

PEI WOMEN'S COALITION

INTERVIEWS and FOCUS GROUPS

The EPWIC (East Prince Women's Information Centre) conducted the focus groups and interviews for women that have or had required legal services for any type of family law and were not able to afford it. During these interviews we discovered that some women might have qualified for assistance(Law Foundation Family Law Legal Aid Program) ; but, didn't know that it was available.

In order to allow everyone to have a chance to tell their story, ads were placed with all of the Island media (newspaper, radio and television). Interviews were conducted with CBC TV , CBC Radio, FM102 Radio, and the following newspapers: Summerside Journal Pioneer , Charlottetown Guardian and the Eastern and Western Graphic.

Focus Groups and interviews were conducted, with the private interviews being the most popular. Because of the private issues that were discussed, not many would participate with the focus groups.

**QUESTIONS ASKED TO THE FOCUS GROUPS
AND IN THE INTERVIEWS**

1. What Legal Aid Services have you asked for, but not received? What were the reasons for refusal? Did you know that there was any legal aid for emergencies?
2. What were the consequences of not receiving these services?
3. What services did you receive?
4. How helpful, timely and adequate were these services? Was there any coverage for the costs?
5. Is there anything else that you would like to tell us?
6. How would you evaluate the services?

SOCIAL JUSTICE

A concept based on the belief that each individual and group within a given society has a right to equal opportunity, civil liberties and full participation in the social, educational, economic, institutional, and moral freedoms and responsibilities of that society.

STORIES

The stories in this document are as they were told to me by the women that were interviewed. Out of the many interviews I conducted, these stories were some of the ones that the women consented to be told. A lot of the stories were similar so I tried to limit these to different situations.

Andy Lou Somers

1.

She has four children under the age of 10 (Her spouse is the biological father of all 4). Her husband is a truck driver. Both partners had agreed that she be a stay - at - home mom. In order to build a retirement income they started to buy rental properties. She collected the rent. Her husband told her because she didn't work outside the home that the mortgages on the properties and vehicles had to be in his name since the banks wouldn't lend her money in her name.

One day he walks in the front door and announces that he is leaving her and she better get a good lawyer because he has one of the best (she recognized the name of the lawyer when she heard it). Of course panic set in and she called a lawyer that she thought could represent her . She was told that she would have to pay a retainer of \$5,000. She didn't know what to do so she checked to see what she had financially in her name only. All that was in her name was a RRSP of \$6500. Without thinking, she cashed it in and paid the retainer. Of course with the withholding tax there was nothing left over.

It has been many months of a court battle - the properties have not yet been settled so he is collecting the rent, keeping the money and living in one of the apartments with his new girlfriend and her children. He was ordered to pay his wife \$ 1350.00 a month until things are settled (could be another year according to her lawyer) . He gives her \$300 a month and says that is all she is getting because he uses the rest of the \$1350 to pay the mortgage and car payment as it is in his name and he is not going to risk having bad credit.

When she asked her lawyer what could be done she was told perhaps she get out and get a job and join the " real world."

2.

A senior woman, married for 32 years with no children at home, has worked in and out of the home her entire life. Her spouse has recently lost most of the family money due to an addiction. She has tried uneventfully to get her spouse into treatment. The last two times that she got him into the hospital to wait for treatment at Mt. Herbert she was required to pay \$ 130.00 for the ambulance each time . (She thought that when transporting from Summerside she was supposed to be reimbursed the cost of transportation).

She has tried to access legal advice to find out how to freeze up what money is left in their family pot and get a legal separation. She was told that because she had no children left at home as dependants, she could not access the law society funding or legal aid.

She had a very legitimate question " Can the province not have some assistance through the hugh profits that they are making of the VLT machines? " There must be many more in the same boat as her!!

3.

A young woman in her 30's had her spouse clean their bank accounts without her knowledge. He left her and their kids to fend for themselves and moved in with his new girlfriend and her children. His words were " You can have everything else ! "

Everything else includes the mortgage on the house that she and the kids are to live in, all bills incurred by the family and no vehicle. She didn't know which way to turn and couldn't even think clearly for days. She started to check on legal advice and was not told by anyone that she might get some legal aid or money from the Law Foundation Family Law Legal Aid Program.

Her mother had been saving up for 3 years to purchase a pair of glasses for herself. She told her to take the money she had been saving and get whatever legal advice she could. This money was just enough to get a retainer to get proceeds started on child support and a legal separation. She works outside the home. Usually this was enough to purchase the groceries and buy the kids clothing and necessities.

What does she and the kids do until things are settled? This alone takes time! What does she do until then? The mortgage goes behind and probably she will lose the house - taxi is the only transportation. If they want to have lights and or a phone it will be deducted off the money for the groceries, plus he is still living with the girlfriend and looking after her children. How long does the court battle go on before he is actually forced to pay for his own children.

Oh, and by the way, when the husband came back to take some things that he said he needed, force was used to get them - legal aid defended him in court when she had him charged with assault.

4.

An elderly woman called to say she was having a hard time getting legal help. Her situation was touchy as it involved family members, nieces and nephews.

She was moving from her own place to a senior building. She had movers booked to take all of her belongings when nieces and nephews appeared on the scene demanding that she wasn't going to pay for someone to move her. They were going to do it. She thought that her brother, who was their parent, had asked them to do it for her.

After she got moved and realized that some of her belongings were missing, she knew then why they had offered their help. When she asked where certain things were she was informed that they must have gotten lost on the way while they were moving them.

Once the moving ordeal was over, these nieces and nephews started visiting her quite frequently. Little things started to go missing. She then asked them not to come back. She wanted to get a lawyer to help her. She felt that if a legal document was served on them that they might get the message and be afraid to come back. She found out that when checking out lawyers, she couldn't afford one. She contacted the police only to find out that she needed evidence that things were stolen before they could be charged.

After much dismay, because of not being able to afford any legal help, she decided to set a trap. She would leave and hide around the corner and stake out her apartment. This took a few weeks to lure them in and catch them. For an 85 year old it was not how you would like to spend your retirement. Needless to say this ended her relationship with her brother and more family members that thought she was just trying to make trouble. She could not believe that she could not access legal aid.

5.

A woman and her 3 children (2 from a previous marriage) were living common law with the father of her youngest child in Nova Scotia. They were from P.E.I. From the start to finish 10 trips were required to Nova Scotia.

Problems arose (she found out that after 2 different occasions of having the police in to remove the father from the home because of fear for her family, that the police would not lay charges or give her any information on any type of protection orders) so the woman left to move back to P.E.I. She had temporary custody of the youngest child. The father took her to court for custody of the child and won temporary custody for 10 months in Nova Scotia until decisions could be made permanently. The father received legal aid for all of his family law.

Because she could not get legal aid she had to defend herself against the father who was being represented by legal aid in Nova Scotia. Only because of the kindness of a lawyer who gave her access to information needed and some qualified advice she managed to get custody of her son back . One key factor that has haunted and lingered a long time is the fact that he (the father) could get legal aid to represent him, she couldn't and the same judge that handled the case from start to finish

asked her 3 questions just prior to announcing her decision:

1. Do I enjoy the bridge?
2. Do I think more people travel from PEI to Halifax or Halifax to PEI?
3. What type of surgery did I have?

6.

At her husband's request, she stayed at home caring for their 2 children and doing a little part time work for her husband's business. He informed her that it would be more costly for her to work outside the home (tax purposes). This was her way to make a little spending money for incidentals for the home and children and keep her bookkeeping skills upgraded. They owned their own home (small mortgage). This was the arrangement for 20 years.

Her husband decided one day that he wanted out of the marriage to move in with a girlfriend and her children. He announced that things would be divided up fairly, he would make sure of that. Well , of course that meant her part time work would no longer exist, she no longer had updated skills (ie: computers, faxes, etc.), a 12 year old car in the company name, and no regular money coming in until he divided things up fairly.

Needless to say, she realized that she better get some legal advice. This meant that she would have to sell the house, using her share of the profits to pay for a lawyer and court costs as she realized this was going to be the next step in a long, drawn out ordeal. She could not get legal aid and the lawyer she went to didn't offer any information about the Law Society funding.

No current work experience and not able to draw EI left her penniless. Her husband dragged on the proceedings until she could no longer borrow from family and friends. In the meantime, he lived with his girlfriend who owned her home, helped bring up her children, went on vacation trips and participated in all seasonal sports (hockey, golf, curling, all of these having high membership fees)

After 2 years, things were settled! All her monies (house had to be sold) were spent out in legal bills. He was ordered to pay support. Six months after he started paying support, he decided to take it to court to get his payments lowered (his business wasn't doing as well). When this happened he stopped paying what he was suppose to until he could see if he could pay the lower amount. When he was late with his payment , Maintenance Enforcement couldn't garnish his wages because he was paid from another province in Canada that wouldn't garnish wages! She has no money for legal help and 2

children to support!

7.

She was married for the 2nd time to a gentlemen who had not been married before. They lived on the family farm which had been his family's.

After 5 years of marriage, she discovered that he had a serious addiction to alcohol. He had obviously been a closet drinker because no other family or friends knew of his problem either.

As the marriage continued the alcohol problem became more and more of a problem. When she confronted him with getting some help for the addiction, promises were made but never followed through on.

Finally, after all she could take, she gave him the ultimatum, get help or she leaves. Nothing changed, so she left.

At the time she was receiving \$ 650.00 a month in a disability cheque. This is all she had to live on until she could get a settlement. Her disability requires \$160.00 a month in medication. This has been covered by his Blue Cross. He immediately cut this off.

She tried to get legal aid and was denied. She applied to get the funding from the Law Society but was refused because she had no dependants living with her.

She had not many choices. Oh well, she decided that she would have to go back and live with whatever consequences life brings her!

8.

She and he owned their own home. They had 2 teen age children. Things had not been going well with the marriage. She decided that she wanted out of the marriage. She went to their family lawyer expressing the fact that she wanted a legal separation as quick as possible and an agreement that would be fair to both parties.

That same day with offers in place she told her husband that he could have a lump sum payment from her and she keep the house and take over all the household expenses. She did not want any child support.

Her lawyer did not even mention to her that perhaps she should take a few days to think things over about the settlement. She was just so anxious to end things and begin a new life that she wasn't clearly thinking about 5 years down the road.

Of course the husband took the offer immediately before she could change her mind.

A few months later she realizes that she has made a drastic mistake concerning the settlement - she approaches her lawyer and asks why he let her take such an offer without explaining things more in detail - such as - this was a done deal and final! He said , " Well, I am not a family law lawyer and you should have had one" - At this point , she is penniless and cannot afford any legal help. She did not know that there were agencies , such as CLIA, that had information and resources that could have benefitted her, and saved her from the agony that she has experienced.

She had expressed the fact that, yes, she was anxious , but had hoped her lawyer would have had more advice to give. She recommended that if family law was covered by legal aid, everyone would get the expertise and continuity needed to advise her.

9.

A young couple both work full time, have children of their own and part time custody of his son from a previous relationship.

During the period of time that they were legally trying to get custody of his son, finances became very tight as they had to hire a lawyer and pay court costs . The son's mom had legal aid as she was on social assistance. The court battles have drained this couple - emotionally, mentally and financially.

This couple has had a very tough time following court orders for the son to go with his mother as he does not want to live with or visit her. That part of the story is another story in itself. (alleged abuse)

This couple are now preparing to declare bankruptcy as they can no longer maintain their bills and look after their children financially. They have lost all faith in the justice system. They would like to receive as much financial help and support as his son's mother does. They are still working but do not receive any legal aid.

By the way, the son's mother has another child and is also going through the same battle with that child's father. He is paying and she is receiving legal aid on this case also.

This case is like so many we have come across. It seems to be the working poor that suffer the most by not being able to get legal aid.

10.

He and she had a family home, a family business and children. The husband decided he wanted out and left the family home and sent no money to help Mom out with expenses.

Mom did work for the family business at home . That ended so she had no money coming in. Her retired parents offered to help and in doing so had to put a mortgage on their home to get the money to pay for a lawyer. Of course when enquiring with ex- hubby about work and money, she was told to get a good lawyer because he was going to own the business and she could get out and find a real life job.

She was never told about the services of Community Legal Information of Prince Edward Island and did not know that there might some kind of funding that she could possibly access.

She panicked because of hubby's intimidation and threats to her that his lawyer was good and that she would have nothing by the time that he was done with her.

While all this time is lapsing, and nerves and tempers are dictating actions, she decides to give in and take what she can get. She is feeling bad about costing her retired parents so much money, worrying that her bills that were accumulating were causing her bad credit.

