

Your Children



Children often see and hear more than we think. They have probably seen or heard the abuse, and it will likely have affected them.

Children who are exposed to abuse can be as severely affected as children who are direct victims of physical or sexual abuse. They might:

- be scared, confused, and unhappy
- have physical complaints such as headaches or stomach aches
- blame themselves
- experience insomnia, nightmares, or bed-wetting
- have speech difficulties or stop talking
- harm or cut themselves
- behave aggressively or become withdrawn
- cling to their mother or try to take care of her
- exhibit disrespectful or abusive behaviour towards their mother
- feel responsible for the abuse
- seek punishment by lying or stealing (because they believe punishment means love)

When children experience abuse in their home life, even at a young age, they are put at risk of getting stuck in a cycle of abuse.

Children who are exposed to abuse often believe that it's alright to hurt people they love. They learn that it's normal for someone who loves them to hurt them.

Children from violent homes may end up believing that:

- it's okay to hit, boss, or control their partners
- abuse is normal
- abuse is a way to win arguments and get your own way
- it's okay to bully and control women
- women are naturally inferior to men
- women have to put up with abuse to be in a relationship
- "real men" don't feel or show weakness, fear, sadness, or confusion
- adults have power they often misuse
- all men are bullies who push women and children around, and women are weak and can be pushed around
- punishment means love
- women can't take care of themselves or their children
- you can only express anger through aggression and abuse.

LEGAL INFO

If a child sees a parent being abused, this may be considered child abuse under the law.

The Nova Scotia Children and Family Services Act (1991) recognizes that when a child repeatedly witnesses abuse, it is a form of child abuse.

Anyone who suspects that a child under the age of 19 is being abused is required by law to report it. Child protection officers are required by law to remove the child from the home if they believe the child needs protection from the abuse.

Anyone who suspects a child under the age of 16 is being abused by a third party is required by law to report it.

Nova Scotia Children and Family Services Act:

[nslegislature.ca/sites/default/files/legc/statutes/children_and_family_services.pdf](https://www.nsls.ca/sites/default/files/legc/statutes/children_and_family_services.pdf)

The safety of children is always a priority for people who work with victims of abuse. In some cases, however, domestic abuse outreach services and transition house staff may not be required to report to Child Protection. If you contact domestic abuse outreach services, go to a transition house, or leave your abusive partner, you may be seen as having taken necessary steps to protect you and your children from the abuse.

If you return to the abusive situation and/or put your children in harm's way again, domestic abuse outreach services and transition houses will be required to report to Child Protection.

Bullying and being bullied

Children who are exposed to abuse may become insecure and be at risk of bullying or cyberbullying. They may also become bullies themselves.

Bullying is when someone repeatedly tries to hurt another person's body, feelings, self-esteem, reputation, or property.

It is also bullying to help or encourage someone to bully another person.

Bullying is an expression of aggression and an abuse of power that is similar to the abuse your children witness at home.

Help for children and youth

Children and youth who are exposed to abuse are probably confused, scared, and angry. They may need help dealing with their feelings.

Children need to know that:

- they are safe and will stay safe
- the abuse is not their fault
- they are loved
- it's alright to feel whatever they are feeling
- it's okay to talk about it
- they will be listened to and understood
- it's not okay for them to abuse.



Your children may need to know it is still okay to love their other parent, but they also need to understand that the parent's abusive behaviour is not acceptable. They need to know that you are alright even if you cry or get upset.

Remember: children show their anger and fear to the people they trust, and need to learn how to express their feelings without abuse.

Children may need someone to blame. They may see you as the one to blame because you are the one who left or reported the abuse. Perhaps they often saw your partner blame you for things, and so they do the same.

It can be difficult for you if your children blame you. You will need to have patience in order to help your children understand why change is necessary.



What about custody of the children?

It's important to get legal advice right away regarding child custody. If you want custody of your children, an application for a **custody order** should be made right away.

Under the laws of Nova Scotia, the most important consideration in custody arrangements is what would be in the best interest of the child. Abuse is one of the factors a Judge will look at in order to decide what is in a child's best interests.

Usually an application for custody must be made at the Court closest to where the children normally live. The Justice Centre in your area can provide the name and location of the Court where you can start the application.

Court Staff can give you information about the documents you need to apply for a custody order. It is best if you speak to a lawyer before you start your application, but you can get a lawyer at any time during the court process, even if you start the application on your own.

If your partner does not follow the terms of the custody order, you should contact your lawyer and the police.

RESOURCES

For more information about custody and access, you can refer to the Family Law Nova Scotia website: www.nsfamilylaw.ca/custody-access/information-about-custody-and-access/faqs

If you are afraid that your partner may try to take the children to another country, you can ask the passport office to put the children's names on a security list so that you are called if your partner tries to get a passport for them.

You can apply in person or by mail and must provide:

- your own ID,
- the children's birth certificates,
- court documents (such as custody orders, Peace Bonds, etc.), and
- a letter explaining why you want the children's names on the security list.

The passport office usually keeps names on this list for 90 days. After that you must reapply or provide related court documentation.

To find the passport office nearest you, visit cic.gc.ca/english/passport/map/map.asp.

If your children have another nationality and you are concerned that your partner will try to take them to another country, you can contact the embassy or consulate and ask them to refuse to issue passports for the children.

(Consulate and embassy phone numbers can be found in the government blue pages in the phone book, or at travel.gc.ca/assistance/embassies-consulates).



Supervised access and exchange

Courts will often decide that it is in the child's best interests to continue their relationship with both parents. In some cases, a Judge might decide that a child should only see a parent under the close supervision of an independent, neutral third party. **Supervised access** allows children to have visits with their non-custodial parent (i.e. the parent who doesn't have primary custody) under the supervision of trained staff from community agencies.

Supervised exchange is different than supervised access. Supervised exchange refers to the supervision of the child being dropped off or getting picked up between the care of the custodial and non-custodial parent. Supervised exchange allows drop off and pick up to take place without the parents having to meet.

Safety is the top priority in supervised access and exchange. Referrals to the court-based Supervised Access and Exchange Program happen through a court order.

The Supervised Access and Exchange Program provides a safe, neutral, and child-focused setting in which supervised visits or exchanges can take place. These supervised visits or exchange happen for specified periods of time and in appropriate cases.

To find out more about the different types of exchange, visit www.nsfamilylaw.ca/custody-access/information-about-custody-and-access

The Department of Justice considers supervised access and exchange to be a short term and transitional service for families. The service is generally limited to 20 hours per case, but an extension of the service may be considered on a case-by-case basis.

Supervised Access and Exchange Programs currently operate in Halifax, Sydney, Kentville, Pictou, and Bridgewater.

For more information about the Supervised Access and Exchange Program visit:

nsfamilylaw.ca/sites/default/files/video/supervised_access_bench_bar_brochure_for_web_doj2.pdf

For more information about the Supervised Access and Exchange Program specific to parents, visit:

nsfamilylaw.ca/sites/default/files/video/supervised_access_parent_brochure_rev.pdf

Child support

If you have your children with you, you are entitled to apply for child support/maintenance from their other parent.

You must make every effort to get a **maintenance order** or **maintenance agreement** for yourself and/or the children if you apply for Employment Support and Income Assistance (ESIA). *For more information, visit:*

novascotia.ca/coms/employment/index.html.

Any maintenance payments that you receive will be counted as income towards your income assistance payment.

You can apply for maintenance yourself through the **Family Court**. Transition house staff can provide you with information and may be able to help you apply. The Court will work out the amount of support to be paid. Support payments can also be worked out during a divorce proceeding.

You should try to get legal advice about child support. The Court can only work out the amount of child support if the other parent provides their financial information. If it is difficult to get this information from your partner, you can speak to a lawyer for help.

If you do not have a maintenance order or if your child support/ maintenance payments are believed to be too low, you may be referred to the **Family Maintenance Income Support Program**, which is part of ESIA. They will work with you to get a fair payment. They may help you work out a voluntary agreement so you don't have to go to Court. In some cases where there has been abuse, the ESIA program may take a different approach if there is evidence of increased risk of abuse for you or your children.

Maintenance Enforcement Program

Once you get a **child support order**, you should receive money for the children regularly (usually every month). When this order is put in place, the Court will automatically register it with the Department of Justice Maintenance Enforcement Program. The role of this program is to make sure you get your child support payments and/or spousal support payments.

The Maintenance Enforcement Program will register your file as a "caution" case if they are aware that you have been abused by your partner, if there are concerns for your safety, or if you have a Peace Bond in place. This means they will notify you when they contact your partner.

If your abusive partner threatens you or tells you to withdraw from the program, you can contact the police and tell Maintenance Enforcement. Staff will work with you to keep your payments intact.

If you receive income assistance and your support payments are irregular or not being paid, you can sign an Assignment of Maintenance form with your ESIA caseworker. This will allow the Department of Community Services to track and collect your maintenance payments for you. This means that if your partner is not making payments regularly or not making payments at all, ESIA will not include the support payments as income towards the income assistance that you receive.

You may want to open a personal bank account at a new bank and arrange for your cheques to be deposited directly. Your partner will not be able to access the money in your personal account.

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