



Moving On

A Practical Guide for Women Leaving a Relationship

PEI Advisory Council on the Status of Women
2013 Edition



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About the Advisory Council...

The PEI Advisory Council on the Status of Women (PEIACSW) is an arm's-length government-appointed Council. Nine Council members are selected from among Island women who have demonstrated a commitment to women's equality and who represent regional, cultural, and ethnic diversity. The Council believes that women's equality is the foundation for equality for all people. Women's inequality continues to influence discriminatory attitudes and actions that affect our society and culture, our politics and laws, and our economies. Council believes that women's independent social and economic security is key to equality and to freedom from physical, emotional, and sexual violence.

For additional copies of *Moving On* contact the

PEI Advisory Council on the Status of Women

Location: Sherwood Business Centre, 161 St. Peters Road

Mailing address: PO Box 2000, Charlottetown, PEI C1A 7N8

Phone: 902-368-4510

E-mail: info@peistatusofwomen.ca

Website: www.gov.pe.ca/acsw

Blog: peiacsw.wordpress.com/

Facebook: facebook.com/peistatusofwomen

Twitter: twitter.com/peiacsw

Videos: vimeo.com/peistatusofwomen

Moving On is available in PDF format on the Council's website

www.gov.pe.ca/acsw

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Introduction

Even in the best circumstances, leaving a relationship can be stressful, confusing, and overwhelming. *Moving On* provides information to help you make decisions that are good for you as you leave a relationship. The information in this booklet applies to both same-sex and opposite-sex relationships.

Once you have decided to leave, it is essential that you make a plan to protect yourself financially, legally, and emotionally. It is also important to prepare for a life independent of your spouse. It could take months or longer to decide issues such as custody and access of children, division of property, and child support, so it is important that you have a solid plan in place before you and your spouse separate.

Making a plan before you leave will protect your rights and help ensure you and your children have options. This booklet is for general information only and does not replace legal advice. Every woman's situation is different. How the law affects you depends on your situation. For legal advice you should consult a lawyer.



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: If your partner **abuses you or hurts the children**,
 : you can get support, information and shelter through PEI
 : **Family Violence Prevention Services (PEI FVPS)**. To speak
 : confidentially with a trained worker call 902-892-0960 in
 : Charlottetown or toll-free at 1-800-240-9894. You can also
 : go to <http://www.fvps.ca>.
 :
 : If you or your children are in immediate danger, call 911.
 :
 : If you are living in an abusive relationship, see the information
 : beginning on page 4 and in text boxes throughout the
 : booklet. **You have a right to live free from violence.**
 :
 :

Get Emotional Support



Leaving a spouse or partner can be one of the most stressful events you will face in your life. It can also be a big relief. You may feel scared, angry, worried, guilty, confused, excited, sad, or numb. You could feel many different emotions at once. It is just as important to deal with the emotional impact of leaving a relationship as it is to handle the legal and economic consequences.

You will need an ally or confidante. Think about a person you trust, a person in your life you can talk to about how you are feeling. Choose someone who will listen to you, who won't judge you, and who will support you. A trusted ally can be very important as you face many changes and many decisions.

You may also wish to go to a counsellor. A counsellor is trained to understand feelings and to help you sort things out. She or he will listen and help you to make the decisions that are right for you. She or he may help you understand the dynamics of the relationship you are leaving and may help you consider the best ways to act and react in response to your former spouse. Talking with a counsellor will help you to have the information and support you need to consider all your options.

Counselling is confidential. The counsellor will not tell anyone what you talk about without your written agreement, except if a counsellor worries you might hurt yourself or someone else or that a child is being abused or neglected. Usually a counsellor will have you sign an agreement about confidentiality. The agreement should state clearly why or when the counsellor would have to break confidentiality.

There are several places you can go for counselling; some are free, others charge reasonable fees based on what you can afford, and some have a fixed hourly rate. If there is a fee and you have a health insurance plan, the fee may be partially or fully reimbursed, depending on details of your insurance plan.



.....
 : If you need help immediately, you can access :
 : emergency psychological counselling at the nearest hospital. :
 :

Also look into whether you have access to an **Employee or Family Assistance Plan** through your household members' employers. These plans sometimes provide access just to employees and sometimes to everyone an employee lives with. A plan may provide counselling services, either directly or through referral to a pre-approved provider, often free of charge up to a certain number of hours, and typically confidential.

Community Mental Health is a government service that offers short-term, individual counselling, and some group programs. There is no charge for the service. When you call to make an appointment, be prepared to briefly explain your situation over the phone.

You may have to wait for an appointment, depending on the availability of counsellors. It is okay to ask the staff how long they think you will wait before having a session.

- : **Community Mental Health**
- : Charlottetown: 902-368-4430
- : Summerside: 902-888-8180
- : Montague: 902-838-0960
- : Souris: 902-687-7110
- : Alberton: 902-853-8670
- : O'Leary: 902-859-8781

Community Agencies can provide counselling at a reduced rate. This means fees can be lower for people who do not have a lot of money. If you have a

low income or no income, you may want to ask the intake worker about reduced rates. The worker will talk to you about a fee you can afford and whether the agency can offer that rate. If there are a lot of people going to the agency who need lower rates, you may have to wait in order to see a counsellor at a reduced fee.

- : **Catholic Family Services**
- : Charlottetown: 902-894-3515
- : admin@catholicfamilyservice.ca
- : *Catholic Family Services does not charge a fee for clients living in a family violence relationship. You do not have to identify as Catholic by religion to receive help.*
- : **Family Service PEI**
- : Charlottetown: 902-892-2441
- : Summerside: 902-436-9171
- : info@familyservice.pe.ca

Get Emotional Support, continued

The names of private counsellors and other community agencies are listed in the yellow pages of the phone book under Marriage, Family & Individual Counsellors. Private counsellors usually charge a fixed hourly rate, but it is okay to ask about reduced fees for people with low incomes.

If you are thinking about trying couples counselling, it is best to speak with a counsellor one on one to determine whether couples counselling is a good option for you and your family. A counsellor or agency may screen you for violence in your relationship before offering a service for you and your spouse. If you know you are in an abusive relationship, or if your counsellor screens you for violence or high risk of violence, couples counselling may not be safe or appropriate.



.....
: **Women in violent or potentially violent relationships** :
: have special needs and special decisions to make regarding :
: their safety when planning to leave a relationship. In addition :
: to any counselling you receive, you may want to contact :
: **Anderson House**, a shelter and crisis line for women and :
: their children who have been abused or who live in fear of :
: abuse. The **Chief Mary Bernard Memorial Women's Shelter** is :
: a shelter for Aboriginal and non-Aboriginal women and their :
: children experiencing family violence and homelessness. :
: Shelter workers at Anderson House and the Chief Mary :
: Bernard Shelter are available 24 hours a day. You can call to :
: talk with them even if you do not wish to stay at the shelter. :
: Shelter staff are trained women who will respect your privacy :
: and your choices. **Call Anderson** :
: **House** in Charlottetown at :
: 902-892-0960 or toll-free :
: at 1-800-240-9894. :
: **Call Chief Mary Bernard** :
: **Memorial Women's Shelter** in :
: Lennox Island at 902-831-2332 :
: or toll-free at 1-855-297-2332. :
:.....



Know Your Rights and the Rights of Your Children



You may have a lot of questions, and you may feel unsure about a lot of the decisions ahead of you. Learning about your basic rights will help you to make decisions about your future. When you leave a relationship, you may have rights to property (such as the house, RRSPs, pensions, and savings) and spousal support. You and your ex will also have to decide upon custody of the children and a parenting plan.

Your children have a right to a safe, positive parenting arrangement that is focused on their best interests. They also have a right to financial support from both their parents, so child support may be owed.

Important: Sometimes, fear and intimidation can negatively impact your ability to negotiate what is best for you and your children. Don't give up any of your rights or make decisions without considering all options and seeking trusted, neutral advice. If at all possible, avoid making any important decisions during times of crisis. If you can, speak with a lawyer before moving out, and always speak to a lawyer before signing an agreement.

Community Legal Information Association (CLIA) can provide legal information over the phone, by email, or in person. They have plain language legal information on many topics, including family law. CLIA does not give advice but can provide you with basic information about your rights, the rights of your children, and the law.

- **CLIA (Community Legal**
- **Information Association)**
- 902-892-0853
- Toll-free: 1-800-240-9798
- www.cliapei.ca



Marriage Versus Common-law Relationships



Marriage is a legal contract entered into by two people. To become a married couple, you must have a legal marriage certificate. To end a marriage, you must get a legal divorce or a legal annulment.

Common-law relationships begin when two people decide to move in together as sexual partners. There is no legal ceremony. Many people believe a common-law relationship becomes a legal marriage after some time. This is not true. The only way to become a married couple is to legally marry. To end a common-law relationship, you simply need to move out.

Married and common-law partners have a legal responsibility to support each other and any children they have while they are living together. This obligation does not end with separation. Depending on your circumstances, child support or spousal support may be owed to you, regardless of whether you were legally married or common-law. Please see pages 11 to 14 for more information.

One major difference between married and common-law couples is division of property after separation. Married women are entitled to an equalization of the family property that was accumulated during the marriage, regardless of which spouse legally owns the asset. Women living common-law do not have this right. In common-law relationships, no equalization takes place. For common-law couples, the person who legally owns the asset, usually keeps it. For example, in a common-law relationship, the person whose name is on the car registration owns the car, whereas in a marriage, the car is considered an asset to be included in the division of property even if only one name appears on the registration.

However, there have been cases where a judge has ordered a fair division of property for common-law couples.

If you have concerns about division of property, it is best to speak to a lawyer. For more information on division of property, see page 15. If you are an Aboriginal woman, division of property may also be different for you. See page 17 of this guide for more information about Aboriginal property rights.

For federal tax purposes, after 90 days of separation, you should inform Canada Revenue Agency of your separation by completing a Marital Status Change form (form #RC65) or by sending a letter to your local tax office. This applies if you were married or in a common-law relationship.

- **Canada Revenue Agency**
- 1-800-959-8281
- TTY (Teletypewriter): 1-800-665-0354
- www.cra-arc.gc.ca



Custody and Living Arrangements for Children



In situations where both parents lived with the children, the law assumes that the separated spouses have **joint custody**. This means both parents have an equal say in major decisions about the children regardless of the amount of time the children spend with each parent.

Sole custody refers to a situation where only one parent has the right to make major decisions about the children.

When some of the children live with one parent and some children live with the other parent and each parent makes decisions for the children who live with them, it is called **split custody**.

Regardless of whether you have sole, joint, or split custody, one decision that must be made is where the children will live and what access arrangement will be in place in situations where the children live primarily with one parent.

If you have joint custody, you do not automatically have the children in your care for 50% of the time, although many couples choose this arrangement. For parents with joint custody, the parenting arrangement can be any arrangement that works for both parents and is in the best interests of the children. In the case of sole custody, the parent who has custody of the children usually has the children with them the majority of the time, but there can be other arrangements. Even if you have sole custody, your children have the right to spend time with their other parent, so you will need to decide upon visitation.



.....
: For the purpose of this booklet, we will assume you :
: lived with the children's other parent and that you and your :
: spouse have joint custody. If there is or has been violence :
: or fear in your relationships, do not enter into agreement for :
: joint custody without talking to a lawyer. :
:.....

One of your first decisions is whether you will take the children with you when you move. If you take them, you must begin thinking about negotiating a long-term parenting plan with your spouse. Parents with joint custody have equal authority to make decisions about the children and your children have the right to spend time with both of you.

If you decide it would be best for your children to stay behind with the other parent, you don't have to take them with you. Leaving the children behind doesn't mean that they can't live with you in the future, but it might suggest to the Court that you think this parenting arrangement is in their best interests. It could take a long time for the Court to help you get the children back in your care and it may be harder to get an order for child custody later, if you decide to pursue it.

When it comes time to negotiate the parenting plan, you and your spouse can decide on your own where the children will live. Together, you can create a custody arrangement that is best for you and your family. If you find it difficult coming to an agreement, a lawyer, collaborative practitioner, or mediator may be able to help. For more information about out-of-court options, see pages 42-43.

If, despite out-of-court options, you cannot come to an agreement about the living arrangements of the children, you will have to go to court. This may take some time and will cost money. All court decisions on child custody are decided based on the same legal test – the best interests of the children. The courts favour custody arrangements that allow the children to have a strong relationship with both parents. If you have reason to believe the children would not be safe with the other parent, such as in cases of family violence, speak with a lawyer right away.



Custody and Living Arrangements for Children, continued

Once you have an agreement or a court order about custody, day-to-day life should begin to settle into a routine. In time, you may wish to go on a vacation or move. If you would like to plan a vacation or you want to move out of province, you need to speak with your spouse or a lawyer. You cannot move the children out of province without the other parent's written consent or a court order. If you want to take the children on a trip, it is also important to get written consent from the other parent. Border personnel will ask you to provide legal documents stating that the children can leave the country. It is best to consult with a lawyer to ensure the document is written properly.

It can be challenging learning how to parent after separation. **Positive Parenting from Two Homes** is a provincial government program offered free of charge, over two evenings, to families going through separation and divorce.

You learn ways to develop

a business-like relationship
with the other parent; how
to respond to children's grief;
how to make a parenting plan
and other important issues
related to co-parenting.

• **Positive Parenting from**
• **Two Homes**
• 902-368-4333
• Toll-free: 1-877-203-8828
•
•

The program is designed so that you do not take it with your co-parent. Positive Parenting also provides a program for children.



.....
: If, at any time, you have reason to believe the other :
: parent is abusing or neglecting the children, or exposing the :
: children to abuse or neglect by them or someone else in their :
: home, call Child Protection at 902-368-5330 or 1-877-341- :
: 3101 on weekdays and 902-368-6868 or 1-800-341-6868 :
: on evenings, weekends, and holidays. :
:.....

Child Support



Both parents must contribute to the costs of raising their children. If the children are with you more than 60% of the time, the other parent has an obligation to provide child support. In this case, the basic amount of child support (which includes support for food, housing, clothing and other basic needs) depends on the income of the paying parent, not both parents. If there are special expenses (such as childcare, medical expenses and schooling expenses) both parents' incomes are considered.

If each parent has the children between 40% and 60% of the time, child support may still be paid. The amount is generally, but not always, based on the difference in the parents' incomes and the **Federal Child Support Guidelines** tables. If the parents' incomes are equal, in many cases no child support will be paid by either parent. If the parents' incomes are not equal, a set off amount may be determined using both parents' incomes and the Child Support Guidelines tables as a starting point. Discretion of the Court can then be used depending on the needs of the children and the incomes of the parents.

Child support is determined by the Federal Child Support Guidelines. The amount of child support you pay or receive depends on the number of children you have, your parenting arrangements, the income of the paying parent, where you live, and any special circumstances. Both parents are also responsible for sharing extra costs such as childcare, extracurricular activities, education expenses and medical expenses, in proportion to their incomes. These costs are called Section 7 expenses.

A lawyer can help you get a court order or agreement for child support. If you cannot afford a lawyer or do not wish to use the services of a lawyer, you may apply to the Court for child support yourself.

Child Support, continued

The **PEI Child Support Guidelines Office** provides information about the Child Support Guidelines and can provide you with the forms you need to apply to the courts for child support or a variation of child support. For more information or to use this service, call 902-368-6220 in Charlottetown or 902-888-8188 in Summerside.



It could take several weeks or months before you start receiving child support. In some cases, the other parent may refuse to pay any money at all, despite being legally required to do so. An agency that can help you collect child support is called the **Maintenance Enforcement Program (MEP)**. There must be a support agreement or court order for child support in place before you can use this service. You must register the support order or agreement with them by completing a filing information form.

If the paying parent refuses to make payments, the Maintenance Enforcement Program will take necessary steps to enforce the order or agreement with the authority given to them under the Maintenance Enforcement Act. The MEP can also collect payments for child support orders and agreements from other provinces and can help you register your order or agreement in another province if the paying parent moves.

The MEP cannot guarantee collection of support, but the program can take action to attempt to collect payments. To register a child support order or agreement with the Maintenance Enforcement Program, call 902-894-0383. If you are unable to go to the office in person, the filing form can be mailed along with a certified copy of the order or agreement. If the paying parent is living outside of PEI, send three copies.

Most child support orders or agreements have a recalculation clause. If your spouse is the paying parent, this clause gives the **Administrative Recalculation Office** the ability to ask your former spouse for their financial information each year. They can review and recalculate the basic child support amount in accordance with the Child Support Guidelines to be sure that child support remains accurate. To register a child support order or agreement to the Administrative Recalculation Office, call 902-368-4109. Either parent can register.

If you wish to get a legal divorce, you must have a child support arrangement in place. A divorce will not be granted until satisfactory arrangements have been made for the parenting and support of any children of the marriage.

- **Child Support Guidelines Office**
- Charlottetown: 902-368-6220
- Summerside: 902-888-8188
-
- **Maintenance Enforcement Program**
- 902-894-0383
- Honourable C.R. McQuaid Family Law Centre
- 1 Harbourside Access Rd, PO Box 2290
- Charlottetown, PE C1A 8C1
-
- **Administrative Recalculation Office**
- 902-368-4109
-

Spousal Support



When you leave a relationship, you may be entitled to financial support from your spouse or partner.

Spousal support is not guaranteed like child support. Many separating couples do not have spousal support agreements or orders. When a couple agrees to spousal support or the court orders it, it is usually a time-limited arrangement until both partners can support themselves. However, spousal support can be indefinite in certain circumstances, such as if one partner has a disability, is of an advanced age, or has health issues.

The amount of money you receive may be decided by you and your partner or by the Court. If it goes to court, it could take several months. The amount of money you receive depends on many factors, such as the length of time you and your spouse were together, your financial prospects, the roles you each played in the marriage and your spouse's ability to pay.

If you need spousal support and your spouse will not agree to it, you need to speak to a lawyer. Receiving spousal support has tax implications, so it is a good idea to speak with a financial professional if you will be receiving spousal support.

Division of Assets



It will usually take several months to decide how the assets and debts will be divided. You and your spouse may decide on your own or, if you can't agree, the courts will decide for you. It is important to remember that there may be tax implications as you take steps to divide your property. It can be a good idea to contact a financial professional for guidance.

Legally Married Women

Women who are legally married are entitled to an equal share of the value of the family property accumulated during the marriage, regardless of who legally owns the asset. Assets include money in the bank, homes, furniture, cars, life insurance, cottages, pensions, and RRSPs. Every case is different, and there are exceptions such as inheritances, assets excluded in a domestic contract (sometimes called a prenuptial agreement), or personal injury settlements, which may not be included in the equalization.

You are still responsible for debts acquired in your name during the marriage. If you have been left with a significant amount of debt as a result of the marriage, the Court may compensate you through an unequal division of family assets.

You may wonder if you can have your spouse move out so you and the children can stay in the home. Although you cannot alter your spouse's ownership rights in the home, you can apply to the Court for an order for exclusive possession of the family home until the Court decides upon how the family property will be divided. You cannot change the locks or sell the home without your spouse's consent.

Regardless of whether you move out and whether your name is on the deed, the value of the family home will be included in the equalization.

Division of Assets, continued

Women in Common-law Relationships

Property laws are different for common-law relationships. You are not legally entitled to an equal share of the value of everything acquired during the relationship. You are also not legally responsible for the debt your partner has, unless you co-signed for the debt or signed a contract agreeing to split any debts during the relationship.

In a common-law relationship, each person is entitled to items for which they can show proof of purchase. If you are in a common-law relationship, it is important to get legal advice about division of assets. The courts have ordered a fair division of property for common-law couples, depending on the individual circumstances, so you may wish to take the matter to court.

If you are in a common-law relationship and you wish to have your spouse leave the family home, you should speak to a lawyer.



.....
: Whether you are legally married or in a common- :
: law relationship: If your spouse abuses you physically or :
: emotionally, you may be able to get an **Emergency Protection** :
: **Order (EPO)**. This is a court order that allows police to take :
: the abuser out of the home temporarily and sometimes :
: provide temporary support for you and your children. You do :
: not need to go to court or hire a lawyer for an EPO. If you :
: report the situation to the police, they will decide if this court :
: order is appropriate. It is meant to be a temporary order until :
: a more permanent arrangement can be made. See page 47 :
: for more information. :
:

Aboriginal Women's Property Rights



For Aboriginal women living off reserve, your property rights during separation and divorce are the same as for non-Aboriginal women described in this booklet. For Aboriginal women living on reserves, division of property obtained during the marriage can be complicated. For the most part, provincial laws about division of marital property do not apply on-reserve. As well, the Indian Act does not deal with marital property.

Provincial laws can still help you to determine how to divide the overall value of the marital property. You can ask a court to decide what your share of the marital property will be, which is often 50%. The court can order one spouse to pay the other to make an equal division of the couple's total marital property. Even with a court order, it can be difficult to get what is owed to you because there is no law the court can use to force the sale of a home on a reserve.

If both of your names are on a **Certificate of Possession** for the home, neither one of you can be forced to leave the home. If your spouse has a certificate, the courts are not able to transfer possession of the home to you. You can find

out whose name is on the certificate from the Band office or through **Aboriginal Affairs and Northern Development Canada.**

- **Aboriginal Affairs and Northern Development**
- 1-800-567-9604
- InfoPubs@aadnc-aandc.gc.ca

If your family was given the property by the Band, you will have to ask the Band to make a decision about who will be allowed to stay in the home.

You may wish to use the **CLIA Lawyer Referral Service** to get legal advice on division of property on reserve.

- **Lawyer Referral Service**
- 902-892-0853
- Toll-free: 1-800-240-9798
- clia@cliapei.ca

Aboriginal Women's Property Rights, continued

As of the print date of this booklet, the proposed federal legislation Bill S-2, Family Homes on Reserves and Matrimonial Interests or Rights Act, was before the House of Commons. If proclaimed, this Act will change how marital property is dealt with on-reserve. The Act would provide basic rights and protections about marital property to individuals on reserves during the relationship, in the event of a relationship breakdown, and in the event of the death of a spouse or common-law partner.

- For more information about division of property on-reserve:
- **Aboriginal Affairs and Northern Development Canada**
- 1-800-567-9604
- InfoPubs@aadnc-aandc.gc.ca
- Other organizations that can provide information:
- **Aboriginal Women's Association of PEI**
- Charlottetown 902-892-0928 (Mi'kmaq Family Resource Centre)
- Lennox Island 902-831-3059
- **Native Women's Association of Canada**
- Toll-free: 1-800-461-4043



Information in this section is drawn from a CLIA publication called Health & Safety Plan for Aboriginal Families, written in collaboration with Aboriginal Affairs and Northern Development Canada.

Information for Immigrants and Newcomers to Canada



Immigrants and newcomers to Canada have special considerations when dealing with a separation or divorce. It is best to speak to a lawyer with expertise in immigration law and family law before making any decisions. You may also wish to contact **Citizenship and Immigration Canada (CIC)** to better understand the effects a separation or divorce may have on your status. CIC can be reached at www.cic.gc.ca or 1-888-242-2100.

The **PEI Association for Newcomers to Canada (PEI ANC)** provides short-term settlement services, and long-term inclusion and community integration programs for new immigrants in the province of Prince Edward Island. They may be able to help you find services and information. PEI ANC can be reached at 902-628-6009 or through their website at www.peianc.com.

- **Citizenship and**
- **Immigration Canada**
- Toll-free: 1-888-242-2100
- www.cic.gc.ca

- **PEI Association for**
- **Newcomers to Canada**
- 902-628-6009
- www.peianc.com



..... If you are leaving a relationship due to violence
: or abuse, you can access help and temporary shelter at :
: Anderson House. Call Anderson House in Charlottetown at :
: 902-892-0960 or toll-free at 1-800-240-9894. Their website :
: is <http://www.fvps.ca>. You can also call Chief Mary Bernard :
: Memorial Women's Shelter in Lennox Island at 902-831-2332 :
: or toll-free at 1-855-297-2332. :
:.....

Dividing Pensions



Dividing pensions can be complicated, but pensions are considered part of the family property and, for legally married women, included among the other family assets to be equalized after separation.

Federal Canada Pension Plan (CPP)

You are entitled to split your partner's **Canada Pension Plan (CPP)** credits that were earned during the time you were married or living together. In common-law relationships, a couple must have been living together for at least one year to qualify.

You are eligible to split CPP credits even if you never held a job outside the home and didn't contribute directly to the pension. You should contact the Income Security Programs office to be sure that your share of your partner's pension credits are put in your name for you to use when you become eligible for pension benefits.

Whether you are legally married or in a common-law relationship, once you have been separated for one year, you may then apply. If you are in a common-law relationship, you have three years to apply after being separated for one year. There is no time limit for applying for women who are, or were, legally married.

For information about splitting the CPP, call Income Security Programs.

- **Income Security Programs**
- Toll-free: 1-800-277-9914
- TTY: 1-800-255-4786

If you are a senior, it is important to contact the Income Security Office right away to find out about your rights for Old Age Security benefits. As soon as you have separated, call to tell them of your new status.

Other Pensions

For married women, the value of their spouse's other pensions (such as government or teacher's pensions or pensions from private companies) are considered family assets, and the value of the pensions are subject to being equalized. Women in common-law relationships may also be eligible to a share of their partner's other pensions, depending on the regulations of the specific pension plan.

Pensions can have significant value and the amount provided by the pension plan administrator, often called the commuted value, may not be the fair value of the pension that you should use for division of property. You may wish to speak with a financial professional to be certain you have the correct value.

You should speak with a representative of each pension plan to understand what you may be entitled to. If you need to speak with a lawyer, contact **Community Legal Information Association of PEI (CLIA)**. They can provide you with a referral to speak with a lawyer for a modest fee.

- **Community Legal Information Association (CLIA)**
- **Lawyer Referral Service**
- 902-892-0853
- Toll-free: 1-800-240-9798
- www.cliapei.ca



Get Advice from a Lawyer



The best way to protect your rights is to get advice from a lawyer. A lawyer will help to ensure that you are protected both legally and financially.

If you don't know a lawyer, look in the yellow pages under "lawyers" or ask a friend to recommend one. You can also contact **Community Legal Information Association** for a lawyer referral. This program offers you a brief consultation with a lawyer at a modest fee.

- : **Community Legal Information Association (CLIA)**
- : **Lawyer Referral Service**
- : 902-892-0853
- : Toll-free: 1-800-240-9798
- : www.cliapei.ca

When you call a law firm, ask to speak with a family law lawyer. You can ask questions about the lawyer's experience and fees. You may also want to ask if there is a charge for your first visit. You do not have to hire the first lawyer you speak to. You can "shop around" until you find someone with whom you feel comfortable.

Once you choose a lawyer, be sure to get a written estimate of the cost of your legal fees and any other expenses such as court fees and postage. Find out about the lawyer's billing practices and whether you can make a payment plan. The lawyer will probably ask for some money up front at the second visit, so be prepared.

It is a good idea to prepare for your meeting with the lawyer. Write down information the lawyer will need and questions you would like to ask during the meeting.



Checklist:

Preparing to Meet with a Lawyer

You may wish to write down:

- When you and your partner married or started living together
- All the names of people living in your immediate family and their dates of birth
- Patterns of child care (who took care of the children)
- History of violence or abuse
- Financial status for you and your spouse
- If you are already separated, any issues or problems around custody and access
- Your and your spouse's social insurance numbers (SIN)
- Information about your finances and marital property

Here are some questions you may want to discuss with the lawyer during the first visit:

- What are my options?
- Do I have to go to court, or can it be resolved outside of court?
- What is mediation and collaborative practice and are they a possibility for me?
- What is the process – where do we go from here?
- How long might it take?
- How can I prepare and protect myself in the early stages of separation?
- What about custody and access to the children?
- What about maintenance and child support?
- What about property rights?
- What are your fees? How much will it cost? How can I pay you?

Get Advice from a Lawyer, continued

Legal Aid

If you can't afford a lawyer, you may be eligible for **Legal Aid**. Legal Aid is a government program that provides legal services for low-income families who cannot afford to hire a lawyer themselves. There must be children involved, and priority is given to women leaving violent relationships. It's best to contact Legal Aid to discuss your situation.

PEI Legal Aid also provides services in child protection cases. If you must go to court because Child and Family Services wants to take your children into care, PEI Legal Aid may provide a lawyer.

To find out if you are eligible for family legal aid, call the Legal Aid Office in Charlottetown or Summerside.

- **PEI Legal Aid Offices**
- Charlottetown: 902-368-6043
- Summerside: 902-888-8219
-



Get Advice from a Financial Professional



It can be confusing and overwhelming as you try to determine how to divide family property and how to deal with other financial issues. It is important that you do not make any decisions or sign any agreements without neutral, professional advice.

Before making any decisions about financial matters, speak to a financial professional, such as an accountant, who has experience in helping clients going through separation and divorce. Your lawyer can help you find a financial professional or you can contact the **Academy of Financial Divorce Specialists** or you can contact the **Institute for Divorce Financial Analysts**.

When you call a financial professional, it is okay to ask about their expertise and experience in family law matters.

- **Academy of Financial Divorce Specialists**

- Toll-free: 1-888-893-7526

- www.afds.ca

- **Institute for Divorce Financial Analysts**

- 1-800-875-1760

- www.institutedfa.com





Checklist: Gather Important Documents

The justice system depends on paperwork, and this is true in family law matters. It is a good idea to collect what you need before you leave because it may be difficult to get later. Here is a list of documents and other items to take with you. If possible, take originals of your own, the children's, and joint papers. Take photocopies of your spouse's papers.

- Recent pay stubs for both you and your spouse
- Recent credit card statements (yours, your spouse's, and joint statements)
- Recent bank statements (yours, your spouse's, and joint accounts)
- Cheque books or bank books
- Income tax statements for you and your spouse
- Recent bills (phone bills, electric bills, car repair bills, cable bills, and so on)
- Print-outs of correspondence, including emails, about finances
- Pension information for you and your spouse
- Savings bonds
- Mortgage or lease and any property deeds
- RRSP statements
- Investment statements
- Car, life, and other insurance documents
- Marriage license
- Birth certificates for you, your spouse, and any children

- Passports for you, your spouse, and any children
- Citizenship or Immigration papers
- First Nation status cards
- Court orders
- Child custody papers
- Health cards
- Social Insurance cards for you and your children (write down your spouse's SIN)
- Driver's license for you and copy of your spouse's
- Car registration



How Will You Support Yourself?



Consider your financial resources. Do you have a job? Do you receive a pension? Are you receiving social assistance or employment insurance? How much money do you currently receive each month? How much money do you have access to? If you are earning your own money, is it enough to support you and your children?

If you and your spouse have not reached an agreement, it could take months to start receiving child or spousal support payments. It could take a while to find a job or get social assistance or employment insurance benefits. You must be prepared to support yourself and your children until then. If you don't have a job and don't have any type of income, you must plan how you will support yourself when you leave.



Checklist:

Planning to Support Yourself

Some possible options:

- Start looking for a job before you leave.
- Save money over a few months in a separate bank account in your name only.
- Withdraw enough money from your joint bank account to cover your expenses until you get yourself settled. Remember that anything you take will be considered during division of property. Your spouse could empty the account later, so it is a good idea to take what you need before leaving.
- Borrow some money from a friend or relative until you get yourself settled.
- Contact Social Assistance to see if you can get financial assistance.

Credit



You may need access to credit in order to help support yourself and your children once you leave. It is a good idea to establish your credit rating before you leave so that it will be easier to borrow money. Creditors such as banks and credit card companies will provide loans or give credit if you have proven in the past that you pay on time, have property and collateral, or have a reliable source of income.

Some ways to establish a credit rating:

- Meet with loans officers at various banks or financial companies. You may be able to establish a relationship of mutual trust with a person at one company.
- Take advantage of credit card companies or store promotions to open an account. Maintain a positive credit record with them by always making your payments on time and in full.
- Take out a small secured loan. The money you borrow is secured against something you already own, such as an amount of money in an untouched savings account. (If you can't repay the loan, the bank will take whatever you secured the loan against.)

A good way to make sure you don't take on too much debt is to map out a realistic monthly budget. In the budget, figure out how much money you can pay onto debt each month. Try to make sure you only carry an amount of debt you can reasonably pay off. If you have a high level of debt and must miss making payments, it is a good idea to contact an accredited credit counsellor.

If you need help dealing with debt or you have questions about establishing your credit, you may find credit counselling helpful. Credit counselling is available free of charge at **Family Service PEI**.

- **Family Service PEI**
- **Credit Counselling**
- 1-866-892-2441
- www.familyservice.pe.ca/credit-counselling/

Financial Tips to Protect Yourself



Here are some of the things you can do to protect your personal finances:

- If you are expecting a cheque in the mail from an employer or government office, call them as soon as possible to ask that any cheques be mailed to your new address. You can also ask to have mail sent to a trusted friend, or you can make arrangements to pick up your mail at the post office.
- Open your own bank account. If you have your own money, move the money into your personal account. You should arrange for pay cheques and other payments to be deposited directly into that account. Your spouse or partner cannot remove money from your personal bank account. Remember that any money you take from joint accounts will be considered later during division of property. For your online banking, make sure you choose a new password that is difficult to guess.
- At the time of separation, you may be worried that you will be held responsible for debts your spouse runs up after you leave. Normally, you will not be held responsible for debts by your spouse after separation. To be sure, send letters to all the banks, financial institutions, and credit card companies you and your spouse do business with to notify them of your date of separation. Keep a copy of each letter, and call at a later date to confirm that the letters have been received and accepted.
- Have your name removed from joint credit card accounts (not just Visa and Mastercard, but others such as Sears or Canadian Tire as well) and get your own card.

- Close joint bank accounts as soon as possible. This may not be able to happen quickly, so get financial statements for joint accounts, mortgages, and any other joint loans as proof of the account balances and debt load at the date of separation. You may want to keep an eye on your joint accounts using online banking while you wait for the account to be closed.
- Change the Personal Identification Number (PIN) on your bank and credit cards.
- Take dated photos or a video of each room in your home and of your assets. This proves the assets exist and establishes the condition of the assets at the time of separation. This could be important during division of property later.
- If you or your children depend on your partner's medical or dental plan, your partner will likely continue coverage for the children. Your partner may agree to have coverage continue for you until you make other arrangements.



Finding a Place to Live



Sometimes friends or family can offer a place to stay after a separation. If this cannot be a permanent arrangement, you will need to think about renting or buying a home.

If you decide to rent an apartment, be sure to consider:

- Is the apartment safe? Is it a secure building?
- Does the building or apartment accommodate any special physical needs you or your children have?
- Would you feel safer living on the second floor or higher?
- Can you afford the rent?
- What will heat and lights cost?
- If you are on social assistance, ask how much is allowed for rent, heat, and lights?
- Is the apartment big enough?
- Is it close to work and school?
- Are pets permitted?
- Do you want to live alone or share an apartment?
- Do you need money for a damage deposit? (This is usually half a month's rent.)
- Are you ready to sign a lease?

Make sure you understand the lease before you sign it and keep a copy for your files.

For more information about renting and leases, contact the Director of Residential Rental Property at 902-892-3501 or toll-free at 1-800-501-6268.

- **Director of Residential Rental Property**
- 902-892-3501
- Toll-free: 1-800-501-6268

Low-income Housing

If you cannot afford to buy a home and rent is too steep for your income, there are low-income housing options on Prince Edward Island. There are waiting lists for some housing options. These options include non-profit housing, cooperative housing, and rent supplement programs. You can call Canada Mortgage and Housing Corporation at 902-566-7336 or Provincial Housing to ask about available programs. You can reach the **Provincial Housing** offices in Charlottetown, Summerside, Montague, or Souris.

- **Provincial Housing Offices**
- Charlottetown: 902-368-5770
- Summerside: 902-888-8436
- Montague: 902-838-0796
- Souris: 902-687-7098

Shelter for Homeless Women

The **Chief Mary Bernard Memorial Women's Shelter** in Lennox Island is available to Aboriginal and non-Aboriginal women experiencing homelessness or family violence or both. There is no fee for your bed or your supper for women and their children at the shelter. The shelter has programs to support you with life skills, parenting skills, and employment support. Shelter staff can provide you with information and support to meet your individual needs.

- **Chief Mary Bernard**
- **Memorial Women's Shelter**
- 902-831-2332
- Toll-free: 1-855-297-2332
- womensshelter@lennoxisland.com
- www.cmbmws.ca

Your Privacy and Internet Safety



There are ways to protect your privacy when using the Internet after leaving a relationship. Your first step is to change all of your passwords. Use a combination of letters, numbers, symbols and capitals to make your passwords safer. Even if you don't remember telling your ex-spouse your passwords, it is still a good idea to change them. If you share an email account with your ex-spouse, set up a new personal email and make sure you change your contact information on all of your accounts, such as eBay or Facebook.

Some other tips:

- If your ex-spouse sends harassing or threatening emails or messages, save them as evidence. Take them to the police.
- Consider disabling your Webcam. A webcam is a video camera that hooks into the computer, and allows video or a succession of still images to be instantly transmitted to other people through the internet. Many laptops and newer computers come with a built-in Webcam. Call the company that made your computer and ask how to disable it. This way no one can watch you without your knowledge. If you use your webcam, you may want to unplug it when it is not in use.
- Talk to a computer technician at a local shop about free, safe software that can scan your computer for malware, spyware and viruses. There are ways to infect your computer with software that can record your keystrokes or otherwise spy on you.
- Decide whether you wish to keep your ex-spouse as a "friend" on Facebook. If you remove him or her, consider changing your Facebook settings to keep your posts, photos and information private. This is also true for websites such as Tumblr, Twitter and other social media sites.

Transportation



Will you be able to take a vehicle with you? If not, do you have friends or family who can help with transportation? You can also check bus schedules, taxi fees, and other transportation in your area. Public transportation is very limited on PEI, so it is a good idea to research your area.

Check Your Insurance Coverage

If you are taking one of the family cars, call your insurance company to make sure you are insured. This helps protect you in case your spouse has changed the car insurance policy during the separation.

Here are some things you should know about your vehicle insurance:

- If the vehicle is owned by your spouse and the insurance is in your spouse's name, your spouse can cancel the insurance at any time. This can happen even if you are the person who normally drives that car.
- If the vehicle is jointly owned by you and your spouse, but the insurance is in your spouse's name (primary driver), your spouse can cancel the policy at any time without you knowing. If you have been insured as a second driver without your name listed, you can only add your name with your spouse's phone call or signature of agreement.
- If the vehicle is jointly owned by you and your spouse and the insurance policy has both your names, your spouse cannot cancel the policy without your written consent.
- If you own the vehicle and the insurance is in your name, your spouse can't cancel your insurance or take the vehicle.

Transportation, continued

You also have the option of taking your name off any insurance policy if you don't want to be held liable for anything your spouse does while driving a vehicle which is jointly owned by both of you. For example, if your spouse has a history of drinking and driving and both your names are on the insurance policy, you can ask to have your name deleted from the policy. This would mean that you would no longer be covered by the policy, but many people choose this option if they don't use the vehicle and don't want to be held liable if their spouse is involved in an accident.

Other insurance policies can be affected by a separation or divorce, so make sure you call your insurance company to check your coverage.



Telling Your Spouse and Children You Are Leaving



You have to decide whether to tell your spouse about your plans or whether to make plans without your spouse knowing. This can be a difficult decision.

Your spouse could become angry and your relationship could become so strained that you will not be able to live together. As a result, you could be forced to leave the home immediately, without having time to plan where you will live or how you will support yourself. It is also possible your spouse will become violent, putting you and your children in danger.

You may decide to move out and leave a letter for your spouse from you or your lawyer. If you decide to do this, it is a good idea to leave a list of any items you have taken with you.

You may feel it is better to tell your spouse before you move out to discuss possible options. For example, you and your spouse may decide that it is best if your spouse is the one who moves out.

Only you know what is best in your situation, but a counsellor can help you decide what is safest and best for you.



.....
: If you are the victim of violence or under the threat :
: of violence, you should contact local police before you leave, :
: inform them of your situation and the date you are planning :
: to leave. :
.....

It is important to make a plan to talk with your children about the separation. Depending on your circumstances and the ages of your children, you may talk to them with your spouse or on your own, before or after you leave. If you aren't sure how best to talk to your children about the separation, you may want to speak to a counsellor.

Telling Your Spouse and Children You Are Leaving, continued

When you are telling your children about the separation, avoid blaming the other parent or saying negative things about the other parent. Children also need to be reassured that the separation is not their fault. Avoid fighting with your spouse when the children are listening. It is important that the children are not put in the middle on purpose or by accident. Let the children be neutral, and encourage them to love both their parents.

Be cautious when changing your relationship status on social media websites like Facebook. Make sure that you are ready for everyone to know.

The Move



You may wish to leave on a day that your spouse is not home. This can be a good idea if you think he or she will become angry.

Take everything you need. Your spouse could change the locks and refuse to allow you back into the house to collect items you may have forgotten. Remember that things you take will still be considered during division of property if you are married and that things you take must be owned by you if you are common-law. The court may order you to return some things at a later date.



Checklist: Packing to Move

Remember to take:

- Clothing: If you are leaving in July, be sure to pack your winter clothes because it could take months before you get a separation agreement
- Cherished possessions, including pictures, jewellery, heirlooms, or china
- Children's toys, sports gear, extracurricular supplies, and school supplies
- Furniture
- House and car keys
- Medicines
- Personal address books
- Credit cards, bank books, and cheques
- Personal computer files, including photos and archives of emails
- All the important documents you have already gathered for your lawyer visits (see pages 26–27)

Separation and Divorce



You've moved out and told your spouse you want to end the relationship. It is time to begin official separation proceedings. Get started as soon as you feel ready, but the sooner the better.

You may or may not wish to hire a lawyer to deal with your separation. This is up to you, but it is always a good idea to consult with a lawyer before signing any documents. You may also want to use a lawyer for some of the work, but do other parts on your own. You and your spouse will need separate lawyers from different law firms for separation and divorce.

If you and your spouse can agree on issues such as arrangements for the children and division of assets, your legal costs will be lower. If you and your spouse cannot agree on issues, your costs will be much higher. For more information on lawyers, see page 22.

Separation Agreement

You may wish to have a separation agreement. A separation agreement is a written contract that sets out things like where the children will live, how much child support or spousal support will be paid, visitation arrangements, and how the family assets will be divided. A separation agreement can be done on your own or be drafted by a lawyer. It is always a good idea to have any agreement reviewed by a lawyer before you sign it.

If you cannot come to an agreement, you may wish to hire a mediator or a collaborative practitioner to help you. See pages 42–43 for more information on these options.

Sometimes it is impossible to work together. In this case, you may want to hire a lawyer to do the work for you. The lawyer will negotiate with your spouse or his or her lawyer to create an agreement.

You are not required by law to get a separation agreement, but it is a good idea because it sets out your and your spouse's responsibilities in a legal contract.

Divorce

You are not required to get a divorce. You could decide to remain legally separated and never divorce. However, if you wish to divorce, there are some things you should know.

You, your former spouse, or both of you jointly may apply for divorce after you have been separated for one year. If you have agreed upon issues with the children and division of property, you can use a divorce kit. You do not have to go before a judge for this kind of divorce. Community Legal Information

Association (CLIA) produces a : **CLIA Divorce Kit**
Divorce Kit that you can use with the : 902-892-0853
PEI courts. There is a fee for the kit. : Toll-free: 1-800-240-9798
: www.cliapei.ca



.....
: You do not have to wait a year to apply for divorce :
: if you apply on the grounds of adultery or physical or mental :
: cruelty. These options require you go to court to prove the :
: claims, which can be expensive and stressful. :
:

If you cannot come to an agreement about property and custody of children issues, the divorce kit will not work. In this case, you will need to hire a lawyer or represent yourself in court.

While it is true that your separation or divorce will be cheaper and less stressful if you and your former spouse can agree on issues, be wary of giving up any of your rights in order to keep the peace or reduce costs. You may regret the decision later. If you do decide to give up a right, be sure you understand what you are giving up and carefully consider the decision. Don't sign any documents without consulting a lawyer.

Mediation and Collaborative Practice



Mediation is an out-of-court option to resolve conflict. Mediation involves you, your spouse, and a mediator who does not take sides. The mediator helps you to find solutions by discovering what matters to each of you and finding common ground. The process is confidential and voluntary. Anything said in mediation cannot be used against you later.

Mediation can reduce costs because you often spend less time in the legal process. As well, when people make decisions through mediation, they are more likely to want to keep the agreements because they decided on them in the first place.

If your spouse will not agree to take part, mediation cannot happen. If your spouse is abusive or violent, mediation may not be appropriate. The mediator can help decide if mediation is a good fit for you.

It is a good idea to have a lawyer review any mediated agreements before you sign them. You want to be certain that what you are signing is in your best interests. Also, if you and your spouse have independent legal advice regarding the agreement, it is more likely to hold up in court. Mediators cannot act as lawyers and cannot give legal advice.

A financial professional can help you ensure you are making the best financial decisions before you sign.

The provincial government provides **free mediation** to resolve conflict around child custody. You can reach them at 902-368-6928. For other issues, such as property and spousal support, you will need a private mediator. **Private mediators** can help you and your spouse come to an agreement about all aspects of your separation for a fee.

Community Legal Information Association has a list of private mediators. Another place to look is in the Yellow Pages under “mediation services.” As with choosing your lawyer, be sure to find someone experienced in family mediation and ask about fees. Make sure you feel comfortable and confident with the mediator.

Another out-of-court option for resolving disagreements is **collaborative practice**. Collaborative practice is a voluntary process to resolve family disputes with the help of legal, family, and financial professionals. You and your spouse, with the support of a collaborative practice team, work together to come to an agreement you can both live with. In this process, you will have access to support for your finances, emotional health, and legal needs. At the beginning of this process, you both agree to resolve the issue outside of court, but you each have your own lawyer. If one of you decides to go to court, both of you will need new professionals, including new lawyers. To learn more about collaborative practice, go to <http://www.cppei.ca> or call **Community Legal Information Association**.

- **PEI Provincial Family Mediation**
- 902-368-6928
-
- **List of Private Mediators**
- CLIA: 902-892-0853 or toll-free: 1-800-240-9798
-
- **Information about Collaborative Practice**
- <http://www.cppei.ca>
- or CLIA: 902-892-0853 or toll-free 1-800-240-9798
-

Harassment and Stalking



If your spouse is showing up at your work or home uninvited, harassing you, stalking you, or otherwise making you fear for your safety, contact the police and inform your lawyer. Keep a written record of all the contacts your spouse makes with you. Include the date, time, what happened, and what was said. Print out or save screen shots of any messages sent to you electronically. Keep any recorded phone messages from your spouse, and make a list of anyone who witnesses any of the contact your spouse makes with you.



Call 911 immediately if you feel threatened or in danger.

If the harassment continues, your spouse can be charged. There are a number of court orders that can restrict your spouse's contact with you. Some you can get on your own, but for others you will need assistance from a lawyer or the police.

Even with a court order, you should have a safety plan for yourself and your children in case your spouse disobeys the order. (See pages 48–49 for more information about safety plans.)

Restraining Order

A restraining order is a court order that requires your spouse to refrain from molesting, annoying or harassing you. You can only apply for a restraining order if you are already living apart with no plans to live together again. To get a restraining order you will need a lawyer.

Peace Bond

A peace bond is a court order to protect you against violent actions by another. You can apply for a peace bond against any

person who makes you afraid for your safety. Before a judge will order a peace bond, she or he will have to be convinced that you have good reason to be afraid of your spouse. You can apply for a peace bond yourself or have a police officer do it on your behalf. Peace bonds can last up to 2 years.

Your spouse may break the court order telling him or her to stay away from you.

He or she can be arrested and fined or put in jail for breaching the order. If he or she breaches the order, contact the police and your lawyer.

An agency that can help you if you are a victim of stalking or harassment is **Victim Services**. They help victims of crime throughout their involvement in the criminal justice system. They can help you get court orders for your protection. Assistance is available to victims of crime anywhere on Prince Edward Island. You can reach Victim Services in Charlottetown or Summerside.

- **Victim Services**
- Charlottetown: 902-368-4582
- Summerside: 902-888-8217
-

Emergency Situations



If you or your children are in immediate danger or under the threat of danger, **get to safety if you can and call 911**. If you cannot, try to alert other people you need help. Scream, run out into the yard, bang on walls, or do anything you can think of to alert the neighbours to call 911.

If you can dial 911, you may not have long to talk on the phone, so try to be clear.

Tell them:

- Your name
- That you are being attacked
- The name of your attacker
- That you are afraid you are going to be hurt, or you are afraid for your life or your children's lives
- Where your attacker is and if your attacker has a weapon or access to weapons
- If you are afraid of being killed

Once you are safe, you need to find emergency shelter. If you can't stay with a friend or relative, contact Anderson House, a shelter for women and their children who have been abused or who live in fear of abuse, or Chief Mary Bernard Memorial Women's Shelter, a shelter for Aboriginal and non-Aboriginal women experiencing family violence and homelessness. These shelters are open 24 hours a day, seven days a week, and offer temporary safe shelter, food, support and information, supportive childcare, and a chance to meet other women in similar situations.

Anderson House

902-892-0960

Toll-free: 1-800-240-9894

www.fvps.ca

Chief Mary Bernard Memorial Women's Shelter

902-831-2332

Toll-free: 1-855-297-2332

www.cmbmws.ca

PEI Family Violence Prevention Services (of which Anderson House is a part) has Outreach Services that can be contacted through Anderson House or directly during office hours. Outreach workers are trained to provide support and information to people living in abusive relationships.

- **Family Violence Prevention Services –**
- **Outreach**
- Queens: 902-566-1480 ext: 224
- West Prince: 902-859-8849
- Kings: 902-838-0795
- East Prince: 902-436-0517
- www.fvps.ca



If you have been physically injured, go to a doctor or hospital to make sure you are okay and to document the injuries. The doctor will treat and record your injuries. The medical records may be needed at a later date if criminal charges are laid.

There are special court orders to protect victims of family violence. If you are the victim of violence or the threat of violence, ask the police about getting an **Emergency Protection Order**. This order can allow police to remove the abuser from the home, give you temporary custody of the children, order the abuser to stay away from you, your family, and your home for a certain period of time, and give you temporary possession of specific personal property such as a car.

Information on Emergency Protection Orders is available through **Victim Services** in Charlottetown or Summerside. The order can also be obtained 24 hours a day, seven days a week by calling the **local police station**.

- **Emergency Protection Orders – Victim Services**
- Charlottetown: 902-368-4582
- Summerside: 902-888-8217

Making an Emergency Plan



If you are not in immediate danger, but your relationship has been violent in the past or has the potential to become violent, make an emergency plan in case you have to leave your home in a hurry. **Community Legal Information Association** has a number of different safety plans available. If you would like one, they can be found at www.cliapei.ca.

PEI Family Violence Prevention Services has shelter workers at Anderson House or outreach workers in your community who can help you complete your safety plan. You may want to work out a plan with them, so they know who you are if you have to call them in a crisis.

∴ **Family Violence Prevention Services – Outreach**

∴ Queens: 902-566-1480 ext: 224
∴ West Prince: 902-859-8849
∴ Kings: 902-838-0795
∴ East Prince: 902-436-0517
∴ www.fvps.ca

∴ **Community Legal Information Association (CLIA)**

∴ 902-892-0853
∴ Toll-free: 1-800-240-9798
∴ www.cliapei.ca





Checklist:

Preparing an Emergency Plan

The following questions can help you in preparing your emergency plan:

- Where can you go in an emergency? You will need somewhere safe.
- If you need to go to Anderson House, do you have a way to get there?
- How will you get to your safe place? Can someone come and get you? Can you take a car or taxi?
- Do you have emergency phone numbers programmed into your phone or listed near the phone?
- Do your children know which neighbour to run to or who to call in an emergency?
- Have you spoken to your neighbours or people you can trust? Have you let them know about your situation so they can be watching out for you?
- If you have to leave, is there someone you can call to tell what is happening and where you are going?
- Do you have some money set aside? You may need emergency taxi fare.
- Have you packed an emergency bag in case you need to leave quickly? Include what you and your children would need for a few days. You can leave it with a friend if you have to.
- If you have been abused before, have you made the police fully aware of the situation?
- Is there someone you can leave your pets with?



Some Last Words



This booklet has given you some practical ways to protect yourself and your children emotionally, financially, and legally during times of separation and divorce. What you decide to do with this information is up to you.

If you have any questions about any of the information in this booklet, please contact the organizations listed. You can also call the PEI Advisory Council on the Status of Women. If the staff cannot answer your questions, they will give you the name and number of someone who can.

- ⋮ **PEI Advisory Council on the Status of Women**
- ⋮ 902-368-4510
- ⋮ info@peistatusofwomen.ca
- ⋮ www.gov.pe.ca/acsw
- ⋮



Notes



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PEI Advisory Council on the Status of Women

Sherwood Business Centre (161 St. Peter's Road)

PO Box 2000

Charlottetown, PE C1A 7N8

CANADA

(902) 368-4510

info@peistatusofwomen.ca

www.gov.pe.ca/acsw