



Queer as Family



**The Legal Rights and
Responsibilities of
Lesbian, Gay, Bi-Sexual and
Transgendered
Families in B.C.**





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West Coast LEAF is a branch of LEAF – a national organization committed to eliminating systemic discrimination facing women and Canadian Society as a whole.

West Coast LEAF's mandate is to ensure equality in the law through test case litigation, law reform and public legal education.

This booklet is meant to provide information. It is not legal advice. Laws change regularly. Please consult a lawyer if you require legal advice. Check the resources in the back of this book if you need help finding a lawyer.

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Introduction

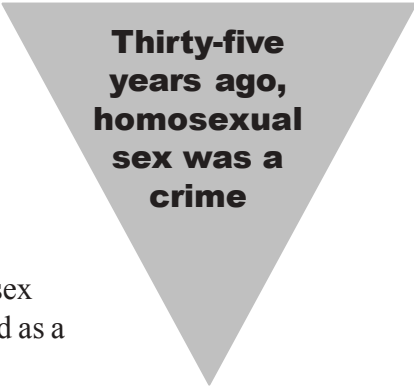
The laws governing lesbian, gay, bisexual and transgendered (LGBT) people and their families have changed dramatically over the last twenty years.

Thirty-five years ago, homosexual sex was a crime, homosexuality was classified as a mental illness, same-sex partners lived as “roommates”, and transgendered people had barely emerged into public consciousness.

Today, queers (LGBTs) are protected from discrimination in the law by the equality guarantees in the Canadian constitution and from discrimination in the private sector by human rights legislation. Same-sex families have almost all the same rights (and responsibilities) that heterosexuals families have. Transgendered people are winning cases they bring against discrimination.

That being said, however, please be aware that things are changing rapidly in B.C. There has been a change in government that has committed itself to massive cutbacks and government restructuring. Though most of the basic legal rights discussed in this booklet would be difficult for any government to take away, proposed Legal Aid cutbacks, changes to Human Rights and workplace rights Tribunals, as well as cutting of grants to community services may result in difficulty accessing justice.

Please also note that this booklet is for information and general reference only. It is not to be viewed as providing legal advice. In addition, laws change regularly. If you have a legal matter for which you need legal advice, contact a lawyer. A lawyer will generally provide a 30-minute first consultation for free. There are also a variety of free legal services and clinics in the community. Please see the list of resources in the back of this booklet.



**Thirty-five
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The Big Picture

Since 1985 the Canadian Charter of Rights and Freedoms has been a part of the Constitution of Canada. All Canadians are protected by the Charter. It applies to all federal and provincial laws.

Under section 15 of the Charter, “every individual is equal before and under the law and has the right to equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.”


Though sexual orientation is not listed among the protected grounds, the courts have held that the words “and, in particular” mean that the list of grounds is an open-ended list, and sexual orientation has been added by the courts. Transgendered people in Canada are just beginning to fight in the courts for their equality rights. They are likely to succeed under the ground of “sex” or a new ground of “gender identity”. Our rights to equality under the law and to the equal application of the law can only be taken away if the government can prove that to do so would be “reasonable... and demonstrably justified” even though the law is discriminatory; or if a federal, provincial or territorial government enacts a law and says specifically that the law will operate notwithstanding the Charter.

Relying on the Charter, gays, lesbians and bisexuals have forced the federal government to change almost all laws which recognize ‘spouses’ for any purpose – including pension legislation, legislation about income tax treatment, etc. – to include same-sex

The exclusion of same-sex partners from marriage is now being challenged

partners. Two of the main areas of federal law in which discrimination remains are marriage and “spousal privilege” (the right not to have your spouse testify against you in a criminal proceedings). The exclusion of same-sex partners from marriage is now being challenged in three provinces, British Columbia, Ontario and Quebec.

Human rights legislation protects people from discrimination in the provision of goods and services, accommodation, or employment in the private sector. The first province to protect gays and lesbians from discrimination was Quebec, in 1977. Alberta deliberately refused to include sexual orientation in Human Rights legislation, even after most other provinces had done so. Delwin Vriend, a gay man, took Alberta to court and the Supreme Court of Canada held that if the province was going to protect “some” groups from discrimination - on the ground of sex, race, ancestry, etc - it had to protect “all” disadvantaged groups, and ordered that the words “sexual orientation” be added to the Alberta legislation.



One area of federal law in which discrimination remains is marriage

Human rights protection means you cannot be refused a position or promotion in the Armed Forces because you are gay or lesbian, hotels cannot refuse to rent space for our AIDS benefits, employers have to give bereavement leave to employees whose partners die (in the same way they would give bereavement leave to a heterosexual whose spouse died), and so on...

BC’s human rights tribunal and the B.C. Supreme Court has held that transgendered people are protected from discrimination on the ground of “sex” under the Human Rights Code. That means you cannot be refused service, fired, etc. if you are trans, and you are entitled to transition (change from one gender to the other) without being fired.

The result of this is that if you are treated unfairly because you are gay, lesbian, bisexual or transgendered in BC you probably have legal recourse.

Protection Against Hate

British Columbia has anti-hate legislation in place. The legislation makes it illegal to publish statements that indicate an intention to discriminate against a person or group of persons, or are likely to expose people to hatred, based on their sexual orientation and other

prohibited grounds. B.C. is also one of only two provinces to have established a Hate Crimes Team. The B.C. team of three members provides education and training to fellow officers and to community groups. It also collects statistics on incidents of hate in the province.

Hate crimes are also covered by the Canadian Criminal Code, which provides increased penalties for people convicted of gay bashing or other hate motivated assaults. The Hate Crimes Team works with both provisions of the Criminal Code and the anti-hate legislation when helping officers and members of the community to deal with hate crimes.

If you believe that you are the victim of a hate motivated crime and the attending officer did not record it as such, you are encouraged by the team to contact them directly (at 604-660-2659, call collect during office hours if outside the Lower Mainland) regarding the incident.

If you are the victim of any criminal act, you can be compensated by the Criminal Injuries Compensation Board.

Sex: What's Legal, What's Not!

Homosexuality is legal in Canada. You can:

- be a lesbian, gay man, bisexual and/or transgendered person;
- walk arm-in-arm, hold hands, dance, kiss and hug your same-sex partner in public;
- talk about sex in private or public;
- rent, purchase or sell most lesbian or gay erotica; and,
- have sex in the way you want with an adult of the same sex in

a private place (A car or cubicle in a public washroom are not considered private places.)


**You can walk
arm-in-arm, hold
hands, dance,
kiss and hug
your partner
in public**

If you are a young person over 14, but under 18 years of age, you can have anal sex with whomever you want as long as that person is not considered to be in a position of trust, or authority over you; or is a person that you are dependent on.

If you are 14 years of age and under you can have sex with someone of the same age without penalty.

It is not legal for anyone

- if they are an adult, to have any kind of sex with someone under 14 years of age or to have sex with someone between 14 and 18 who depends on, or is in a relationship of trust with them;
- to have anal intercourse with someone when another person is present; or,
- to have intercourse with someone under 18 if they are in a position of authority, trust or dependency (eg teacher, coach).



**You may decide
to have your
partner apply to
immigrate to
Canada**

Immigration and Sponsorship

We live in a global community. Some of us have developed strong long-term love relationships with individuals of the same sex outside of Canada. If you are a Canadian citizen or a landed immigrant with a same-sex partner who is a citizen of another country, you may decide to have your partner apply to immigrate to Canada.

Canada has an established procedure for the immigration of gay and lesbian partners of Canadians or landed immigrants. For the application for permanent residence to be successful, there must be strong evidence of his or her intimate relationship with you. If you have that, then unless the person immigrating has a criminal record or a serious health problem, the application will succeed.

Under new immigration legislation - in force June 2002 - same-sex partners will be covered by the same provisions governing common-law, heterosexual partners. the Lesbian and Gay Immigration Task Force can provide detailed information about same sex immigration. (Please see the resources listed in the back of this booklet).

Living Together: You, Me, and the Law Makes Three!

Until recently, the law treated same-sex partners living together as roommates. If they had children together, the non-biological parent of the children had no legal rights.

That has changed. Under federal and B.C. law, queer partners are now treated the very same way as opposite sex couples in a common law relationship. In turn, common law couples have most of the same rights and responsibilities that married people do.

What does this mean for you? Unless you make an agreement that says otherwise, if you have been living together for more than two years, each of you acquires a right to claim spousal support from the other if you break up - if you apply to the court within a year of the break up.

If your partner has a child when you get together and you contribute to the child's support for more than a year, you have an obligation to contribute to the child's support after you break up if your former partner applies to the court within in one year. If you and your partner have a child together – either by choosing assisted insemination or by adoption – then you each have the same responsibility to provide for the child after you break up. And you each have the same right to claim custody and access of/to any child that you have been raising together.

Living together does not give you an automatic right to half of your partner's property, nor does it give your partner an automatic right to half of yours. Generally, you own what you have bought. However, if you have been together for a long time and intermingled

your finances, a court may decide that the person who does not 'own' an asset is nevertheless entitled to a share of it.

Transgendered people still face discrimination in the law regarding marriage. Generally, transsexual people can change their name after they have had sex reassignment surgery. But if a transsexual person is already married, he or she cannot get

**Transgendered
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marriage**

a new birth certificate, because then they would be in a same-sex marriage!!

Cohabitation or Relationship Agreements

If you and your partner don't like the idea that

you might end up having to support each other, or you want to be the ones to decide how to divide your property, you can write a **cohabitation agreement** that sets out how you want things to be if you break up.

Developing a cohabitation or relationship agreement at the outset of your living together helps to clarify assumptions and expectations that each of you may have about financial matters, children, the running of your household, how you want to be treated and other matters. There is no one way to draft a cohabitation or relationship agreement. Some things you may want to consider after you have read this booklet and decided to have a cohabitation agreement are:

- What property did each of you bring into the relationship? Do you want any or all of these items to remain yours if the relationship breaks down?
- What debts did each of you bring into the relationship? Who will be paying them off?
- How will you organize your finances? Both salaries into one bank account? Separate or joint accounts?
- Will you be buying things together or own everything separately?
- How will you handle credit cards, lines of credit and your mortgage? Whose name is on what?
- Who is the beneficiary of RRSP's, RESP's and/or pensions?
- Are property and/or other investments jointly held or is only one person's name listed?
- How will the property you own separately and/or together

There is no one way to draft a cohabitation or relationship agreement

- be divided if you break up?
- If one of you becomes disabled or loses your job, will the other support them?
- If there is a child or children, who will get custody?
- Who will have access? What will be each partner's obligation for support?

Some of the things that may create legal problems if you and your partner do not agree on them beforehand - or if either of you disregard or do not follow your agreement in a given area - are:

- A dollar amount spending limit for your joint or shared account(s)
- Not agreeing about how each of you wants to be treated by the other
- Not having an agreement on how children will be cared for
- How the two of you will resolve disagreements and other relationship issues. (e.g. dependence on alcohol or other drugs, having an affair, violence in the relationship)

Children: You, me and the kids

Many people in queer relationships have children. Some of the children were born when their queer parent was in a heterosexual relationship. Some are born into the queer relationship, with assisted insemination. Some are adopted. This section of the booklet will discuss children and parenting in same-sex and trans relationships.

If you are using sperm from a known donor, it is best to have a written contract

In British Columbia, lesbians, gay men, bisexuals and transgendered people can adopt children or be foster parents, as an individual or as a couple.

If you are a lesbian who bears a child by assisted insemination, you may choose not to acknowledge the sperm donor. There is a recent human rights decision which gives lesbian birth mothers the right

to name their partner as the child's other birth parent, just as heterosexuals do if their child is conceived with donated sperm. Though there is a theoretical possibility that a sperm donor could challenge the birth certificate, a court has never permitted such a challenge to disrupt a family unit. If you are using sperm from a known donor, it is best to have a written contract with him to avoid any problems in the future.

A same-sex partner may legally adopt the child or children of her or his partner

Are you a "parent" if your partner is the one who is the child's biological parent? Is your partner a "parent" of a child that is your biological child?"

If you and your partner lived together for two years, you supported his or her child for one year, and your partner applies for support within one year of the break up, you are a "stepparent" under the law. That means that if you break up, you have an obligation to pay child support for that child, even if the child has another biological parent who is already paying child support. It also means that you have a right to apply for custody of that child – just as a stepfather or stepmother would in the same circumstances. You have the same rights and responsibilities if you decide to have a child together by assisted insemination.

But being a stepparent does not necessarily mean that schools, hospitals, doctors, passport offices, etc will treat you as the child's parent. To be a parent equally with the biological parent, you must adopt the child. This is true even if you participated every step of the way in the assisted insemination of a child you decided to have together. It is not possible to adopt a child before the child is six months old, however, and because adoptions are expensive, some parents will not be able to afford to have their child's non-biological mother or father adopt. In that case, the biological mother(or father) should write an agreement granting custody of the child to her co-mother (or father). That will give the child's non-biological parent the right to make medical decisions for her, or to cross the border with her.

Adoption

Queer families may decide to adopt a child or children in two situations. A same-sex partner may legally adopt the child or children of her or his partner. Or the couple may adopt a child of a person in Canada or in another country who has decided to have their child adopted. An individual or couple 19 years of age or older can apply to adopt a child through the Ministry of Children and Family Development in British Columbia or they can use an adoption agency.

Having a Baby

Some lesbian couples that want to have a child obtain sperm from a fertility clinic, which helps them with the insemination. Other lesbian couples ask a man they know to be a donor.

If you and your partner decide to use a sperm bank, all medical tests, history of donor, and legal paperwork regarding the donor will be dealt with. However, using a sperm bank can be expensive.

Having a male friend donate sperm and is another option. In this situation it would be a very good idea to have a written contract with the sperm donor. Some things you, your partner and a donor will want to agree on beforehand are:

- What kind of relationship, if any, will exist between the biological father, the child and your family?
- Will the donor's name be listed on the child's birth certificate as the father? (If he is, you will need his consent before your partner can adopt the child.)
 - Will the donor consent to the co-mother adopting the child?
 - The child could be entitled to a share of the donor's estate when he dies. Will you agree to pay back the donor's estate if the child makes a claim?

It is not possible to adopt a child before the child is six months old

- The child could ask the court to direct the father to provide them with monetary support if they are under 19, if they are older and in school, or if they have a disability. Will you agree to pay back the donor if the child makes a claim?
- Has the donor been having safe sex? Is he HIV negative? Is he intending to continue safe sex practices?

Once you meet the qualifications, you can have a child or children placed with your family

Foster Parents

In British Columbia there are no laws that limit or deny lesbian, gay, bisexual, or transgendered people from being foster parents. Children and adolescents that have been apprehended by the Ministry or who have left their homes are often placed in foster homes.

If you and your partner decide to apply to be foster parents and you meet the age requirement of 19, the Ministry of Children and Family Development will review your references, and conduct background and criminal record checks. Once you meet the qualifications, you can have a child or children placed with your family. You will receive payment from the Ministry for providing foster care.

Having LGBT community members identified as foster parents has been seen as a benefit by the Ministry looking for foster homes for queer and questioning youth.

Financial Matters

On April 11, 2000, Parliament passed the Modernization of Benefits and Obligations Act, which came into effect on July 31 of that year.

The effect of the passage of this legislation was to amend almost all laws of Parliament at one time in order to award rights,

benefits and responsibilities previously not granted to gay men and lesbians “living in a conjugal relationship.”

So now, whether you are straight, gay or lesbian you are treated as “spouses” for the purpose of almost all federal laws after one year of living together.

Income Tax

Federal income tax is one of the areas affected by the passage of the Modernization of Benefits and Obligations Act. It will be mandatory in the taxation year 2001 for same-sex couples to file tax returns that reflect the fact that you are a couple if the two of you have lived together for one year or more. There are positives and negatives to this change in federal income tax law for same-sex couples. Some of the positives are:

- The ability to transfer certain unused tax credits
- The ability to pool medical expenses
- The ability to pool charitable donations
- If one partner is self-employed, having a deadline of June 15 for filing tax returns
- The ability to contribute to a spousal RRSP

The taxation department often reviews a couple’s income tax return for proof of their relationship. If you decide not to indicate on your return that you are in a long-term, same-sex relationship and your spouse dies, you may not be able to claim CPP survivor benefits with respect to the period during which you did not report yourselves as “spouses”. Some negatives:

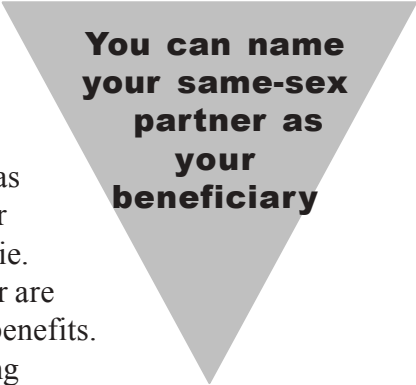
There are positives and negatives to this change in federal income tax law

- One of you will lose the equivalent-to-married credit
- Child Tax Benefit and GST could be reduced
- The benefit of child-care expenses could be reduced
- You will not be able to double-up on principal residence exemptions

Pensions

If you have a pension plan at work, you can name your same-sex partner as your beneficiary. That way your partner will get a “survivor’s benefit” after you die.

All Canadians who are 65 or older are entitled to Canada Pension Plan (CPP) benefits. CPP benefits are available to the surviving spouse of someone who has died. If you and your partner have lived together for more than a year and one of you dies, the other would be entitled to survivor benefits if the deceased partner contributed to the CPP for a minimum of three years. The surviving partner must be at least 35 years old to receive benefits, unless you have dependents, or are disabled. If a deceased has had more than one spouse, the survivor benefits are divided according to the length of each relationship.



**You can name
your same-sex
partner as
your
beneficiary**

Workers’ Compensation

If you are single and are hurt on the job, workers’ compensation benefits are available to you. If you have been living with your partner for two years, your partner may also benefit

If you die from an accident on the job – whether you die at the time or die later from the injury – your partner is eligible for survivor’s benefits. If you have children, your children may be eligible too.

If you need to file a claim and you have not been contacted by Workers Compensation within three weeks of the loss of your partner, contact the Workers’ Compensation Board Sensitive Claims Department at (604) 231-8594.

BC & Disability Benefits

If you are single and cannot work, you are eligible for “BC Benefits”(welfare). If you can’t work because of an illness or injury, you are eligible for “disability benefits”.

If you are living with your partner, things are more complicated. If that is the case, you do not have the option of considering yourself “independent” and applying for welfare on your own; your partner’s income will be taken into account in deciding if you can claim welfare or disability benefits. If you are both eligible for BC Benefits, the amount will be lower for two people who are partners than for two people that are roommates. Filing as a single person when you are living with a partner is considered fraud. There are substantial penalties for mis-representing your status. You will be forced to pay back any monies you received, and you could go to jail.


If you or your partner have a condition that renders you disabled, including having AIDS, being HIV positive, or undergoing transition, you may be entitled to disability benefits. You may qualify for BC Benefits Disability Benefits program, if:

- you are 18 years of age or older
- your income is below what you would get on BC benefits
- you have a mental or physical impairment that a doctor says is likely to continue for at least two years, or is likely to continue for one year and recur; and
- as a direct result of the impairment, you need extensive help or supervision in order to perform daily living tasks within a reasonable time, or have unusual and continuous monthly expenses for transportation, special diets or other essential needs.

If you are living with your partner, things are more complicated

If you have been employed, you will have the option of receiving federal (CPP) or provincial benefits. Both application processes are complicated and one may offer you more resources than

the other. To get more information about federal and provincial disability benefits and for help completing the forms to file a claim, you may want to get help from an advocacy group that assist individuals on this matter.



Same sex partners are included on the list of persons the doctor is to consult

Incapacity

The Representation Agreement Act allows you to appoint someone to be responsible for your personal, medical, and financial affairs if you become incapacitated. The appointed person is called a Representative. Though same sex partners are included on the list of persons the doctor is to consult if there is no individual nominated as a Representative, the procedure for getting appointed as “substitute decision maker” is time consuming. So having a Representation Agreement is a good idea.

Separation: Breaking Up is Hard to Do!

If you have a cohabitation agreement that covers what will happen if you and your partner split up then – congratulations! – you don’t need to read this section. This section deals with aspects of ending a live-in relationship.

Queer partners who are considering ending their live-in relationship are in the same situation as a heterosexual couple ending a common-law relationship, so everyone will find this section useful regardless of their sexual orientation, or the gender identity of themselves or their partner.

Issues which arise when a breakup occurs

When you are thinking about leaving, make sure that you have all the financial records related to the relationship, or copies of them. Also, take your identity documents such as your passport, birth certificate, and the documents of children who will be with you.

Either partner can take all the money from a joint account at any time; take the money you will need and do not assume that it will still be there later.

You can take your clothes and personal possessions. You may be entitled to take furniture and other household objects as well but it is impossible to generalize about this aspect of the situation.

Safety Issues

There is a myth that spousal abuse does not happen in same sex relationships. Has your partner

- hit you or your children?
- destroyed furniture?
- thrown things?
- threatened with a weapon?
- flown into rages, then apologized, then raged again?

The most dangerous time in a relationship is when it is ending. That is when most assaults are committed. Here are some things you can do if you are at risk:

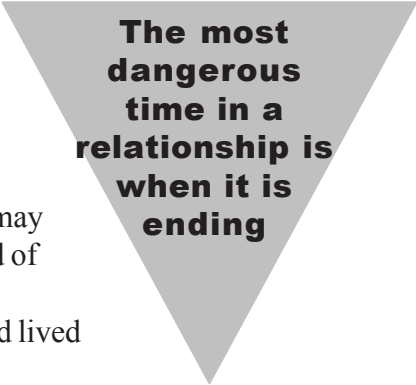
- call the police
- if you are a woman, call a transition house. Transgender women should be aware that some women's shelters are welcoming to trans women, other are not. Phone first.
- get emergency financial assistance from the Ministry of Human Resources (welfare)
- get legal advice. If you can't afford a lawyer, go to legal aid. Discuss changing the locks (if you are staying in your home), and the possibility of a restraining order.

Either partner can take all the money from a joint account at any time

Who has Custody/Access to Children

If children were part of your same-sex family, you might have been:

- the child's biological parent
- the child's co-parent, if the child was born during your relationship
- the child's adoptive parent: you may have adopted the biological child of your partner
- the child's step-parent: if the child lived with you, and you had parental responsibilities during the relationship, then you are a stepparent, even if the child has two other natural parents



The most dangerous time in a relationship is when it is ending

When your relationship ends and children have been a part of your family, some of the biggest questions that will need to be answered by you and your ex-partner are those of custody and access. There are different ways to organize care of the children.

One parent – the biological parent, co-parent, adoptive parent, or stepparent – may have **sole custody and guardianship**. What that means is that the child (or children) lives at that parent's home and that parent has the right to make the day to day decisions that affect the welfare of the child or children.

Another choice could be for two parents to have **joint custody and guardianship**. In that case, a child (or children) would spend a substantial amount of time with each parent – for example one week with one parent and a week with the other parent – although it does not have to be an equal amount of time. And both parents would have the right to make the day to day decisions affecting the child.

A third choice for two parents could be **joint guardianship though one parent has sole custody**. In that case, the child (or children) lives with one parent, the custodial parent makes day to day decisions about the child, but both parents have to discuss major issues that affect the child, such as what school or church the child will attend.

If a parent does not have custody, he or she is entitled to have **access** to the child or children. Access is the right of a person who

does not have custody of a child to see that child. Access is sometimes called “visitation rights”.

If the Child has other parents

If the child you were living with when you and your partner broke-up was born to you and a previous partner, or was born to your partner and someone else, there may already be a custody and access arrangement in place between those two adults.

You, your partner and any other parent or step-parent already in the child’s life before you came along will need to arrive at an agreement on custody, guardianship and access.

If the child’s parents cannot agree about these matters, any of them can apply to the court for an order. The law in BC treats an application by a lesbian or gay parent the same as an application from a heterosexual couple. The judge examines the circumstances and the proposed living arrangements presented by each parent and makes a decision based on what the judge deems to be “in the best interest of the child”. The judge cannot take into account the sexual orientation of a parent unless for some reason it impacts on the child’s best interests.

Child maintenance

In British Columbia, you have an obligation to pay child support if:

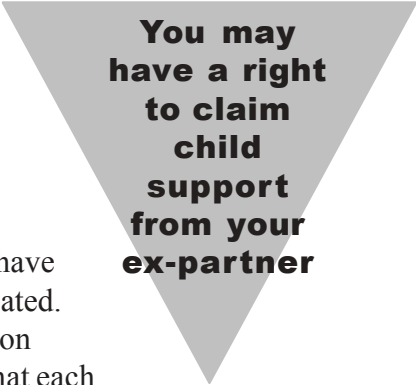
- you were together for two years or more;
- you contributed to the support of the child or children for at least one year; and,
- your ex-partner applies for support within a year of the break-up.

On the other side of the ledger, you have a right to claim child support if:

- you were together for two years or more;
- while you were together your ex-partner contributed to the support of your child for at least a year; and,

If the child’s parents cannot agree about custody, any of them can apply to the court for an order

- you apply for support within one year of the break-up.



You may have a right to claim child support from your ex-partner

Division of Property and Debt

Division of property for people who have been living together can be complicated. The starting assumption is that each person owns the property in her/his name and that each person is responsible for the debt in her/his name. That includes the property and debts you brought into the relationship.

But one person may have a claim to share in something in the other's name, if for example they helped pay for it, or if they contributed to acquiring it by doing unpaid work that enabled the other person to earn the money to buy it. These are called "equitable claims". Equity is the law's way to make sure that the division is fair (equitable).

Because this area is so complex, and because most lawyers will give you an initial interview without charge, it is a good idea to consult a lawyer about your particular situation



Spousal Maintenance

If you and your partner have lived together at least two years, and one of you is financially dependent on the other when the relationship ends, the financially dependent person can make a claim for "spousal maintenance". The philosophy behind spousal maintenance is that it should last only for as long as it takes for the dependent person to get back on her/his feet.

Note: There is a one year time limit from the date of separation to make an application.

Wills and Inheritances

Even if you die without a will, your partner and your children would be entitled to share in your estate (property) in B.C.



Gay men and lesbians need no longer be fearful that members of their biological family could inherit their estate instead of their same-sex partner.

If your partner left you out of their will, you can apply to court for a share of their estate under the *Wills Variation Act*.

Even with these changes to the laws that recognizes same-sex spousal relationships, actions taken in the absence of a Will do not necessarily reflect what you would have wanted to do with your property. Sooooo...make a will!

If you decide to write your Will yourself, the requirements in British Columbia are:



- that you sign it at the end
- that you have two witnesses 19 years of age or older
- that the witnesses cannot be beneficiaries of your Will or spouses of beneficiary.
- that your witnesses must watch you sign your Will; and
- you must watch them sign your Will
- you and the witnesses must initial changes on the Will.

You will also want to name an Executor for your Will. Your executor will have full legal powers to handle your affairs upon your death. The Executor is also responsible for dealing with the body after death (ie. making the funeral arrangements), gathering and distributing assets, and getting all the paperwork and documents to the lawyer so that the lawyer can prepare the Probate document. Your Executor should know where to find your Will and other important documents.

Even if you die without a will, your partner and your children would be entitled to share in your estate

Your partner can be the Executor of your estate, but you should consider this matter very carefully. If your partner is grief stricken over your loss, she or he may not feel able to deal with all of the responsibilities attached to the role of Executor.

You have legal obligations regarding your estate to your spouse and your children – biological or adopted.



Note that jointly held property or designated beneficiary insurance, RRSP's, and some pensions are not considered a part of your estate for probate purposes. Those assets go directly to the person named, when you die.

**Queers have
made stunning
progress
towards
equality in law**

Conclusion

Queers have made stunning progress towards equality in law. The situation continues to change quickly, especially for trans people whose progress lags behind that of LBGs. If you find an inequality do not accept that it must continue. Get some legal advice...and stand up for the rights of all of us!

Resources

BC Coalition of People with Disabilities
204 - 456 Broadway
Vancouver, BC V5Y 1R3
Phone: 604 875 - 0188

The Centre Legal Clinic
1170 Bute St
Vancouver, BC V6E 1Z6
Phone: 604 684 - 5307

December 9 Coalition
620-1033 Davie St
Vancouver B.C. V6E 1M7
Phone: 604 687-8752

Gay and Lesbian Educators (GALE)
Box 93678, Nelson Park PO
Vancouver, BC V6E 4L7
Phone: 604 684 - 9872 ex2004

Trans/Action
294 - 3495 Cambie St.
Vancouver, BC V5Z 4R3
Phone: 604 684-9872 ex2339

Vancouver Status of Women
309 -877 East Hastings St
Vancouver, BC V6A 3Y1
Phone: 604 255 - 3998

AIDS/HIV

AIDS Vancouver
1107 Seymour St
Vancouver, BC V6B 5S8
Phone: 604 681-2122

Asian Society for Intervention of
AIDS (ASIA)
210 -119 Pender Street
Vancouver, BC V6B 1S5
Phone: 604 669 - 5567

Healing Our Spirit BC First
Nations AIDS Society
212 - 96 East Broadway
Vancouver, BC V5T 4N9
Phone: 604 879 - 8884

Pacific AIDS Resource Centre
1107 Seymour St.
Vancouver, BC V6B 5S8
Phone: 604 681 - 2122

Positive Women's Network
614 - 1033 Davie St.
Vancouver, BC V6E 1M7
Phone: 604 692-3000

YouthCo AIDS
203 - 319 Pender St.
Vancouver, BC V6B 1T4
Phone: 604 688 - 1441

Family Law

To find a lawyer, call the Lawyer Referral Service. They will give you the name of a lawyer who practices family law in your area, and that lawyer has agreed to see referrals for a fee of \$10 for a half hour of advice. 687-3221

If you can't afford a lawyer, go to your legal aid office. They provide lawyers for some kinds of family problems. Take your pay stub or welfare stub, and your rent receipt, when you go.

B.C. Child Support Infoline
1 888 216 - 2211
in the Lower Mainland, call 604 660-2192.

Health

Free Range Mental Health Professionals
2 - 590 West Broadway
Vancouver, BC V5Z 1E9
Phone: 604 205 - 5089

Abused Gay Men's Support Group
St. Paul's Hospital, Rm. 482C
Burrard Bldg., 1081 Burrard St.
Vancouver, BC V6Z 1Y6
Phone: 604 682 -2344 ex62909

Battered Women's Support Services
Box 1098, Stn A
Vancouver, BC V6C 2T1
Phone: 604 687 - 1867

BiFace
Box 53515 - 984 West Broadway
Vancouver, BC V5Z 1K0
Phone: 604 875 - 6336

BC FTM Network
Box 10 1895 Commercial Dr.
Vancouver, BC V5N 4A6
Phone: 604 684 - 9872 ex2310

Zenith Foundation
Box 46 8415 Granville Street
Vancouver, BC V6P 4Z9
Phone: 604 261 - 1695

Human Rights

BC Human Rights Commission
306 - 815 Hornby St.
Vancouver, BC V6Z 2E6
Phone: 604 660 - 6811
TTY 604 660 - 2252

BC Human Rights Coalition
1300 - 510 West Hastings St
Vancouver, BC V6B
Phone: 604 689 - 8474

Canadian Human Rights Commission
757 Hastings St.
Vancouver, BC V6C 1A1
Phone: 604 666 - 2251
TTY 604 666 - 3071

Immigration

Lesbian and Gay Immigration Task
Force (LEGIT) PO Box 384
Vancouver, BC V6C 2N2
Phone: 604 877 - 7768

For a full list of community services, check out the Gay/Lesbian Business Association Website at www.glba.org/directory



West Coast Legal Education and Action Fund
1517-409 Granville Street
Vancouver, BC V6C 1T2

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Fax: 604-684-1543
wcleaf@dowco.com
www.westcoastleaf.org