

STEPS TO JUSTICE

Abuse & Family Violence Workshop

An OJEN facilitator's guide demonstrating a CLEO public legal information resource.



ONTARIO JUSTICE EDUCATION NETWORK
RÉSEAU ONTARIEN D'ÉDUCATION JURIDIQUE



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario



About this workshop guide

This workshop guide is a collaboration between the **Ontario Justice Education Network (OJEN)** and **Community Legal Education Ontario (CLEO)**. OJEN's Steps to Justice workshops introduce audiences to common legal problems and familiarize them with a specific area of law. Using hypothetical scenarios, workshop participants explore a legal topic by navigating the practical step-by-step information on CLEO's Steps to Justice website. They learn how to use the website to find legal information, including the forms, self-help guides and referral information for legal and social services which may be helpful in working through a future legal problem.

This workshop guide was written for use in Ontario high school classrooms, but can be used (or modified) for other audiences. For more information on how to use this workshop guide, please check out our short training video available on the OJEN website ojen.ca/steps-to-justice-workshops-training-video.

OJEN is a charitable, non-profit, public legal education organization. We develop innovative educational tools that introduce young people to the justice system, help them understand the law, and build their legal capability. We partner with schools and community organizations across Ontario to prepare young people to manage the legal problems that will arise in their lives. For more information on OJEN, please visit ojen.ca.

We gratefully acknowledge the support of law students who have contributed to this workshop guide through the Osgoode Public Interest Requirement (OPIR) at Osgoode Hall Law School and through placements with Pro Bono Students Canada (PBSC). We would also like to thank the high school students who provide us with their perspectives and feedback on this resource as OJEN summer interns through the Law in Action Within Schools (LAWS) Summer Job Program.

Any legal information in this resource is intended for general educational purposes and should not form the basis of legal advice of any kind. Individuals seeking specific information about their legal problem should always consult a lawyer.

For over 45 years, **CLEO** has developed clear, accurate, and practical legal rights education and information to help people understand and exercise their legal rights. We produce print and online resources, including the Steps to Justice website, the Family Law Guided Pathways, and CLEO Connect which has information and supports for community organizations. For more information on CLEO, please visit cleo.on.ca.

STEPS TO JUSTICE ABUSE & FAMILY VIOLENCE OVERVIEW

Activity (minutes)	Content
Warm-up (5)	<ul style="list-style-type: none"> • Clarify differences between criminal and civil law. • Group quiz on domestic abuse and family violence (Slides 2-6). • What are the major areas covered by laws about abuse and family violence? (Slide 7).
Hook (5)	<ul style="list-style-type: none"> • Advance to Slide 8 and read the demonstration scenario out loud. • Encourage participants to identify potential legal issues in the scenario. • Switch to Slide 9. Explain that the Steps to Justice website is a tool that can help people understand what they need to do when they have legal problems like this one. The group will next use it to answer questions related to the scenario.
Introduce Steps to Justice (10)	<ul style="list-style-type: none"> • Distribute the student handout, "Scenario 1: Demonstration." • Advance to Slide 10. Read the questions about the demonstration scenario out loud. • Pull up the Steps to Justice website on the display screen. • As a group, use the Steps to Justice to find answers to the questions about the demonstration scenario on the slide. • Use different searching options (sub-topics, front page keyword search, and header menu) and introduce the actual "steps" to follow. Use the presenter's notes on where to find the information included in this guide for support. • Ask if anyone has questions.
Group work (25)	<ul style="list-style-type: none"> • Advance to Slide 11. • Divide participants into groups and cue them to pull up Steps to Justice on phones/computer and to start on "Abuse and Family Violence" legal topic. • Give each group a scenario worksheet (scenarios 2-5). • Each group needs at least one device with internet to complete their worksheet. • Circulate and support the groups as needed.
Discussion (15)	<ul style="list-style-type: none"> • Each group has 3-5 minutes to explain their scenario and what they have learned through their investigation. Participants should refer to the completed worksheet for support. • Address questions and issues arising from their reporting.
Application (Optional)	<ul style="list-style-type: none"> • Advance to the final slide. • Since the group has practiced using the Steps to Justice website, the presenter may introduce a more complex scenario. • Participants should comment on it reflecting what they have just learned. • As a group, use the website to answer the scenario questions. • Facilitator's notes are included in this guide to support discussion.



Abuse and Family Violence

TRUE OR FALSE



- 1. My partner called 911, but I am not letting the police in. They don't have a right to come into my house if I didn't invite them!**

F – If someone calls 911 the police can enter the premises. It doesn't matter whether you or someone else makes the call. The police will treat it as an emergency and have the right to enter if they decide they need to do so to keep everyone safe.
- 2. You don't have to hurt someone physically to be abusive.**

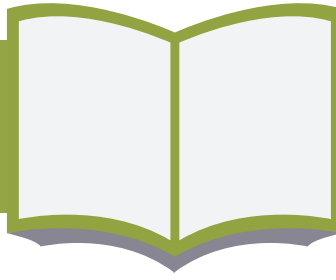
T – There are many kinds of abuse, such as emotional, financial, and sexual abuse.
- 3. A peace bond is just an agreement. It isn't legally binding so you can end it whenever you want.**

F – Peace bonds are legally binding agreements with the court. If you break the conditions of your peace bond, the court might charge you with a criminal offense.
- 4. I am leaving an abusive relationship. We have a child, but I can just take her with me when I go, right? I did most of the parenting work anyways.**

F – Parents have equal rights to their children. Only a court order or a legal agreement between the parents can change this. Otherwise, taking a child without consent could be seen as ignoring these rights, or even as abduction.
- 5. I called the police on my abusive partner and they arrested him. I am safe now because he will stay in jail and won't be getting out anytime soon.**

F – Arresting someone is not the same as keeping them in custody or in jail. Even if they are charged, the court might release them on bail while they wait for their trial. However, they will usually have to follow certain conditions, like staying away from you or not contacting you. If your partner doesn't follow these rules they could be charged with another criminal offense.

Facilitator's Package Scenarios



Start on the Steps to Justice question, “How much notice do I have to give my landlord if I need to move quickly because of violence or abuse?”, under **Domestic violence**. Follow the steps from the landing page to answer the questions. The relevant steps are listed in brackets following the question.



Scenario 1: Demonstration

3 months ago, my spouse and I signed a 1-year lease. The new place is great - our daughter gets her own room! But in the past 2 months, my spouse has been acting unpredictably. He often gets angry at me and throws things. I'm worried about my daughter's safety and my own. I want to end my tenancy and leave as soon as possible, but I think I have to give my landlord 2 months' notice. That might not be fast enough. Is there anything I can do?

Start on the Steps to Justice topic, “Domestic violence” with the question, “How much notice do I have to give my landlord if I need to move quickly because of violence or abuse?”

- Do people experiencing domestic violence have to give two months' notice before moving out?
(Landing page)
- Is “fear for safety” a reason for using the “Tenant Statement About Sexual or Domestic Violence and Abuse?”
(Step #1)
- Who must cause the risk of harm? (Step #1)
- Are there any alternatives to using the tenant statement? (Step #2)
- How soon can you end your lease using Form N15? (Step #3 - [Link to Form N15 - Tenant's Notice to End my Tenancy Because of Fear of Sexual or Domestic Violence and Abuse](#))

Discussion

You can end your tenancy early if you are experiencing domestic violence. You need to complete the N15 form and provide the landlord with either a Statement of Abuse, a restraining order, or a peace bond. Fear for safety for yourself or a child is a valid reason to do so, as are physical harm, property damage, sexual abuse or violence, and being held against your will. The person causing the harm must be a current or former romantic partner or other relative living in the unit. By doing this, you can end your tenancy any time after 28 days from when you give these documents to your landlord.



Scenario 2

During my university's orientation week in September, I met someone and we started dating. We talked a lot over text and Instagram. One time, we also sent each other intimate photos of ourselves. Later, she broke up with me in the middle of exams! Because I was stressed out, I told her I would send the photo of her to all of our friends. I didn't really mean it, but now she wants me to sign something called a "peace bond". What is that?

Start on the Steps to Justice topic, "Restraining orders and peace bonds" with the question, "How do I apply for a peace bond"?

- What is a peace bond? (**Landing page**)
- Could a peace bond be useful in this situation? (**Landing page**)
- What does "no communication, with exceptions" mean? (**Step #2**)
- Where can you apply for a peace bond? (**Step #3**)
- What are the possible results of a peace bond hearing? (**Step #3**)

Discussion

A peace bond is an order made in a criminal law court. You can ask for a peace bond against someone if you are afraid they might harm you. This includes harm caused by sharing intimate images or videos of you without your consent.

You normally apply for a peace bond at provincial court or a police station. A judge or a justice of the peace will decide if your fear of harm is reasonable. If they decide it is, they can make this order, which requires that person to keep the peace and maintain good behaviour. If the other person agrees, they sign the peace bond. You can be very specific about what you are asking the court to order the other person to do or not do, including rules about staying away from you or not contacting you. You can also ask for exceptions to these rules. For example, "no communication with exceptions" means the person cannot contact you except in circumstances that you choose – like in order to arrange for access to children. (Cont.)

The person does not have to agree to the peace bond. If they don't agree, there will be a court hearing with a justice of the peace or a judge. You and the other person both have a chance to tell your sides of the story. They can decide to dismiss the peace bond. But, if they think you are likely to be harmed they can order the other person to agree with the peace bond. If the other person refuses to sign after this order, they can be sent to jail for up to a year.



Scenario 3

My friend has been married to his wife for 10 years. Last week he caught his wife reading his emails on his computer. Yesterday he noticed that she read the text messages on his phone when he left the room. She also checks his online banking to see what he is buying. They have a joint account, but she refuses to put money into it. She has her own account that he can't see. I asked him if he is happy in his relationship and he said that he sometimes feels nervous and anxious. Sometimes she yells at him, saying that he is worthless and unlovable. But, she always apologizes afterwards and cooks him a nice dinner. Is he in an abusive relationship? What can I do to help him?

Start on the Steps to Justice topic, "Domestic violence" with the question, "How do I know I'm in an abusive relationship?"

- What kinds of abuse might be happening here? (**Landing page**)
- Does a person need to be abusive all the time for it to be an abusive relationship? (**Landing page**)
- Does this person need to call the police? (**Step #1**)
- What kinds of support could this person need? Where can they find it? (**Step #2**)
- What should a safety plan include? (**Step #3**)

Discussion

This could be an abusive relationship. Physical abuse is not the only kind of abuse. Abuse can be many things including emotional and financial (as is the case in this situation). While it is not clear that the wife's behaviour has reached the point where a crime has been committed, there are offenses in the *Criminal Code of Canada* related to both emotional and financial abuse. No matter whether they think this person needs to call the police, students should recognize the signs of abuse and suggest that emotional support is a good option. Finally, should come away from the activity with a greater understanding of what goes into a safety plan.



Scenario 4

My husband sometimes hits me. Every time it happens, he gets more and more violent. Today he pushed me so hard that I fell and hurt my arm. I have locked myself in the bathroom with my phone. I am very scared, but I am also afraid to call the police because I am not a Canadian citizen. As a permanent resident, I don't know if they will force me to leave the country. What should I do?

Start on the **Steps to Justice** topic, “**Domestic violence**” with the question, “**What happens if I call the police about my abusive partner?**”

- What will the police do if you call 911 about an abusive partner? (**Landing page, Step #2**)
- How can the police help in this situation? (**Step #2**)
- Should this person call an immigration lawyer first? (**Landing page**)
- Could the police force this person to leave Canada? (**Link on landing page “if you will be forced to leave Canada”**)
- If the person is hurt, how can they get to the hospital? What is the best option for this person in this case? (**Step #3**)

Discussion

In cases where there is immediate danger, people should not be encouraged to speak to lawyers because contacting the police and removing themselves from danger is the priority. Students should recognize that the person is in immediate danger and should call 911 right away. When the police arrive, they will make sure any immediate threat is resolved. They may not lay charges, but depending on the circumstances they could make arrests. If they believe a child is in danger, they are required to contact the Children's Aid Society. And if you are physically hurt, you can ask the police to call an ambulance or take you to a doctor, hospital, or sexual assault and domestic violence treatment centre.

Only federal immigration authorities can force you to leave Canada. But, many people in abusive relationships worry that involving police will attract the attention of immigration authorities. If you are worried about how calling the police could affect your immigration status, it is a good idea to speak to a lawyer in advance. Being a permanent resident in Canada is legal, and not grounds for deportation, but there are valid reasons why a person might be concerned about this depending on their immigration status. (Cont.)

For example, if your abusive partner has sponsored your immigration, they could say things that could jeopardize your ability to stay in Canada. If you are concerned because of your immigration status, it is a good idea to speak to a lawyer before leaving an abusive relationship. But safety always comes first – if you are in immediate physical danger you should call the police before speaking to a lawyer.



Scenario 5

I signed a peace bond 4 months ago. It says I must stay away from my ex's home. Yesterday I drove by her house and I sat in her driveway for about half an hour. I just wanted to check on the house and make sure she is trimming the bushes that I planted for her. Am I in trouble?

Start on the Steps to Justice topic, "Restraining orders and peace bonds" with the question, "What happens if I don't follow a condition of a peace bond?"

- If you don't follow the conditions of your peace bond, what can police charge you with? (**Landing page**)
- Can you get a criminal record from breaching your peace bond? (**Landing Page, Step #1**)
- Can you be fined for breaching your peace bond? (**Landing page, Step #2**)
- What is an "estreatment" hearing? (**Step #2**)
- If you get a criminal record, what problems could it cause you? (**Step #3**)

Discussion

If you do not follow the conditions of your peace bond you can be charged with disobeying an order of the court or a breach of recognizance. Both of these are criminal charges. If found guilty of either of these you will have a criminal record, which can cause issues in the areas of immigration, travel, employment, and volunteer opportunities. When you enter into a peace bond, you pledge money to guarantee that you will follow the conditions of that order. If you don't, you might also lose that deposit money. Before this happens, the court will schedule an estreatment hearing, where you have a chance to prove that you have a legal reason for breaching the peace bond conditions.



Display: Large Group Practice Scenario 6

I left my abusive husband last year. He physically abused me for all eight years we were married. Luckily, he never touched our son, but sometimes I was afraid that he would.

I took my son with me when I left. My son is very upset about being separated from his father. When my husband calls, my son talks to him for a long time. Afterwards, he begs me to visit his father.

Yesterday my husband called and told me that he was going to come and pick up my son for a visit. He said it's his right as a father. He said that I am a terrible mother and he wants to take my son away from me. I locked the doors and did not let him in when he arrived. He was very angry.

Today, when I went to pick up my son from school, his teacher told me that he left with his father. I told the teacher never to let my husband pick my son up again, but I was scared. When I got home, my son was there waiting for me. He said he was fine and his dad just took him for a drive.

I am not sure what to do. I want to keep my son away from my husband, but I don't think I have enough money to take him to court. What can I do?



Scenario 6: Focus Questions

Students can draw from their learning to identify potential legal issues and questions to investigate. The facilitator should pull out questions that explore the general legal rules around custody of children in abusive relationships and the question of “best interests of the child”. It is also important to explore the ways in which a parent can protect a child even if a court grants access/custody to an abusive parent.

Start from the topic “Domestic violence – What if I’m worried about my child’s safety when they’re with my partner?” Consider question lines like:

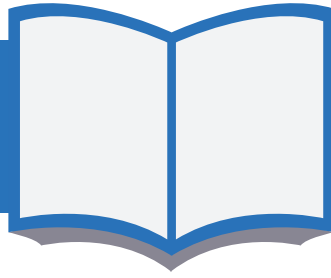
- What is this person worried about? What should they do?
- Who has the right to see the child?
- Are there rules about residence or access to the child where there is no court order or agreement?
- Can the school keep a child from one parent because another parent told them to?
- What can a person do if they can’t afford a lawyer but need legal help with family abuse?
- What else can someone do (besides legal processes) to protect their child when they are visiting with the other parent?
- What other kinds of support (non-legal) should a person seek out when dealing with an issue of this kind?

Start from the topic, “Partner abuse” with the question, “What if I need a court order quickly to deal with partner abuse issues?”

- What is a “motion” in court?
- What kind of court order or orders should this person ask for? Why?

Participant Handouts

Scenarios



Scenario 1 Worksheet: Demonstration

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- How soon can you end your lease using Form N15?



Scenario 2 Worksheet

During my university's orientation week in September, I met someone and we started dating. We talked a lot over text and Instagram. One time, we also sent each other intimate photos of ourselves. Later, she broke up with me in the middle of exams! Because I was stressed out, I told her I would send the photo of her to all of our friends. I didn't really mean it, but now she wants me to sign something called a "peace bond". What is that?

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- What should a safety plan include?



Scenario 4 Worksheet

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- Could the police force this person to leave Canada?
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Scenario 5 Worksheet

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