

## Case Scenario #4

### V' Experience with the Family Law System

V came to Canada in 1995 as an international student. After completing her studies V stayed in Canada and worked as a nanny. V met her ex (K) in 1996 and they were married in 1999. In 2000, V and K separated and V discovered that she was pregnant. V and K decided to continue living together for the benefit of their daughter but not as a couple. K was often out of the country on business and was away during the birth and early months of their child's life. V left the joint residence while K was away on business. She moved into an apartment and supported herself and her daughter by working as a live-in nanny for 2 years.

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V does not speak English very well and was unrepresented in court. She asked for a translator but none was provided.

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K was out of the country for those 2 years on business and was pursuing a relationship with another woman. K paid no child support during this period. K returned to Canada when his relationship with the other woman ended.

Upon his return to Canada, K obtained a lawyer and took V to court over custody and guardianship. V represented herself in court. V does not speak English very well and asked for a translator but none were provided. V understood very little about the court proceedings. V's husband was granted generous access.

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If V works full time she will get work benefits which will help her pay for the psychological report, but she will also earn enough money that she will no longer qualify for legal aid.

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Shortly after the first hearing K took V to court over custody a second time. Again V was unrepresented and did not have a translator. This time the judge ordered that V's daughter would live primarily with K. For the preceding five and a half years she had never lived with K.

V was ordered to go through section 15 psychological testing. The testing was conducted in English. When the Doctor observed V and her daughter's interactions they were forced to speak English which is not their usual mode of communication. V filed a complaint to the College of Psychologists of B.C. The complaint was not seen to have any merit, and V has requested a review of the complaint.

V's daughter currently lives with K in the interior of BC. K makes excuses not to bring her to Vancouver for access visits, limits her phone calls and continually accuses V of being an unfit mother.

V has finally been able to obtain a legal aid lawyer and is attempting to get a rebuttal report to counter the section 15 report that was conducted. This has been difficult because a report of this kind is expensive. If V works full time she will get work benefits which will help her pay for the report, but she will also earn enough money that she will no longer qualify for legal aid. V has decided to work part time and maintain her legal aid lawyer.

V's trial is scheduled for January 2009. Since the summer of 2008, V has had an extremely difficult time obtaining and maintaining a legal aid lawyer. She has been referred to many lawyers who turn down her file because they have too heavy a workload, the file is too complicated and legal aid does not pay them enough. With the extensive assistance of an advocate, V was able to secure a lawyer for her January trial in December 2008.



West Coast LEAF Family Law Project Scenarios are based on true stories – the real, lived experiences of women navigating BC's Family Law justice system. This story has happened and is happening to a woman in BC.