as the natural parents. The natural mother and the natural father of any child each have a legal responsibility to help support that child, at least until the child is 19.

If your child lives with you, you may apply to the court for support from the other natural parent at any time, at least until your child is 19. The court doesn't order payments unless you file an application. Usually, a court order says that payments should begin the month after the order.

## ***Legal parent***

You are a legal parent if you've lived with your partner for at least two years and you've regularly contributed to the support of your partner's child for at least one year. This means that you have a legal obligation to help support the child, just as the natural mother and father do.

If you want to get support from a legal parent, you must apply to the court within one year of the date your partner last contributed to the support of your child.

## ***How much child support should parents pay?***

There are legal guidelines to make sure that all families in similar circumstances pay (or receive) the same basic amount of child support. These child support guidelines are a set of rules and tables for calculating the amount of child support parents should pay. The guidelines apply to all parents.

The provincial government sets the guidelines for common-law couples and the federal government sets the guidelines for married couples, but the amounts are the same.

The child support guidelines can help separating parents decide between themselves how much child support is needed. Many parents can agree about child support without having to hire a lawyer and go to court. If you can reach an agreement, it's a good idea to file your agreement with the court so that it can be enforced in the same way as a court order. (See page 27 for more information about agreements.)

The courts must follow these child support guidelines when parents go to court to get or change a child support order.

The amounts set out in the child support guidelines are the minimum amounts for child support. If you are the parent with custody, and you have special or extraordinary expenses, the court may order that the other parent pay you a higher amount of child support. Special or extraordinary expenses can include child-care, health-related, and educational expenses.

The court can say that the amount of child support should be more or less than the guideline amount if that amount will cause “undue hardship” to either —

- the parent paying child support (because he or she can’t afford it),
- or
- the child for whom the payments are being made (because it’s not enough to support the child).

The child support guidelines apply to you if you are a common-law parent who —

- gets a child support order under the BC Family Relations Act,
- or
- wants to change a child support order made under the Family Relations Act.

For more information about the child support guidelines, call the Family Justice Services Information Line (see page 43).

## ***Income tax rules***

Child support payments *aren’t* a tax deduction for the parent who pays them, and they *aren’t* reported as income by the parent who receives them.

The rules are different if you made the child support order before May 1, 1997. For child support orders made

*before* May 1, 1997, child support payments *are* a tax deduction for the parent who pays them, and they *are* reported as income by the parent who receives them.

If you made your order before May 1, 1997, you and the other parent can agree to have the current income tax rule apply. You don't have to apply to the court. Ask the Canada Revenue Agency (CRA) for the form called "Election for Child Support Payments." Fill out the form, sign it, and have your ex-partner sign it. Send the form to CRA. (To find CRA's address, look in the blue pages of the phone book, under "Government of Canada — Taxes — Canada Revenue Agency.")

### ***Changing a support order***

You may have a court order for child support that was made before the child support guidelines came into effect.

If you and the other parent agree to change the order so your child support payments are the same or more than the guideline amount, you usually don't have to go to court. You just have to prepare the court documents and file them with the court. But if you want to lower the amount for any reason, you may have to go to court. You also have to go to court if you and the other parent don't agree about the amount of child support to be paid.

The Legal Services Society family law website has online self-help kits that can help you apply for a change to a child support order. See page 47 for more information about online self-help kits.

Family Justice Centres may be able to help you prepare the court documents to change an order for child support. See page 43 for how to contact your local Family Justice Centre.

## **When would I change the child support order?**

You could apply to change your court order for child support to bring the amount up to the level set out in the child support guidelines.

You could also apply to change the order if either you or the other parent has a significant change in financial circumstances. For example, if you are the parent who pays the child support and you lose your job, you may apply to the court to have the child support amount lowered.

## ***If you are on income assistance (welfare)***

Whether you're applying for income assistance or already receiving it, you must sign a form that gives the Ministry of Human Resources (MHR) the right to do whatever is necessary to get child support from the other parent. This is called assigning your rights to maintenance to the government. MHR pursues maintenance and treats it as a debt owed directly to the ministry.

MHR will arrange for you to meet with a family maintenance worker from the Family Maintenance Program to discuss your situation. MHR will try to work out a child support agreement or take the other parent to court to get a court order for child support.

The Family Maintenance Program can decide to —

- review any agreement you've already made about support,
- arrange to get a support agreement or court order,
- apply to the court to change a support order, and/or
- see that any agreement or order is enforced.



If you *don't* want MHR to pursue child support from the other parent, explain this clearly to the worker. MHR can choose not to pursue child support if you or your children are in danger of violence from the other parent.

## Custody

Parents who are living together share custody.

If your common-law relationship breaks up and you can't agree about who your child will live with, you have several options. For example, you can try mediation to help you reach an agreement. (For more on mediation, see page 28.) Or you can go to court and ask a judge to decide.

Anyone who has a connection to your child may apply to the court for custody. Usually this would be a natural parent or a legal parent, but it could also be a grandparent or another adult who has a connection with the child.

The court makes legal decisions about custody on the basis of one issue alone: What is in the best interests of the child?

If your child is of Aboriginal heritage, the court will consider continued contact with his or her Aboriginal culture to be an important element in deciding what is in the child's best interests.

If you want custody of a child from your common-law relationship, ask for legal advice about your situation. See "Where to get legal help and information" on page 38.

## Access

Access is the legal word for visiting rights. Natural or legal parents usually have visiting rights. The law also says that other people, including grandparents, can have visiting rights based on their connection with the child.

If the person with custody says that you can't see your child, you can ask the court to make an order giving you visiting rights. This is done for your child's benefit.

If your child is of Aboriginal heritage, the court may give access to an appropriate person who will keep your child in contact with his or her Aboriginal culture.

If the other parent wants to have access to your child, but you're afraid that this won't be in your child's best interests, get legal advice.



**Note:** Access is not related to the parent's payment of child support. The law considers access and child support as two completely separate issues.

## **Adoption**

### **Can a common-law couple adopt a child together?**

Yes. Common-law couples can apply jointly to adopt a child together.

### **Can I adopt my partner's child?**

Yes. If you're in a common-law relationship, you can adopt your partner's child. You follow the usual adoption procedure, which includes obtaining the consent of the other natural parent (or parents).

### **What if I want to put the child of my common-law relationship up for adoption?**

Usually both natural parents have to consent to the adoption. Before granting an adoption order, a judge has to be satisfied that the natural parents and any legal parents have been told about the adoption and have been given an opportunity to express their views.

## Other common-law rights and responsibilities

### Support for partners

In a marriage, one spouse has a legal responsibility to financially support the other, if that support is needed. This responsibility starts the moment you are married.

A common-law relationship is a bit different. This legal responsibility starts only when you and your partner have been living together for two years or more.

The legal responsibility of support continues after your common-law relationship ends. If you and your ex-partner can't agree about support, you could try mediation to help you reach an agreement. (See page 28 for more about mediation.) Or you can go to court to ask for a support order. You must begin the court process within one year of separating. (See chapter 6, "Your legal options if the relationship ends," for more about going to court.)

### *If you are on income assistance (welfare)*

Whether you're applying for income assistance, or you're already receiving it, you must sign a form that gives the Ministry of Human Resources (MHR) the right to do whatever is necessary to get support for you from your ex-partner. This is called assigning your rights to maintenance to the government. MHR pursues maintenance and treats it as a debt owed directly to the ministry.

MHR will arrange for you to meet with a family maintenance worker from the Family Maintenance Program to discuss your situation. MHR will try to work out a support agreement or take your ex-partner to court to get a court order for support.

The Family Maintenance Program can decide to —

- review any agreement you've already made about support,
- arrange to get a support agreement or court order,
- apply to the court to change a support order, and/or
- see that any agreement or order is enforced.

If you don't want MHR to pursue support for you from your ex-partner, explain this clearly to the worker. MHR can choose not to pursue support if you or your children are in danger of violence from your ex-partner.

## Property

The laws about property are complicated. The part of the BC Family Relations Act that says who gets what when a marriage ends does not apply to common-law relationships. If you want to be clear about how your property will be divided if your relationship ends, you can make a written agreement that says what both partners have agreed to about property.

Property includes everything you own, such as the car, furniture, appliances, home, bank accounts, insurance policies, pension benefits, annuities, RRSPs, stocks and bonds, and investments. It also includes any business that you and your partner each contributed to.

If your common-law relationship ends and you have to make decisions about property, even if you have a written agreement, talk to a lawyer as soon as possible.

There are important time limits. If you need to, you can go to court and ask a judge to order that the property be divided between you as you agreed.

## ***Who gets what?***

For common-law couples, the division of property comes under what is called the law of trust. It means you may have a right to a part of the property if you contributed to it.

To understand how the law treats property when it comes to common-law partners, let's look at two examples.

**When they retired, Maria and Joe moved in together. Joe, whose wife had died several years before, already owned his condominium. Maria contributed all the furniture. Together, they bought a new camper van. Maria, an amateur photographer, is buying some expensive new camera equipment with her own money.**

**If Maria and Joe break up three years from now, who will get what?**

- What Maria and Joe each brought into the relationship will remain their own. Joe can keep the condominium. Maria can keep the furniture.
- The things they bought together will be divided or shared. Each will have a right to half the value of the camper van.
- The things that one of them bought and that are in that person's name belong to that person only. Maria will keep the camera equipment.

If they can't agree, they can go to court and ask a judge to decide. They will each have to prove their claim to property, so they should keep receipts and other proof of ownership.



**Steve, a doctor, owned a home in Vancouver and a small farm in the Fraser Valley. Almost 20 years ago, he and Bob moved in together and lived as a couple. Bob quit his job. He took care of the home and ran the farm. The home and farm were in Steve's name alone.**

**When they broke up, Bob argued that he had contributed equally to the relationship through his labour, although Steve had contributed his earnings. Bob went to court to get a judge to decide what he should get.**

- Bob and Steve contributed different things to the relationship. Bob contributed labour. Steve contributed money. Each one has a right to a share in the assets when the relationship breaks up. How much they each get depends on how much they contributed.

Here are four other important rules about property in a common-law relationship:

1. If your partner has been able to buy a lot of property because of your help, the law says that you may have a right to a share of the property, even though these things don't have your name on them. This situation can occur, for example, if you paid all the rent and food bills so your partner could invest in a business, or if you worked in your partner's business without getting paid for it.
2. If you contributed money to buy something for yourself, even if it's in your partner's name, you can ask the judge for your share. For example, if you gave your partner \$50 a month to invest for you, and the investment is in your partner's name, the investment may be yours. You will have to prove that it was your money if your partner disagrees with what you say.

3. If you have a written agreement, but your partner won't follow what was agreed, you can take the agreement to court and ask a judge to enforce it — to order your partner to follow the agreement. It is a legal contract. (See chapter 6, "Your legal options if the relationship ends," for more about written agreements.)
4. If you or your partner is Aboriginal and you live in a home on reserve with your partner, the partner who is the band member has the legal right to possession of the home. The court may say the owner of the home has to give the partner money to compensate for his or her share of the home.

## Debts

Debts can sometimes be a problem, both during a relationship and when it ends. If you're aware of the basic legal rules about debts, you can protect yourself by knowing what you're getting into.

If you sign a loan, it's your loan, and it's your responsibility to pay it back. If your partner signs a loan, it's your partner's responsibility. However, if you both sign, either of you can be held responsible for the entire debt.

That's probably obvious to you, but look at the problems you might face if you have a joint loan. For example, say your partner isn't working, but wants to buy a truck. Although you won't be using the truck, you co-sign the loan. If you separate and your ex-partner leaves with the truck, or simply fails to make the payments, the bank will make you pay. You may be totally responsible for paying for something you don't even have.

## **Income tax**

If you've lived with your partner for at least one year, you can pay income tax as a common-law partner. A higher-earning partner can claim an unemployed or low-earning partner as a dependant.

## **RRSPs**

You can name anyone you choose, including your partner, as beneficiary of your RRSP. Common-law partners can contribute to spousal RRSPs. This means, for example, that if you are the partner with the higher income, you can take the tax deduction but put the money into your lower income-earning partner's RRSP.

## **Car insurance**

If you've been in a common-law relationship for two years and your partner is killed in a car crash, the Insurance Corporation of BC (ICBC) will pay the "no-fault" death benefits directly to you. ICBC pays these benefits regardless of who was at fault in the accident.

## **Your legal name**

You can call yourself any name you choose, as long as you don't do it to break the law.

If you have legal custody of your child, you can apply to change the child's last name to your partner's name. You need the consent of your child's other natural parent. To change your child's name, apply to Vital Statistics (look up "Vital Statistics" in the white pages of your phone book, or in the blue pages under "British Columbia — Vital Statistics"). Any child over the age of 12 has to give his or her consent to the change of name.

If your common-law relationship breaks up, you don't have to go back to your old name. You can keep your ex-partner's name if you want to.

## **Putting your affairs in order**

There are a couple of things you could do now to prepare for your later life.

### ***Appoint a representative***

Someday, because of illness, injury, disability, or some other factors, you may have difficulty managing your own affairs. The best way to handle this situation is to choose one or more people to be your "representative." You can choose anyone you like to be your representative, including your partner. You can also choose how many representatives you want.

You can give your representative(s) the legal authority to handle your financial and legal affairs and to make personal and health-care decisions for you. To do this, you make a representation agreement, which describes your wishes and says when the agreement should take effect.

In BC, representation agreements are replacing enduring powers of attorney and “living wills.” For more information about representation agreements, contact:

The Public Guardian and Trustee of British Columbia  
700 – 808 W. Hastings Street  
Vancouver, BC V6C 3L3  
Phone: (604) 660-4444  
Fax: (604) 660-9498  
Website: [www.trustee.bc.ca](http://www.trustee.bc.ca)

The Representation Agreement Resource Centre  
411 Dunsmuir Street  
Vancouver, BC V6B 1X4  
Phone: (604) 408-7414  
Website: [www.rarc.ca](http://www.rarc.ca) (Nidus eRegistry and Resource Centre)

## ***Make a will***

The best way to see that your partner and children are properly taken care of after you die is to make a will. In your will, you can name the guardian you want to take care of your children if you die. See page 33 for more about wills.

## **What you need to know about benefits**

### **Income assistance (welfare)**

The provincial Ministry of Human Resources (MHR) administers the income assistance program for people in BC. From the moment you start living together as a couple, MHR considers you to be in a common-law relationship.

If you apply for income assistance, MHR will look at your income and assets and your partner's income and assets. If you get income assistance, it will be at the rate for a couple (plus any children), not as two single people.

The moment you stop living common-law, MHR treats you as single again.

### **Employment Insurance**

Human Resources and Skills Development Canada (HRSD) (formerly Human Resources Development Canada — HRDC) administers the Employment Insurance (EI) program. HRSD considers you to be in a common-law relationship as soon as you've been living together as a couple for one year.

EI applies the same standard to common-law couples as it does to married couples.

If you quit your job to move to another city with your partner who has a new job there, you may be able to get EI benefits without being disqualified because you voluntarily quit your job.



The EI staff look at all the circumstances to determine whether you had any reasonable alternative to leaving your job. For example, could you have commuted a longer distance or lived apart temporarily until you had time to find another job in the new city?

If you're refused EI benefits because you moved to be with your partner, you can appeal the decision.

For more information about EI, contact your local HRSD office. For the centre nearest to you, look in the blue pages of your phone book under "Government of Canada — Employment — Human Resource Centres."

## **Federal pension programs**

Federal government pension programs now recognize both same-sex and opposite-sex common-law couples.

These pension programs consider you to be in a common-law relationship if you've been living together as a couple for at least one year:

- The Guaranteed Income Supplement to the Old Age Security Pension, which is payable to residents age 65 and over. You will get the amount for a couple rather than for two single people.
- A Common-Law Partner's Allowance, which is payable to partners of pensioners who are between the ages of 60 and 64. A Survivor's Allowance is also available to people between the ages of 60 and 64 whose partners have died.

These programs also have income and residency requirements you must meet. For more information, contact Income Security Programs at the Department of Social Development (formerly HRDC) at 1-800-277-9914 (toll free). For service in French, call 1-800-277-9915 (toll free).

For more information about benefits available to seniors, see the booklet *When I'm 64*. See the back cover of this booklet to find out how to get a copy.

## **Canada Pension Plan**

Here is information about the Canada Pension Plan (CPP).

### ***Pension sharing***

The Canada Pension Plan allows common-law couples to share a retirement pension or pensions. This pension sharing arrangement is called an "assignment." Sharing CPP could reduce the amount of income tax you have to pay on the pension you receive.

To apply to share the CPP, you must meet all of the following requirements:

- You must be in a common-law relationship. CPP considers you to be in a common-law relationship if you've been living together as a couple for at least one year.
- Both of you must be at least 60 years old.
- Both of you must have applied for any pension you're entitled to.

### ***Division of credits***

If you were living in a common-law relationship for at least one year and you've separated, you may be entitled to a share of your ex-partner's CPP pension. Either of you may apply for a division of pension credits when you've been separated for one year. You must apply within four years from the date you separated.

For more information about pension sharing or credit splitting, call the CPP inquiry line (Income Security Programs) at 1-800-277-9914 (toll free). For information in French, call 1-800-277-9915.

## Other pension benefits

Many public and private pension plans allow you to name your beneficiary. For example, under the Pension (Public Service) Act in British Columbia, you can name any beneficiary you want.



## Medical and dental plan benefits

British Columbia's Medical Services Plan will cover your partner on your plan without any minimum limits on how long you've been living together.

If you or your partner have a medical and dental plan as an employee benefit at work, ask the personnel office about coverage. Generally, an opposite-sex partner and children can be covered. Check to see if coverage is available for a same-sex partner.

## Get it in writing

During the relationship, you and your partner may want to sort out the answers to each of these questions:

- What does each of you own separately?
- What do you own together?
- How much does each of you contribute financially?

If you break up, you will need to decide the answers to these questions:

- Will one of you help to support the other?
- Where will the children live?
- What visiting rights will the other parent have?
- How will the partner who doesn't live with the children help to support them?

You and your partner can talk about these issues, make your decisions, and write them down in something called a **cohabitation agreement**.

A cohabitation agreement covers what goes on during the time you live together. You can write down who owns what, how much each of you will put in to run the household, who will pay the debts, and how you will treat the things you buy together. You should also include what will happen if you split up. You can write down what you've agreed to about maintenance, child support, custody, access, and property.

Many other things could go into your cohabitation agreement. What goes in it is up to you and your partner.

To be a legally binding contract, any agreement you make must be signed by both of you.

This written agreement is a legal document. If you need to, you can take your cohabitation agreement to court to show what the two of you had agreed to do.

Your agreement should not say things that might conflict with the law. What if your agreement says, for example, that you will not ask for child support from your partner, and then you break up? Under the law, parents have to support their children, so that part of your agreement would be invalid in court. In that case, the law would override your agreement and you could apply for child support, even though you said you wouldn't.

Have a lawyer review your written agreement before you both sign it. You should see a different lawyer from the one your partner sees to ensure your own rights are protected.

Okay, well I'd like  
to write into the  
agreement that I  
get the cat...

And the tape deck was  
mine, but we bought  
the stereo together.

and I'll take  
the fridge.

Well, what if I trade  
you my half of the stereo  
for the sofa we bought?



## **Your legal options if the relationship ends**

When you stop living together, the common-law relationship is over.

No matter how good your common-law relationship was, there may be problems when it ends. Separating is a difficult process, and it can be hard to sort out all the legal issues.

Here are some of the options that are open to you.

### **Talk things over with your ex-partner**

You and your ex-partner may be able to talk things over and reach an agreement. Sometimes a friend or family member can help in this process.

You're not legally required to put the agreement in writing, but it's wise to do so. A written agreement is very important if you have to go to court.

### **Get more information**

If you have children, you can get information about custody, support, and guardianship issues on the Legal Services Society (LSS) family law website. LSS also produces publications and videos about family law issues. See pages 44 and 48 for more information. Other organizations also produce material about family law issues. See Chapter 8 for more information about some of these organizations and what they do.



## Take a “Parenting after Separation” course

“Parenting after Separation” is a free three-hour course designed to help you adjust after separation. In some parts of BC, you’re required to take part in the course before you finalize custody and access arrangements.

“Parenting after Separation” courses include information about —

- the effect of separation on you and your children;
- ways for your family to adjust to the changes;
- the child support guidelines;
- problem-solving options available to you, such as conciliation, mediation, counselling, and the court process; and
- effective ways to communicate and solve problems in parenting.

The course will help you understand how you and your children are affected by your separation and how you can recognize and meet your children’s needs. Phone your local Family Justice Centre (see page 43) or your local courthouse to see if “Parenting after Separation” courses are offered in your community. In the Lower Mainland, these courses are also available in Cantonese, Hindi, Mandarin, and Punjabi.

## Make a written separation agreement

A written separation agreement is a contract between you and your ex-partner that outlines what you both have agreed to about the issues arising from your separation.

You and your ex-partner can decide what you want to include in a separation agreement. If you have children, it can say who has custody and what the access arrangements are.

Make a list of what you would like to put in your separation agreement. If you need help deciding what to put in, see a family justice counsellor, a mediator, or a lawyer. Chapter 8 of this booklet, "Where to get legal help and information," tells you how to contact these people.

If you and your ex-partner sign a separation agreement, it's a good idea to file it with the court. If there are problems later, you can show a judge what you and your ex-partner agreed to.

**Important:** Before you sign any agreement, see a lawyer! It's very important that you see a different lawyer than the one your ex-partner is seeing to be sure that you protect your own rights.

## Use a mediator

A mediator is an impartial person who can help you and your ex-partner agree on a practical plan for ending your relationship. A mediator sits down with you and your ex-partner and helps you discuss all the issues. He or she may also make suggestions for solving problems, but you and your ex-partner make all the decisions.

Mediation isn't meant to keep you together, and mediation is not therapy or personal counselling. A mediator is simply a person who can help you and your ex-partner reach an agreement.

Mediation is a flexible and informal process that you may find more attractive than going to court. It can work well for people who want to keep dealing with each other on parenting issues.

Mediation doesn't work well if one partner has a lot more power than the other. For example, if your ex-partner has been violent toward you, he or she may try to intimidate you into agreeing to things in mediation.

There are different kinds of mediators. Family justice counsellors can act as mediators, or you can use a private mediator or a mediator from your community. A family justice counsellor or someone at a legal aid office can explain the different kinds of mediation available.

If you would like to try using a mediator, look at Chapter 8, “Where to get legal help and information.” You can contact a community organization for more information or your local legal aid office, family justice counsellor, or Lawyer Referral Service.

Private mediation services are listed in the yellow pages under “Mediators.”

**Remember:** You can use a mediator and also get legal advice from a lawyer.

## See a family justice counsellor

In many communities in British Columbia, a family justice counsellor can help you. These counsellors are trained to deal with family problems.

A family justice counsellor can —

- explain what you have to do if you go to Family Court,
- help you understand the process of applying for a court order,
- provide mediation or conciliation or tell you where to go for more help, and
- help you prepare a consent order or separation agreement.

**Note:** You may want to get legal advice before you sign a consent order or separation agreement negotiated with the help of a family justice counsellor.

## See a lawyer

If you have legal questions or you and your ex-partner can't agree about important issues (for example, custody or property division), you may want some legal help. If you don't know a lawyer, you can call the Lawyer Referral Service to get the name of a family lawyer (see page 41). If you have little money and few assets, and you have a serious legal problem, you may be able to get a lawyer through legal aid, or you may be able to get some legal help and information from your local legal aid office (see page 38). You may also be able to get legal advice from family duty counsel in most Provincial Courts (see page 40).

Before you see a lawyer, think about the questions you need answered. Make a list of the things you're worried about.

## Go to court

You may be able to work out the legal problems with help from a friend, a family member, a mediator, a family justice counsellor, or a lawyer.

If you still can't agree, you may need to go to court and ask a judge to decide.

There are two courts you may need to know about: Family Court and BC Supreme Court. A lawyer can tell you which court can meet your needs.

### *Family Court*

Family Court is a division of Provincial Court. You can go to Family Court to ask for a court order to deal with custody, access, child support, and support for an ex-partner (maintenance). You can't settle property matters in Family Court.

Family duty counsel are lawyers who can help you in Family Court (see page 40). Remember, there are time limits for applications for child support and support from your ex-partner (maintenance). See pages 4 and 12 for more information.

### ***Supreme Court***

You will need to go to Supreme Court if you and your ex-partner can't agree about property issues. Property matters can be complicated. It's best to have a lawyer represent you in Supreme Court.

## **File a support order or agreement with the Family Maintenance Enforcement Program**

If you've filed a written agreement or support order in court for yourself or your children, you can enrol with the Family Maintenance Enforcement Program. This program monitors, collects, and enforces payments under the agreement or order.

## **Change an order or agreement**

If you need to change a court order, you have to go back to court. You need to show the judge that you have a good reason to change (or "vary") an order about custody, access, or support. For example, you may want to change an order for child support to bring the amount up to the level set out in the child support guidelines.

You can also change a written separation agreement. You and your ex-partner can agree to the changes and file the new separation agreement with the court. If you can't agree about the changes, you have to go to court and ask a judge to make a court order.

Staff at a Family Justice Centre may be able to help you change a support order.

You may be able to get legal aid (a lawyer to represent you in court) to help you change an order if your children are at clear risk of harm. Contact your local legal aid office.

See pages 43 and 38 – 39 for how to contact Family Justice Centres and legal aid offices.

## **Enforce an order or agreement**

### **What happens if my ex-partner doesn't do what the order or agreement says?**

You may need to go to court to enforce your court order or written separation agreement.

If you're enrolled in the Family Maintenance Enforcement Program, it will monitor payments and take any action necessary to collect outstanding debts. Call the Central Enrollment Unit at (250) 220-4040 in Victoria, or toll free at 1-800-663-3455 (from anywhere in BC) to get the phone number of the office closest to you.

## **If your partner dies**

### **If your partner made a will**

If your partner leaves you anything in the will, it's yours. You just go through the usual legal steps to probate the will. Remember that your partner's debts will have to be paid. (Your partner may owe money to a former spouse or common-law partner and children.)

However, if your partner leaves you nothing or very little in the will, you may go to court and ask a judge to change the will. Adopted and natural children of a common-law relationship may also go to court and ask the judge to change the will to include them.

If your partner had been in another relationship and didn't leave enough to the other partner and/or their children to take care of them, or left them nothing, they may also go to court and ask a judge to change the will.

A judge very rarely changes what is said in a will.

### **If your partner did not make a will**

If your partner dies without making a will, you're entitled to a share of the estate. You should get legal advice.

The children that you and your partner had together or adopted are also entitled to a share of the estate.

## ***Your partner's children***

**What happens if my partner dies without leaving a will and I want my partner's children to live with me?**

Unless you've adopted your partner's children, you have to go to court to apply for custody and guardianship of them. You must do this even if the children are already living with you.

## **Other rights**

Whether or not your partner leaves a will, you have the following rights:

### ***Joint bank accounts***

You and your partner have equal rights to the money in an account you opened jointly. Normally, the bank seals the account when one of the joint depositors dies. But before the bank knows about the death, you can

You both need wills to ensure that the children are properly looked after.





withdraw all of the money in the account. Some banks will allow some amounts to be withdrawn for immediate expenses, even if they know that one partner has died.

### ***Share of the house***

If you and your partner own a house in joint tenancy, you, as the living joint tenant, become the owner of the whole house. If you own the house as tenants in common, your partner's share goes to the person it was left to in the will, or to his or her general estate.

**Note:** If your title to the property doesn't actually say "joint tenant," then it's automatically a "tenancy in common."

If your partner is of Aboriginal heritage and you're not, and your home is on reserve land, your partner can't leave you the home in a will. When your partner dies, the band will decide whether you can or can't stay in the home.

### ***Life insurance policies***

Your partner may have named you as the beneficiary in life insurance policies. As the beneficiary, you get insurance money if your partner dies. Insurance companies usually give you some of the money right away to help with expenses. You get the rest when the legal paperwork is done.

### ***Wages***

You may be able to receive wages owed to your partner, usually up to three months' worth.

### ***Workers' Compensation***

You may be able to get Workers' Compensation death benefits if your partner is killed on the job.

You may be eligible if you and your partner lived together —

- for at least three years just before your partner died and you were his or her dependant; or
- for one year just before the death and you had a child together.

If your partner was (or should have been) supporting another partner or children, they may have a right to these benefits, too.

For claims-related questions, call the Workers' Compensation Board at 1-888-967-5377 (toll free). In the Lower Mainland, call (604) 231-8888.

### ***Crime Victim Assistance Program***

The Crime Victim Assistance Program provides compensation for personal injury or death resulting from crime. The benefits will compensate for loss of income, counselling costs, medical costs, or similar expenses. The program does not compensate for pain and suffering.

Contact the Crime Victim Assistance Program by calling (604) 660-3888 (in the Lower Mainland) or 1-866-660-3888 (elsewhere in BC, toll free).

### ***Canada Pension Plan***

If your partner contributed to the Canada Pension Plan (CPP) you may be entitled to a number of benefits.

CPP benefits can include:

- **Death benefit:** A lump-sum benefit paid to the estate of the contributor.
- **Survivor's pension:** A monthly benefit paid to the surviving common-law partner or spouse. CPP considers you to be the surviving common-law

partner if you had lived with your partner as a couple for at least one year immediately before the date of death. Normally, you have to be over 35 to qualify. However, if you have dependent children living with you, or you have a disability, you can be eligible if you're under 35.

- **Orphan's benefit:** The natural or adopted child of a deceased contributor can receive this monthly benefit.

To receive any of these benefits, you must apply. Call the CPP inquiry line (Income Security Programs) at 1-800-277-9914 (toll free) to ask how to do this. For information in French, call 1-800-277-9915 (toll free).

## Where to get legal help and information

Here are some places to get legal help and information.

### To get help from a lawyer

To find a lawyer, try one of the following options.

#### *Legal aid*

Legal aid is a provincial service that provides legal help for people who have serious legal problems and can't afford to pay a lawyer.

To get a legal aid lawyer to represent you, you have to meet some financial eligibility rules and have certain kinds of legal problems. You can get a legal aid lawyer if you have the following family law problems:

- You need a court order or other legal assistance to protect yourself or your children because your partner has threatened or hurt you or your children and you are afraid of further harm.
- You need a court order because the other parent has threatened to take your children out of the province permanently.
- The Ministry of Children and Family Development has taken or is threatening to take your children away from you.

**Note:** There are exceptions to these guidelines for family law coverage that may allow you to get legal aid even if you do not fit into any of the above categories. Ask your local legal aid worker or the Legal Services Society (LSS) Call Centre if your particular situation is eligible.

The amount of legal aid assistance that you can get for a family law problem is limited. It may include several actions, such as getting —

- a custody, access, and maintenance order;
- an order to prevent the other parent from selling or getting rid of a family asset; and/or
- a restraining order.

To find a legal aid office, look in the white pages of your phone book under “Legal Aid — Legal Services Society” or in the yellow pages under “Lawyers — Legal Aid — Legal Services Society.” You can also call the LSS Call Centre at:

Lower Mainland: (604) 408-2172

Elsewhere in BC: 1-866-577-2525 (toll free)

If your hearing is impaired, you can call a province-wide toll-free number to be connected to a teletypewriter (TTY): 1-877-991-2299.

Or visit the LSS website ([www.lss.bc.ca](http://www.lss.bc.ca)) and click “Offices,” then “Address/Phone list” for a complete list of all legal aid offices.

## ***Lawyer advice services***

For more information about any of the following legal advice services, see [www.lss.bc.ca/legal\\_aid/cantget.asp](http://www.lss.bc.ca/legal_aid/cantget.asp).

### **Family advice lawyers**

LSS and the Ministry of Attorney General provide free legal advice to low-income parents who are trying to reach an agreement in a separation. These lawyers do not represent or act for clients, but may provide up to three hours of advice about custody, access, guardianship, and child support; property (limited); tentative settlement

agreements; and court procedures. You may be able to get help even if you do not qualify for legal aid.

This service is available in family justice counsellors offices in Kamloops, Kelowna, Prince George, Surrey, Vancouver, and Victoria. You must be referred to the service by a family justice counsellor or a child support officer.

### **Family advice lawyers in Supreme Court**

Free legal advice is also available to low-income people who have a Supreme Court family case. Lawyers paid by LSS are available at the Supreme Court in Kamloops, Kelowna, Prince George, Terrace, Vancouver, and Victoria. They provide advice to unrepresented people about family matters, legal options, filling out court forms, and court procedures. These lawyers do not represent or act for clients. To find out when the advice lawyer is available, call your local legal aid office (see page 39).

### **Family duty counsel**

LSS provides lawyers (known as duty counsel) at Provincial Courts to help unrepresented people with their Family Court appearances. Duty counsel are also available at the Vancouver Supreme Court (and at other BC Supreme Courts starting in 2005) to help people with Chambers applications. Duty counsel provide brief advice about a client's legal rights and options, as well as information about court procedures. They also speak in court for people on some matters. To find out when duty counsel will be at your court, call your nearest legal aid office (see page 39) or Provincial Court (look under "British Columbia — Court Services" in the blue pages of your phone book). Or visit the LSS family law website at [www.familylaw.lss.bc.ca](http://www.familylaw.lss.bc.ca) and click on "Resolving family law problems," then "Family duty counsel," to get more information.

## ***Lawyer Referral Service***

If you don't know a lawyer, try calling the Lawyer Referral Service. It will give you the name of a family law lawyer you can call for a half-hour appointment that costs \$25. This service isn't available in all areas of the province.

Ask for a lawyer who specializes in family law. Lawyer Referral will give you a lawyer's name but you make the appointment. If the first referral doesn't work out, you can call Lawyer Referral back and get another name.

The lawyer can give you some idea of what's involved in solving your problem, and you can decide if you want to hire this lawyer. Ask the lawyer what the charge will be, and how he or she wants you to pay.

Lower Mainland: (604) 687-3221

Elsewhere in BC: 1-800-663-1919 (toll free)

## ***Pro bono (free) lawyer services***

There are several pro bono legal programs in BC that provide lawyer services to people who are not eligible for legal aid, but cannot afford to pay for lawyers. Pro Bono Law of British Columbia maintains a directory of these programs on its website at [www.probononet.bc.ca](http://www.probononet.bc.ca) (click on "Directory," then search "Pro Bono Programs"). These programs include:

- **The Multiple Sclerosis (MS) Society, BC Division, Volunteer Legal Advocacy Program** supports people with MS who cannot afford legal assistance and are not eligible for any other kind of legal representation. This program is available to people in the Lower Mainland, Victoria, and Kamloops.

Lower Mainland: (604) 689-3144

Elsewhere in BC: 1-800-268-7582 (toll free)

Website: [www.mssociety.ca/bc/vlap.htm](http://www.mssociety.ca/bc/vlap.htm)

- The **Salvation Army British Columbia Pro Bono Program** provides free legal advice to people who meet the program's guidelines.

Phone: (604) 296-3816

E-mail: [contact@probono.ca](mailto:contact@probono.ca)

Website: [www.probono.ca](http://www.probono.ca)

- The **Western Canada Society to Access Justice** provides free legal advice to people who cannot afford a lawyer. The society holds clinics at many locations around BC. Call for an appointment:

Lower Mainland: (604) 878-7400

Elsewhere in BC: 1-877-762-6664 (toll free)

## To get legal information

To get legal information, contact one of the following programs or organizations.

### *Dial-A-Law*

Dial-A-Law is a service provided by the Canadian Bar Association, BC Branch. It is a library of tapes that give you information about the law in BC. Some of these tapes are available in Chinese and Punjabi as well as English. You can listen to tapes about family law by calling the following numbers:

Lower Mainland: (604) 687-4680

Elsewhere in BC: 1-800-565-5297 (toll free)

Hours: 8:30 a.m. to 4:30 p.m., Monday to Friday

You can read transcripts of the Dial-A-Law tapes on the Internet at [www.cba.org/bc/Public\\_Media/dal/default.aspx](http://www.cba.org/bc/Public_Media/dal/default.aspx).



## ***Family justice counsellors and Family Justice Centres***

Family justice counsellors can give you information about the law and about the Family Court process. Family justice counsellors work at Family Justice Centres, which are located across the province (sometimes in the local courthouse). These centres offer a range of services related to separation, such as —

- information and referral,
- help filling out Family Court forms,
- mediation and conciliation services, and
- short-term counselling.

You can find family justice counsellors or centres in the blue pages of your phone book under “British Columbia — Attorney General-Ministry of — Family Justice Centres.” If they’re not listed there, call Enquiry BC at:

Lower Mainland: (604) 660-2421

Victoria: (250) 387-6121

Elsewhere in BC: 1-800-663-7867 (toll free)

and ask to be transferred to the nearest Family Justice Centre.

## ***Family Justice Services Information Line***

The Family Justice Services Information Line is a 24-hour automated phone service that provides information about child support, custody, guardianship, access, and the child support guidelines. It can also tell you about BC government programs, services, publications, and recent changes to BC law.

Lower Mainland: (604) 660-2192

Elsewhere in BC: 1-888-216-2211 (toll free)

## ***Family law website***

The Family Law in British Columbia website is a service of the Legal Services Society. It provides legal information and self-help materials to help people resolve family law problems, including self-help kits for getting or changing a custody, guardianship, access, or support order, applying for help if you cannot pay court fees, and dealing with the Ministry of Children and Family Development.

Website: [www.familylaw.lss.bc.ca](http://www.familylaw.lss.bc.ca)

## ***Family Maintenance Enforcement Program***

This program can help you collect your support payments *if* you already have a court order or a separation agreement that's filed in court. To get the phone number of the office closest to you, call the Central Enrollment Unit.

Victoria: (250) 220-4040

Elsewhere in BC: 1-800-663-3455 (toll free)

Website: [www.ag.gov.bc.ca/family-justice/help/fmep](http://www.ag.gov.bc.ca/family-justice/help/fmep)

## ***Friendship Centres***

If you are an Aboriginal person, you can get legal information from staff at your local Friendship Centre. Ask the staff at your public library or community centre whether there's a Friendship Centre in your neighbourhood.

## ***Interjurisdictional (inter-provincial) support orders***

If you're applying for an initial support order or to change a support order, you can find information about support orders when the recipient and the payor live in different provinces on the Ministry of Attorney General

website at [www.ag.gov.bc.ca/family-justice/help/iso/index.htm](http://www.ag.gov.bc.ca/family-justice/help/iso/index.htm), and an article about these orders on the LSS website at [www.lss.bc.ca/for\\_lawyers/pdf\\_lawyer-materials/ISOproceedings.web.pdf](http://www.lss.bc.ca/for_lawyers/pdf_lawyer-materials/ISOproceedings.web.pdf).

## **LawLINE**

LawLINE is a toll-free telephone service that provides general legal information and, in some cases, advice about legal issues. It is a service for people who cannot afford a lawyer but do not qualify for legal aid.

LawLINE is staffed with lawyers and paralegals, and can arrange immediate access to telephone interpreters as needed.

Lower Mainland: (604) 408-2172

Elsewhere in BC: 1-866-577-2525 (toll free)

After your call connects, press “7” to reach LawLINE.

Hours: 9:00 a.m. to 4:00 p.m., Monday, Tuesday, Thursday, and Friday;

9:00 a.m. to 2:30 p.m., Wednesday

## **LawLINK**

The LSS LawLINK provides low-income people with the tools they need to find plain language legal information on the Internet and can help you find legal information and self-help resources. The service has two parts —

- A website ([www.lawlink.bc.ca](http://www.lawlink.bc.ca)) with links to information on legal topics, including family law problems.
- Free public access computers in various locations across BC, including all LSS regional centres. You can use these computers to search for legal information on the Internet. At these locations, you can also get direct telephone access to LawLINE and free legal information booklets and

other materials. See the LawLINK website for a list of locations.

### ***Legal information outreach workers***

Legal information outreach workers (LIOWs) are staff members at the seven LSS regional centres who can —

- help you use LawLINK and the family law website to find legal information and self-help resources on the Internet;
- give you printed legal information; and
- refer you to other LSS services such as LawLINE and family advice lawyers, and to other community services.

To contact a legal information outreach worker, call the LSS regional centre closest to you.

### ***Libraries***

Many public libraries and the BC courthouse libraries have collections of popular family law materials. Courthouse libraries have many useful resources on family law. Ask your librarian.

### ***Mediators***

You can find mediators in several different places. Contact a community organization or your local legal aid office, family justice counsellor, or Lawyer Referral Service for more information.

Private mediation services are listed in the yellow pages under “Mediators.”

### ***Multicultural organizations***

These organizations can give you information in many languages other than English. They may know lawyers or

counsellors who speak your language, and they can tell you how to arrange for an interpreter. Ask at your local public library or community centre for the names of organizations in your neighbourhood.

See also the Multilingo-legal website at [www.multilingolegal.ca](http://www.multilingolegal.ca) for links to publications about family law in languages other than English.

### ***Online self-help kits***

To find a free self-help kit to apply for an initial family order (for custody, access, guardianship, or support), change an existing order, or apply for an indigency order if you cannot afford court fees, go to [www.familylaw.lss.bc.ca/selfhelpmaterials.asp](http://www.familylaw.lss.bc.ca/selfhelpmaterials.asp).

### ***People's Law School***

The People's Law School provides free classes and produces booklets about the child support guidelines, family law, making a will, and power of attorney. Contact it at:

150 – 900 Howe Street  
Vancouver, BC V6Z 2M4  
Phone: (604) 331-5400  
Website: [www.publiclegaled.bc.ca](http://www.publiclegaled.bc.ca)

### ***Prideline (for gay, lesbian, bisexual and transgendered people)***

Prideline provides referrals to various gay, lesbian, bisexual, and transgendered groups, as well as the names and numbers of lawyers. They hold free legal clinics every Monday night.

Lower Mainland: (604) 684-6869  
(7 p.m. to 10 p.m.)  
Elsewhere in BC: 1-800-566-1170 (toll free)

## ***Public Guardian and Trustee's office***

The Public Guardian and Trustee's office has information about powers of attorney, representation agreements, wills, and estates.

Public Guardian and Trustee of British Columbia  
700 – 808 W. Hastings Street  
Vancouver, BC V6C 3L3  
Phone: (604) 660-4444  
Fax: (604) 660-9498  
Website: [www.trustee.bc.ca](http://www.trustee.bc.ca)

## ***Representation Agreement Resource Centre***

In BC, representation agreements are replacing enduring powers of attorney and “living wills.” For more information about representation agreements, contact:

The Representation Agreement Resource Centre  
411 Dunsmuir Street  
Vancouver, BC V6B 1X4  
Phone: (604) 408-7414  
Website: [www.rarc.ca](http://www.rarc.ca) (Nidus eRegistry and Resource Centre)

## ***Services for seniors***

Information about legal issues that affect older people is available in many communities. Ask your local seniors' centre, community centre, public library, Ministry of Human Resources office, or Royal Canadian Legion.

## **Also available from the Legal Services Society**

Many legal information publications and videos, including those that follow here, are available on the LSS website at [www.lss.bc.ca](http://www.lss.bc.ca) and/or on the LSS family law website at [www.familylaw.lss.bc.ca](http://www.familylaw.lss.bc.ca).

The following LSS publications are free within BC. Videos are available online on the family law website (you can watch them on a public access computer at your local library) and may be available for viewing at your local legal aid office. Community groups can order single copies for free from LSS (see the back cover for how to order).

***Family Matters in Supreme Court: Judicial Case Conferences and Chambers Hearings***

Video, 19 minutes

2004

Available online at

[www.familylaw.lss.bc.ca/subjectareas/videolist.asp](http://www.familylaw.lss.bc.ca/subjectareas/videolist.asp)

*Family Matters in Supreme Court* is designed to help people who have to go to Supreme Court on a family matter without a lawyer. The video dramatizes the fictional situation of Mark and Tracy Carter as they attend a judicial case conference, where they agree to reduce Mark's monthly child support payments, and a Supreme Court Chambers hearing, where the master rules that Mark must still pay child support arrears.

***For Your Protection: Peace Bonds and Restraining Orders***

Booklet, 25 pages (approx.)

Revised 2003

Available in Chinese, English, and Punjabi

This booklet explains how and when you can apply for peace bonds and restraining orders, and what the differences between them are. It was produced for women who need protection from violent partners or ex-partners, but the information applies to anyone in an abusive relationship. A list of resources is included.

### ***If Your Marriage Breaks Up: Dealing with the Legal Issues***

Booklet, 80 pages (approx.)

Revised 2005

Available in English and French

A booklet for people who are thinking about leaving their marriages or who have already left, *If Your Marriage Breaks Up* explains what the legal issues are when people separate, including what happens to the children, what the issues about money and property are and how to settle them, and where to get legal help and information.

### ***Making Your Case: The Family Court Process***

Video, 22 minutes

2000

Available online at

[www.familylaw.lss.bc.ca/subjectareas/videolist.asp](http://www.familylaw.lss.bc.ca/subjectareas/videolist.asp)

*Making Your Case* is a 22-minute video designed for people who have to go to BC Family (Provincial) Court without a lawyer. Using the fictional case of a child support dispute between two parents as an example, this video takes viewers through the various stages of court proceedings, including filing a court application, serving documents, giving evidence, cross-examining, summarizing, and hearing the judge's order.

### ***Parents' Rights, Kids' Rights: A Parent's Guide to Child Protection Law in BC***

Booklet, 38 pages (approx.)

Revised 2004

Available in English and French

This easy-to-read booklet is for the parents or guardians of a child. It's written to help you if the BC Ministry of Children and Family Development removes your child from the home or tells you they have concerns about your child's safety or well-being.



*Parents' Rights, Kids' Rights* explains what parents' legal rights and responsibilities are, what the court process is like, and where you can get legal help. Other family members and advocates may also find this booklet useful.

***Speaking of Abuse: Violence Against Women in Relationships***

Booklet, 46 pages (approx.)

1998/1999/2004

Available in Chinese, English, Farsi, French, Punjabi, Russian, Spanish, and Vietnamese, and in an Aboriginal version

This booklet is based on the Attorney General's policy on violence against women in relationships. It reflects changes to the laws that affect women who are in abusive relationships, and explains how a woman can help herself by understanding her rights.

This is an informative resource for both women in abusive relationships and the advocates and victim service workers who work with them.

***Sponsorship Breakdown***

Booklet, 33 pages (approx.)

Revised 2003

Available in Chinese, English, Korean, Punjabi, Spanish, and Vietnamese

*Sponsorship Breakdown* contains useful information for people whose sponsorship to Canada breaks down. It explains what to do if the person who sponsored you is unwilling or unable to support you, and you are unable to support yourself. *Sponsorship Breakdown* is written for family class immigrants (people sponsored by a child, grandchild, husband, wife, same-sex partner, or parent).

## ***Welfare Rights on Indian Reserves in British Columbia***

Booklet, 35 pages (approx.)

Revised 2005

This booklet answers questions about income assistance (welfare) for people living on Indian reserves in BC (even if you're not Aboriginal) including —

- how welfare on reserve works,
- how welfare on reserve differs from welfare off reserve,
- what benefits are available,
- who can get welfare on reserve,
- how to get welfare on reserve, and
- how to appeal if you are turned down.

The booklet also contains a list of welfare advocacy groups throughout BC.

## ***When I'm 64: A Guide to Benefits and Services for People Aged 60 and Over***

Booklet, 100 pages (approx.)

Revised 2005

This booklet will answer your questions about government pensions, benefits, and services for older people.

## ***Your Welfare Rights: A User's Guide to BC Employment and Assistance***

Booklet, 108 pages (approx.)

Revised 2005

This booklet will answer your questions about income assistance (welfare), including:

- how to apply for benefits;
- what benefits are available;
- how to become and stay eligible for benefits;
- what other benefits are available, like crisis benefits, transportation costs, or medical benefits;
- how to appeal a decision about your case; and
- who can help.

See the back cover of this booklet for how to order these publications or videos.



Most LSS publications are now available on our website at [www.lss.bc.ca](http://www.lss.bc.ca). Our family law publications and videos are available on the family law website at [www.familylaw.lss.bc.ca](http://www.familylaw.lss.bc.ca). If you can, please download materials from our websites or view them online.

To order any of the publications or videos illustrated above and described in this booklet, write, phone, fax, or e-mail:

Distribution  
 Legal Services Society  
 400 – 510 Burrard Street  
 Vancouver, BC V6C 3A8  
 Phone: (604) 601-6075  
 Fax: (604) 682-0965  
 E-mail: [distribution@lss.bc.ca](mailto:distribution@lss.bc.ca)