

# BC PROVINCIAL CUTS TO

INFORMATION ACCURATE AS OF APRIL 10, 2002

## FAMILY LAW

### ANTICIPATED IMPACT ON WOMEN WHO EXPERIENCE VIOLENCE AND THEIR CHILDREN

CUTS TO LEGAL AID, closure of courts, cuts to women centres, and cuts to child care will combine with other cuts to have a profoundly detrimental effect on women who experience violence and their children, particularly in the areas of child custody and access and economic dependence.

Economic independence is the single most important variable determining whether women enter and leave abusive relationships (Barnett, 2000; Gurr, Mailloux, & Kinnon, 1996; Lambert & Firestone, 2000; Levinson, 1989; Mosher, 1998). 56% of lone parent families headed by women are poor, compared with 24% of those headed by men (Statistics Canada, 2000, p. 139). With the cuts to social assistance, women will be poorer, and thus more dependent on abusive partners. Although the BC provincial government has decided to continue to provide funding for legal aid for "child protection matters and domestic violence restraining orders. There will be **substantial reductions in the funding available for legal aid family law and poverty law programs**" (Ministry of Attorney General and Minister Responsible for Treaty Negotiations Service Plan Summary 2002/03 - 2004/05). This means that women leaving abusive partners will have reduced access to legal aid to pursue child maintenance orders, to obtain equitable division of property, to seek custody of children, or to seek supervised visitation of children by abusive partners. Given other cuts to social assistance, women and their children will thus face more economic dependence on abusive partners and thus more exposure to abuse.

Research indicates that abusive partners use children as tools of abuse (Varcoe, 2002), and court processes as tools of harassment (Goundry, 1998; Reid, 1998) particularly in relation to disputes regarding custody and access of children (Chesler, 1991; Taylor, 1992; Taylor, Barnsley & Goldsmith, 1996). Cuts to legal aid, will mean that women have less protection from continued abuse through their children and custody and access proceedings. As women will have fewer financial and childcare resources, they will be less able to show "parenting plans" that will enable them to obtain custody of their children. Court closures will result in many women not being able to attend court to pursue proceedings related to custody, access and financial matters or to obtain restraining orders. Particularly in rural communities, travel may not be feasible due to the distance, the cost of a required overnight stay, the cost of childcare while traveling, and in winter, road conditions. Cuts to women's centers will decrease education, advocacy, support and referral services that assist women to leave and remain independent from abusive partners.



CONTINUED

#### INFORMATION

**BC Institute Against Family Violence**  
(604) 669-7055  
1-877-755-7055 (toll free)

**BC Association of Specialized Victim Assistance and Counselling Programs**  
(604) 633-2506

**BC/Yukon Society of Transition Houses**  
(604) 669-6943

#### RESOURCES

**Government of British Columbia, Minister of Finance**  
[www.bcbudget.gov.bc.ca](http://www.bcbudget.gov.bc.ca)

**PovNet**  
[www.povnet.org](http://www.povnet.org)

**BC Coalition of Women's Centres**  
[www3.telus.net/bcwomen/bcwomen](http://www3.telus.net/bcwomen/bcwomen)

**Access Justice**  
[www.accessjustice.ca](http://www.accessjustice.ca)

**Canadian Centre for Policy Alternatives**  
[www.policyalternatives.ca/bc](http://www.policyalternatives.ca/bc)

**BC Coalition of People with Disabilities**  
[www.bccpd.bc.ca](http://www.bccpd.bc.ca)

**Decreased funding of legal aid for family law and poverty law:**

Provincial funding for legal aid will be cut by 38.8% over 3 years. The funding will drop from \$88.3 million in 2001-2002 to \$54 million in 2004-2005 (Legal Services Society Budget Bulletin #3, Jan.18, 2002). This will require a 74% cut in staff positions (Legal Services Society, Budget Bulletin #7, Feb. 7, 2002). (See fact sheet on Legal Aid).

Of specific relevance to women, is that expenditures for family law matters will be reduced by 10 million in 2004-2005.

Legal Services Society (LSS) will provide legal aid to assist women in getting domestic violence restraining orders or an order to keep the father of their children from removing them permanently from the province, and to vary a current custody and access order in cases where the safety of the women or her children are at risk (LSS Bulletin, March 11, 2002). Exceptions to this coverage rule will be granted under extenuating circumstances (e.g., references in court documents to sexual, physical or emotional abuse).

**Closure of legal aid offices and court houses**

On February 26, 2002 the government announced that all of the 60 offices that deliver legal aid would close as of August 31st. 7 regional centres will replace the offices. 24 or one third of all court houses are also being closed (Ministry of Attorney General Service Plan, 2002:3).

**Cuts to child care**

Child Care BC Program that provided before and after school care for children from kindergarten to age 12 is eliminated. Funding for all Child Care Resource and Referral and One Stop Access programs will end effective April 1, 2004. The government has rescinded sections of the Child Care BC Act and terminated the Funding Assistance Program.

**Cuts to Women's Centres**

Core funding for Women's Centres eliminated by 2004 (\$2 million across the province annually).

LSS estimates that the new level of funding "would deny legal aid services to as many as 100,000 clients"(Legal Services Society, Budget Bulletin #7, Feb. 7, 2002).

Research has shown that women outnumber men as family law applicants 2 to 1 (McEown, 1999). The cuts to family law will make it extremely difficult for women to receive assistance for family law matters. This will include child custody and access, child maintenance, and division of property. Thus women will be **more economically dependent on abusive partners, less able to obtain custody of their children, and more vulnerable to threats against their children.**

Requiring the presence of domestic violence to be the determining factor in whether or not a woman will receive legal aid will **increase assumptions by courts that women raise false accusations against ex-spouses.** It is a commonly held myth that separating partners raise a large number of false allegations of abuse; research and extensive documentation has shown that this myth has no basis in truth. (See fact sheet on Legal Aid).

The centralization of services and closure of court houses will have a disproportionate impact on women experiencing violence in rural and remote communities, and **decrease their ability to access justice.**

Cuts to child care will increase women's economic dependence on abusive partners, increase women's reliance on abusive partners for child care, and decrease women's ability to provide safe care for their children. These factors will in turn **decrease women's ability to propose parenting plans adequate to obtain custody of their children.**

Referrals, education, support, family court advocacy, and other supports currently provided by women's centres will be effected, magnifying the impact of other cuts on women's access to justice, obtaining custody, and financial independence.