

Case Scenario #10

E's Experience with the Family Law System

E and her ex (G) were together for seven years. They have two children. They met and spent the majority of their relationship in Hungary. G brought E to Canada in 1998 and the couple separated 2 months later.

E and G's relationship was characterized by severe abuse. E is now disabled. Her jaw and head are permanently damaged as a result of being abused by G for many years. She has no muscle use on the left side of her neck.

E has appeared in court on several occasions for refugee, immigration, criminal (relating to G's abuse) and family matters. E was granted refugee status because the Hungarian government denied her protection after G abducted her two sons.

Since E and G separated, G has repeatedly tried to increase his access to his sons. G's access commenced with 2 hour supervised visits. Eventually G was granted overnight visits with the boys. E's sons complained that their father sexually abuses them. E reported these complaints to the police. Police investigated the complaints but the file was closed because of a lack of evidence.

E applied for legal aid in 2002 to help deal with her access issues and qualified for eight hours of legal representation from a family lawyer. In family court a Master acknowledged that the children were at risk and ordered that the overnight visits should end until it could be established that the children were safe.

E's children claimed to have been sexually assaulted by their father. E applied for legal aid in 2002 to help deal with her access concerns and qualified for only eight hours of legal representation from a family lawyer.

G was paying \$600 a month in child support but because he is 67 years old he claims that he is no longer obligated to pay.

G retained a lawyer and applied to reinstate the overnight access visits. E applied for further legal aid representation stating that she feared for her children's safety. This time E was denied legal aid and she represented herself in court. English is her second language and representing her self was an intimidating experience for her. E supplied the court with medical evidence of her children's stress and a report from her children's therapist indicating that she believed the children were telling the truth about the sexual abuse. The judge said that E's allegations against G were "ugly" and could not be substantiated. The judge reinstated the overnight visits.

E currently has full custody and shares guardianship with G. G continues to access the children for overnight visits and the children continue to complain about their father's abuse. G was previously required to pay \$600 a month in child support, but has claimed that because he is 67 years old (a senior) he should no longer be obligated to pay. G owes E approximately \$5000 in arrears for child support, but E could not pursue this as she did not have legal aid.



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.