

# CLEAR SKIES

A FAMILY VIOLENCE STORY



Legal Aid BC



# CLEAR SKIES

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*Clear Skies* deals with family violence. It is not based on real people or events, but it may make you upset, particularly if you or someone you know has experienced abuse. Please see the resources at the end of the story for help and support.

Are you reading this online? Is the computer you are on safe? An abuser may respond violently if they find this information on your computer. To delete your internet history, please see: [www.wikihow.com/Clear-Your-Browser%27s-Cache](http://www.wikihow.com/Clear-Your-Browser%27s-Cache).

This booklet explains the law in general. It isn't intended to give you legal advice on your particular problem. Because each person's case is different, you may need to get legal help.

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THIS IS MY COMMUNITY. I LOVE IT HERE. WELL, MOST OF THE TIME.



I LOVE MY PEOPLE. WELL, MOST OF THEM...

YOU STUPID...!



SIGH.

SEE THE TORNADO COMING?



THAT'S HOW I FEEL IN MY OWN HOUSE...

WAITING FOR MY HUSBAND TO COME HOME.



HE'S LIKE A TORNADO.

AROUND THIS TIME, I FEEL HIM TWISTING HIS WAY TOWARDS US. AND I GET KNOTS IN MY STOMACH, JUST WAITING FOR HIM TO BLOW THROUGH.



I HAVE TO BATTEN DOWN THE HATCHES.



I HAVE TO MAKE SURE WE'RE SAFE.

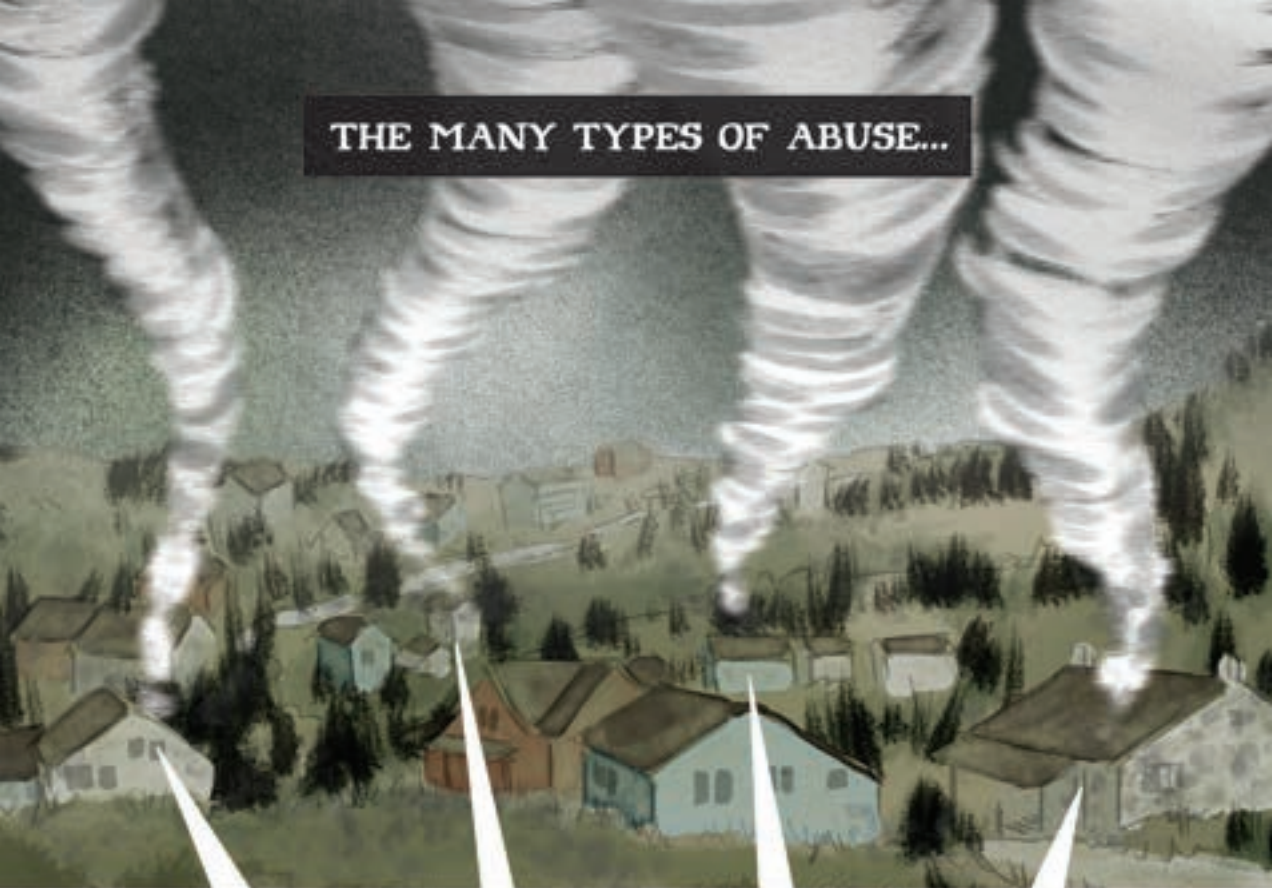


I DIDN'T FORGET ANYTHING, DID I?



AND I KNOW I'M NOT THE ONLY ONE WAITING FOR THE STORM TO COME.

## THE MANY TYPES OF ABUSE...



### PHYSICAL AND FINANCIAL ABUSE

I KNOW PEOPLE CAN TELL THAT HE HITS ME BECAUSE HE LEAVES BRUISES ON MY FACE. BUT I'VE NEVER TOLD ANYONE ABOUT HOW HE CONTROLS ME WITH MONEY.

HE DOESN'T LET ME HAVE ANY OF MY OWN.

SO I FEEL LIKE I CAN NEVER GET AWAY.



### EMOTIONAL OR MENTAL ABUSE

HE INTIMIDATES ME. HE TELLS ME THAT THINGS HAPPENED DIFFERENTLY THAN I KNOW THEY DID. HE MAKES ME FEEL LIKE I'M GOING CRAZY.

HE THREATENS ME AND THE KIDS, AND EVEN THE DOG. HE GOES INTO JEALOUS RAGES EVEN THOUGH HE BARELY LETS ME OUT OF THE HOUSE. I'M NOT EVEN ALLOWED TO SEE MY FAMILY.

I FEEL SO ALONE.



### SEXUAL ABUSE

HE TOUCHES ME IN WAYS I DON'T LIKE.

HE SAYS I'LL GET IN TROUBLE IF I TELL ANYONE.



### PSYCHOLOGICAL ABUSE: STALKING AND THREATENING

I REJECTED HIM AND NOW HE STALKS ME AND I'M AFRAID ALL OF THE TIME. HE FOLLOWS ME WHEREVER I GO. HE SHOWS UP AT MY WORK. HE TEXTS ME, CALLS ME, AND EMAILS ME.

HE ALWAYS FINDS OUT MY NUMBER EVEN AFTER I CHANGE IT.

HE HAS EVEN THREATENED MY LIFE.



I DON'T THINK  
IT WAS ALWAYS  
LIKE THIS.


I KNOW HOW IT  
STARTED IN MY  
OWN FAMILY.

THIS CYCLE.  
THIS TORNADO.

JAMES,  
PLEASE!

MY GRANDPA WAS TAKEN  
FROM HIS PARENTS AND COMMUNITY  
WHEN HE WAS STILL JUST A BOY,  
AND PUT INTO A RESIDENTIAL SCHOOL.

HE WITNESSED ABUSE AND HE  
SUFFERED FROM IT. HE NEVER HEALED.



AND HE LOOKED FOR  
MEDICINE IN LIQUOR  
BOTTLES FOR THE  
REST OF HIS LIFE.

WHEN HE WAS DRINKING,  
HE BEAT UP MY GRANDMA...

HE HAD  
HUGE HANDS.



GRANDPA ALWAYS USED TO TELL MY GRANDMA HE WAS SORRY.

AND IT WAS THE SAME FOR MY MOM WITH HER HUSBAND. AND NOW... IT'S THE SAME FOR ME.

I'M SORRY, BABY. I'LL NEVER DO IT AGAIN.

BUT I CAN'T LET MY SON SEE THIS ANYMORE. I DON'T WANT HIM TO TURN OUT LIKE THAT.

SO WE'RE PACKING UP.

HE'S GONE AWAY TO WORK, AND I PLAN TO BE GONE WHEN HE GETS BACK.

HI CLAIRE, CAN YOU COME OVER?

I NEED SOME HELP.

OF COURSE YOU GUYS CAN STAY WITH ME UNTIL YOU FIGURE OUT WHAT TO DO.

THANKS. I'M REALLY WORRIED ABOUT MONEY.

AND WHAT ABOUT THE KIDS' SCHOOL? AND THE HOUSE? OH, GOD... AM I DOING THE RIGHT THING?



OF COURSE YOU ARE. THE BEST THING TO DO RIGHT NOW IS CALL THE POLICE.

THE POLICE?!



THERE ARE PLENTY OF REASONS TO CALL THEM, MARNIE!

ANY TIME YOU'RE WORRIED FOR YOUR SAFETY OR YOUR KIDS' SAFETY IS A GOOD REASON. PLUS JAMES HAS A HISTORY OF BEING ABUSIVE.

BUT WHAT'S GOING TO HAPPEN IF I CALL THEM?

WELL, I CALLED 911 WHEN MY EX WAS THREATENING AND HITTING ME. THE POLICE CAME AND I GAVE A STATEMENT. THEN HE WAS ARRESTED.



MARNIE, YOU HAVE THE RIGHT TO ASK THE POLICE TO PROTECT YOU.

I'M SCARED.



I KNOW THIS IS REALLY HARD, BUT YOU NEED TO START THINKING ABOUT WAYS TO KEEP YOU AND THE KIDS SAFE. I'M REALLY WORRIED ABOUT YOU.

I'VE BEEN THINKING ABOUT A PLAN. I'M SURE WE CAN STAY WITH AUNTIE FOR A WHILE. OR IF SHE DOESN'T HAVE ROOM, I WAS THINKING I MIGHT CALL THE TRANSITION HOUSE TO SEE IF WE COULD GO THERE. I'M WORRIED ABOUT MOVING OUT THOUGH BECAUSE JAMES HAS ALL OUR MONEY. I DON'T HAVE ANY OF MY OWN.

I'M GLAD YOU'RE THINKING ABOUT HOW TO STAY SAFE, MARNIE. I CAN SHOW YOU A SAFETY PLANNING BROCHURE THAT TELLS YOU OTHER THINGS TO THINK ABOUT. ALSO, DON'T LET MONEY STOP YOU FROM LEAVING. JUST GET OUT OF HERE. YOU WON'T NEED MONEY AT AUNTIE'S OR THE TRANSITION HOUSE, AND ONCE YOU GET THERE SOMEONE WILL HELP YOU APPLY TO GET SOME.



IT'S NOT JUST THE MONEY, CLAIRE. I'M SCARED I'M GOING TO LOSE THE KIDS. OR HE'LL HURT THEM. I CAN'T LEAVE.  
BUT MARNIE...

AND SO IT WAS A STORMY WINTER.



IT SEEMED LIKE THERE WOULD NEVER BE AN END TO IT.



UNTIL ONE DAY MY DAUGHTER, WHO LOOKS JUST LIKE ME, CAME HOME LOOKING EVEN MORE LIKE ME. BLACK EYE AND ALL. HER BOYFRIEND HIT HER.



AND THAT'S WHEN I KNEW I HAD TO GET OUT. I WANT A BETTER LIFE FOR ME AND MY KIDS.

HELLO, POLICE.

I NEED TO REPORT A CRIME.



I TOLD THE POLICE THAT JAMES IS A DANGER TO ME AND THE KIDS. WE LEFT. I GATHERED ALL OF OUR ID AND IMPORTANT PAPERS AND SOME CLOTHES AND WE WENT TO MY AUNTIE'S HOUSE, WHERE I KNEW WE WOULD BE SAFE.

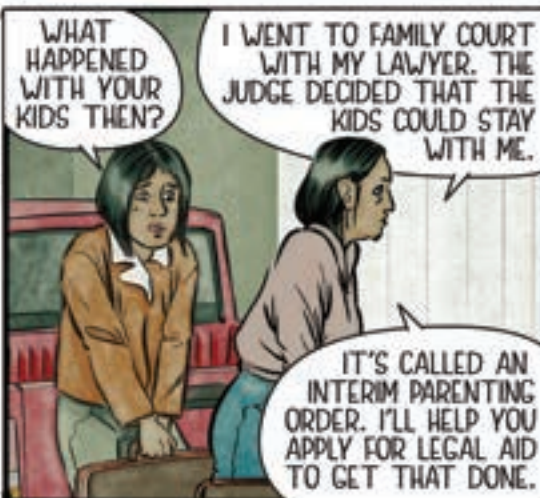
YOU'RE LUCKY THAT YOU CAN STAY WITH AUNTIE, MARNIE. WHEN I LEFT MY EX, WE LIVED IN THE CITY SO I DIDN'T HAVE ANYONE TO STAY WITH.



I LIVED IN A SAFE HOUSE FOR A WHILE; IT WAS THE SAFEST PLACE I COULD FIND.

WHAT HAPPENED WITH YOUR KIDS THEN?

I WENT TO FAMILY COURT WITH MY LAWYER. THE JUDGE DECIDED THAT THE KIDS COULD STAY WITH ME.



IT'S CALLED AN INTERIM PARENTING ORDER. I'LL HELP YOU APPLY FOR LEGAL AID TO GET THAT DONE.

THANKS FOR TAKING US IN, AUNTIE.

I'M JUST GLAD YOU ALL ARE SAFE. COME IN. WE'LL TALK.





THIS IS A DANGEROUS TIME FOR YOU AND THE KIDS, MARNIE.

IT'S TRUE, MARN. YOU HAVE TO PLAN FOR YOUR FUTURE SAFETY TOO.

THEY SAY THAT THE MOST DANGEROUS TIMES FOR A WOMAN AND HER CHILDREN IS RIGHT AFTER LEAVING HER RELATIONSHIP AND AGAIN WHEN STARTING THE LEGAL PROCESS.



WELL, I'M READY. WHAT HAPPENS NEXT?

NOW THAT HE'S BEEN ARRESTED, THE CROWN COUNSEL WILL DECIDE WHETHER TO CHARGE JAMES WITH ASSAULT.

IF THEY DO, JAMES WILL PROBABLY HAVE A BAIL HEARING TODAY. IF THE JUDGE LETS HIM OUT OF JAIL ON BAIL, CROWN COUNSEL OR A VICTIM SERVICES WORKER WILL CONTACT YOU TO LET YOU KNOW WHAT THE TERMS OF HIS BAIL ARE.



HIS TERMS MAY INCLUDE THAT HE ISN'T ALLOWED TO CONTACT YOU, GO TO YOUR HOME, WORK, OR KIDS' SCHOOL.

IF THERE IS A TRIAL, YOU MIGHT HAVE TO TESTIFY AGAINST HIM.

YOU WILL ALSO HAVE THE CHANCE TO TELL THE JUDGE HOW JAMES HAS HURT YOU AND YOUR FAMILY.

MAKE SURE YOU GIVE THE JUDGE ALL THE INFORMATION YOU CAN. EVEN IF YOU THINK IT'S NOT IMPORTANT.



IN THE MEANTIME YOU NEED MONEY. YOU SHOULD CALL THE BAND OFFICE AND APPLY FOR SOCIAL ASSISTANCE. AND MAKE SURE YOU USE MY ADDRESS SO THAT THE MONEY COMES HERE WHERE IT'S SAFE.

GOT IT. BUT WHAT ABOUT THE HOUSE? I WANT TO BE ABLE TO GO BACK. I WANT TO RAISE MY KIDS THERE.

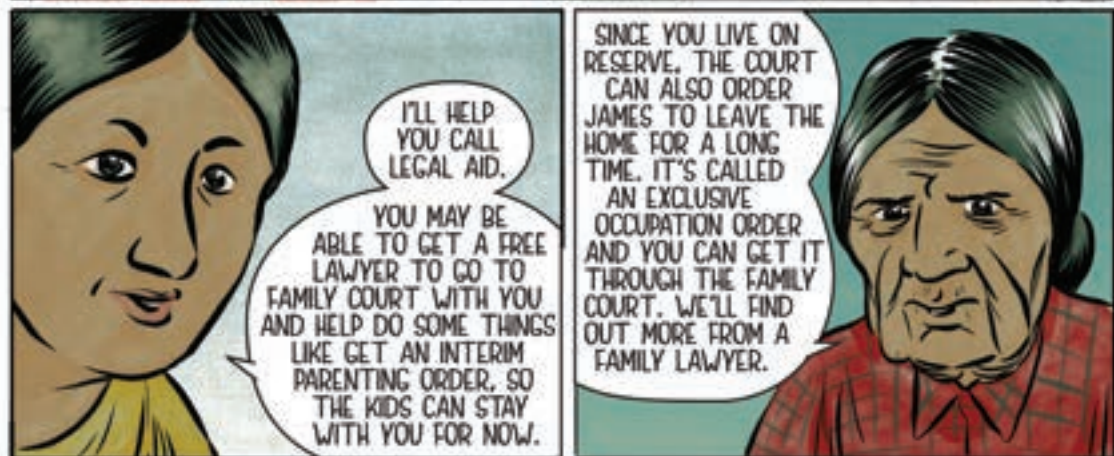
THERE'S A LOT OF OPTIONS FOR YOU TO BE SAFE IN YOUR HOME, MARNIE.



LIKE WHAT?

WELL, IN CRIMINAL COURT, CROWN COUNSEL COULD ASK THAT JAMES BE PROHIBITED FROM CONTACTING YOU. IT'S CALLED A NO CONTACT ORDER.

FOR SURE. AND YOU SHOULD STILL GO TO FAMILY COURT FOR A PROTECTION ORDER AS WELL.



I'LL HELP YOU CALL LEGAL AID.

YOU MAY BE ABLE TO GET A FREE LAWYER TO GO TO FAMILY COURT WITH YOU AND HELP DO SOME THINGS LIKE GET AN INTERIM PARENTING ORDER, SO THE KIDS CAN STAY WITH YOU FOR NOW.

SINCE YOU LIVE ON RESERVE, THE COURT CAN ALSO ORDER JAMES TO LEAVE THE HOME FOR A LONG TIME. IT'S CALLED AN EXCLUSIVE OCCUPATION ORDER AND YOU CAN GET IT THROUGH THE FAMILY COURT. WE'LL FIND OUT MORE FROM A FAMILY LAWYER.



IT'S ALL SO MUCH TO TAKE IN. I JUST WANT TO GO HOME.

YOU'RE DOING THE RIGHT THING. TRY NOT TO WORRY. YOU CAN STAY HERE WITH ME UNTIL WE KNOW IT'S SAFE FOR YOU GUYS TO GO HOME.



YEAH, AND REMEMBER YOU HAVE EVERY RIGHT TO STAY IN YOUR HOME.

DID YOU KNOW THAT EVEN IF YOU WEREN'T A BAND MEMBER, THE COURT MIGHT DECIDE IT'S IN THE KIDS' BEST INTERESTS FOR YOU TO STAY THERE WITH THEM?

A FEW WEEKS LATER...

I HAD A LAWYER THROUGH LEGAL AID IN FAMILY COURT TO HELP ME GET A PROTECTION ORDER. JAMES HAD TO GO TO CRIMINAL COURT BECAUSE HE WAS CHARGED WITH ASSAULTING ME.

GOING TO COURT FOR THE CRIMINAL TRIAL WAS SCARY. BUT NOT AS SCARY AS ALL THE STORMS WE HAD HAD TO BEAR.

I CONTACTED VICTIM SERVICES. I TALKED TO THE WORKER WHO EXPLAINED MY CHOICES AND WHAT COULD HAPPEN.



JAMES WILL GO TO COURT FIRST BECAUSE HE HAS TO PLEAD GUILTY OR NOT GUILTY. IF HE PLEADS NOT GUILTY, THERE WILL BE A TRIAL AND THE JUDGE WILL DECIDE IF THERE'S ENOUGH EVIDENCE TO FIND HIM GUILTY.

IF THERE'S A TRIAL, DO I HAVE TO BE THERE?

YOU WILL PROBABLY HAVE TO GO TO THE TRIAL AND EXPLAIN WHAT HAPPENED.

JAMES PLEADED NOT GUILTY. THE CROWN COUNSEL TALKED TO ME ABOUT WHAT MIGHT HAPPEN IN COURT.



I NEED TO KNOW WHAT WILL HAPPEN TO JAMES AFTER THIS IS OVER.

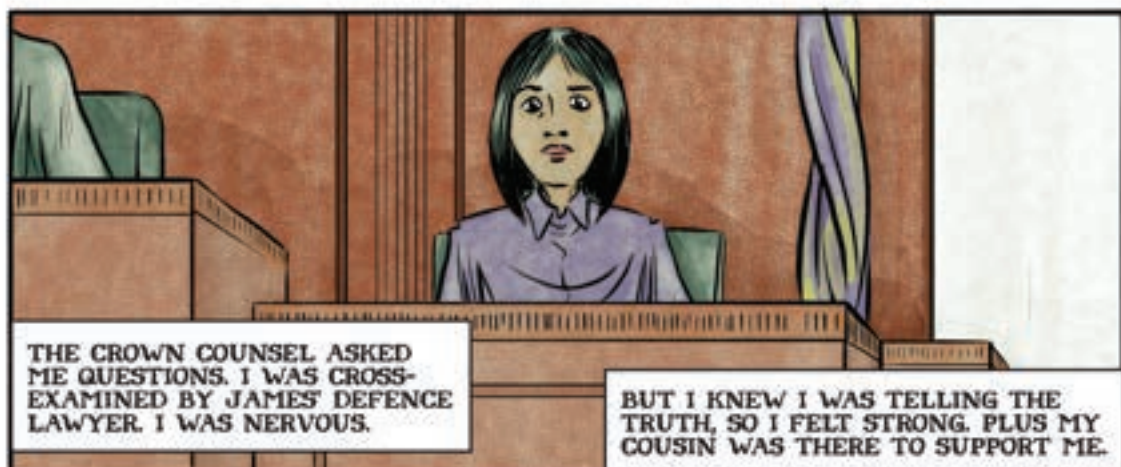
I UNDERSTAND WHY YOU ARE WORRIED. IF JAMES IS FOUND GUILTY, HE MIGHT HAVE TO GO TO JAIL. OR HE MIGHT NOT GO TO JAIL, BUT THE JUDGE MIGHT ORDER HIM TO ATTEND COUNSELLING.

THERE COULD ALSO BE A NO CONTACT ORDER. THESE ARE JUST SOME EXAMPLES OF WHAT COULD HAPPEN.

A FEW MONTHS LATER...

WE WENT TO TRIAL. I HAD TO SPEAK IN COURT ABOUT WHAT HAPPENED TO ME.





THE CROWN COUNSEL ASKED ME QUESTIONS. I WAS CROSS-EXAMINED BY JAMES' DEFENCE LAWYER. I WAS NERVOUS.

BUT I KNEW I WAS TELLING THE TRUTH, SO I FELT STRONG. PLUS MY COUSIN WAS THERE TO SUPPORT ME.



THE COURT FINDS THE DEFENDANT GUILTY OF ASSAULT.



WHAT A RELIEF!

THERE WAS A LOT OF INFORMATION TO GET THROUGH IN THE LEGAL PROCESS, BUT THERE WAS ALWAYS SOMEONE TO EXPLAIN THINGS AT EVERY STEP.



A WEEK LATER...

SO, JAMES IS BEING SENTENCED TODAY?

YEAH, I'M NOT GOING TO COURT.



THAT'S GOOD. THE CROWN COUNSEL WILL CALL AND LET YOU KNOW WHAT HAPPENS. YOU HAVE OTHER THINGS TO WORRY ABOUT.



ONE YEAR LATER...



I HOPE THAT MY STORY HELPS PEOPLE.

MY KIDS AND I ARE IN COUNSELING.



JAMES IS GOING TO A HEALING CIRCLE. HE'S LUCKY THAT THERE'S ONE IN OUR COMMUNITY.



HOPEFULLY HE GETS THE HELP HE NEEDS.

I'M JUST GLAD THAT WE ARE BACK IN OUR OWN HOME. AND MOST OF ALL THAT WE'RE SAFE FROM THE STORMS.



I LEFT AN ABUSIVE RELATIONSHIP.  
IT WAS HARD, BUT I SEE ONLY  
CLEAR SKIES NOW.

FOR ME AND MY KIDS, THE  
CYCLE HAS ENDED.



# Glossary

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## Safety information for Marnie

**Safe house** - Temporary shelter for women, children, and youth experiencing violence. Safe houses may be rental apartments, private homes, or hotel units.

**Safety plan** - A safety plan is made up of steps someone can take to protect themselves and their children. It is a good idea for a friend, advocate, or victim service worker to help people make their safety plan.

**Transition house** - Short- to long-term shelter with 24/7 support services for women, children, and youth experiencing violence.

## James' criminal trial

**Bail hearing** - A hearing where a judge or a justice of the peace will decide whether to release someone on bail before his or her trial. There are usually conditions they must follow while on bail.

**Crown counsel** - The lawyer who works with the Ministry of Justice whose job it is to put forward the case against someone charged with a crime.

**No contact order** - A court order that prohibits your ex-partner from contacting you. The order may be a condition of release from custody before trial (bail) or a condition of probation. It is a crime to break a no contact order. It includes all direct and indirect communication (e.g., texts, emails, voicemails, messages passed through friends or family, etc.)

**Peace bond** - An order made by a judge to protect you from your partner or ex-partner, which lists the conditions that they must follow.

**Victim service worker** - An individual who works with the police and the courts to help victims of crime by providing information, referrals, and emotional support.

**Victim impact statement** - Crown counsel might ask you to fill out one of these. It gives you a chance to explain what effect the assault or harassment has had on you and your children.

## Marnie's family law case

**Court order** - A document that records the judge's decision and is entered at the court registry after the judge makes his or her decision. Court orders include support, guardianship, protection, and parenting orders.

**Exclusive Occupation Order** - If you live on reserve and you and your partner break up, this court order says one person has to leave the home. The order is made under the Family Homes on Reserve and Matrimonial Interests or Rights Act.

**Family law protection order** - An order made by a judge in family court to protect you from your partner or ex-partner, which lists the conditions that your partner must follow.

**Interim order** - A temporary order made by a judge that applies to both parties (until you get a final order at trial). It is based on evidence and arguments presented when the order is requested.

## How to get money

**Social assistance** - Welfare if you're living on reserve.

**Income assistance** - Welfare if you're living off reserve.

If you are in danger right now, don't wait - take steps to keep yourself safe. Call 911. If you can't call 911, call the number for the emergency police or RCMP in your area. That number is inside the front cover of your phone book.

**Remember: you have the right to ask the police to help keep you safe.**

Family violence is a complicated subject. There is always a safety risk. Support is available.

## **VictimLink BC**

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Free, multilingual 24-hour telephone service offering referral services and information about accessing support resources.

**[www.victimlinkbc.ca](http://www.victimlinkbc.ca)**

1-800-563-0808

TTY: 604-875-0885

Text: 604-836-6381

## **Legal Services Society (Legal Aid BC)**

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Free legal information (publications and websites), advice services, and lawyers to take your case if you qualify.

**[legalaid.bc.ca](http://legalaid.bc.ca)**

604-408-2172 (Greater Vancouver)

1-866-577-2525 (elsewhere in BC)

## **More help**

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If you or someone you know is experiencing abuse, or you would like more information on family and criminal law, please refer to:

**[aboriginal.legalaid.bc.ca](http://aboriginal.legalaid.bc.ca)**

Feedback on this publication?

**[publications@legalaid.bc.ca](mailto:publications@legalaid.bc.ca)**