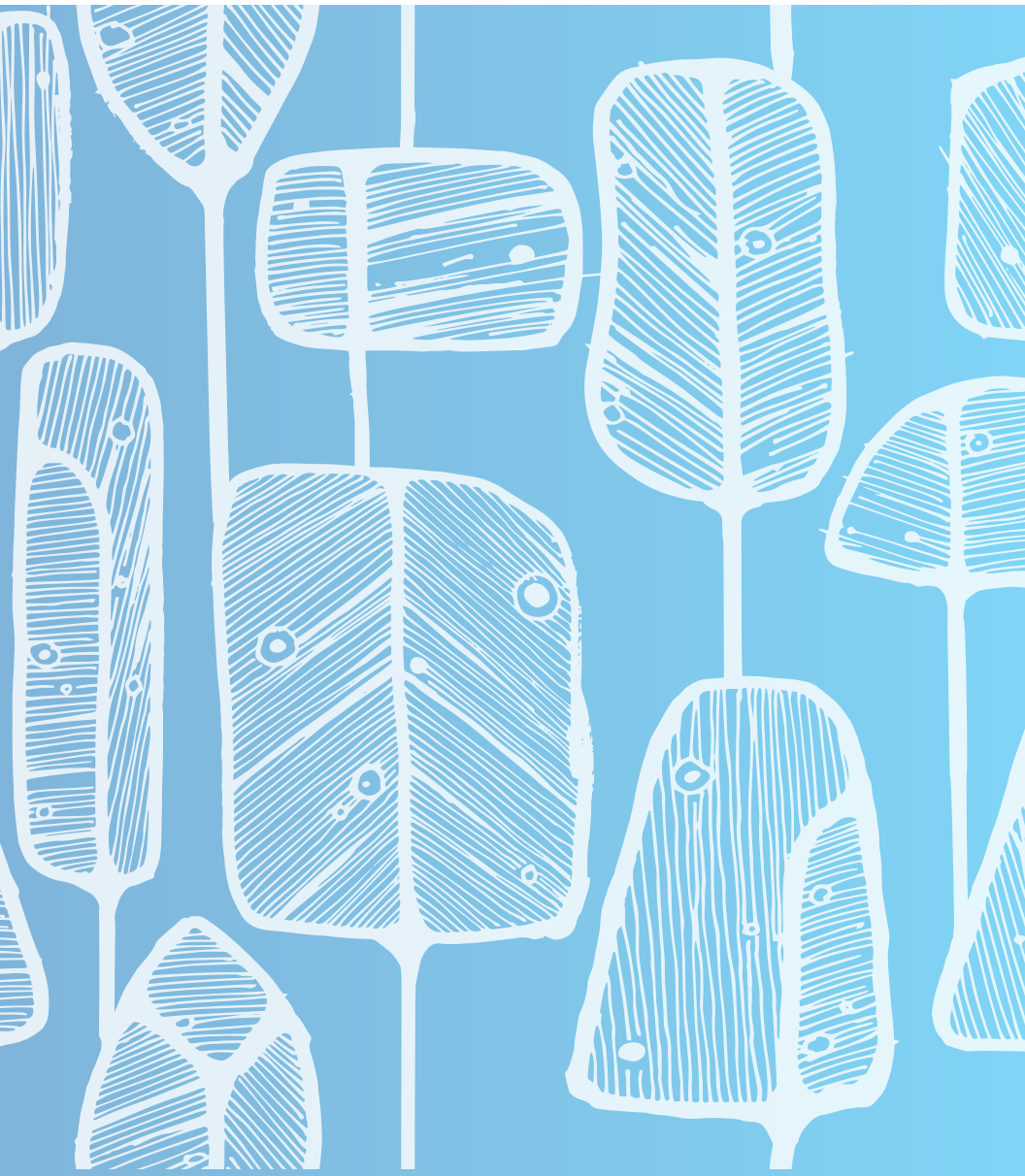
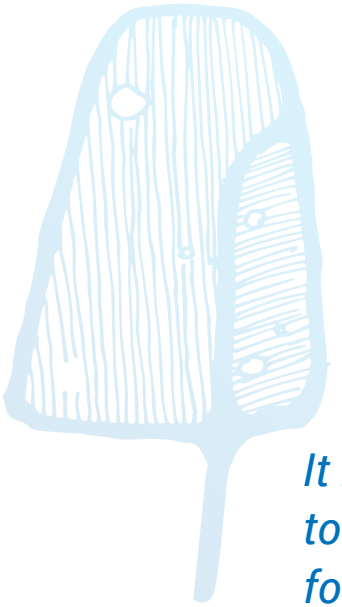
Legal Matters





It may be helpful to ask friends or co-workers for names of good lawyers.

Finding a lawyer

If your partner is abusing you, you may need to know more about your rights. A lawyer can help with this.

Lawyers can give you professional legal advice about getting a peace bond, custody of the children, separation or divorce, and other legal matters. You might be scared or nervous about going to a lawyer. Laws and rules can be different from province to province. Nova Scotia lawyers can only give advice on laws, programs, and services that exist in Nova Scotia.

You may worry that you can't afford a lawyer, but you do have options. This section tells you where you can get free legal information and advice, how to find a free lawyer, how to choose a lawyer if you want to hire one, and information on other services that help families facing domestic violence or abuse.

More information about the law, lawyers, and legal matters is available from the Legal Information Society of Nova Scotia (LISNS): legalinfo.org

LEGAL INFO

You should not sign any papers that might affect your legal rights until you speak to a lawyer.

Free legal advice

If you can't afford a lawyer, you can contact **Nova Scotia Legal Aid** (see page 145 for the location nearest you). This agency may provide free legal services on family law, criminal law, and social justice matters. If you meet the income criteria and have a legal issue that Legal Aid covers, you can get full legal representation at no cost.

RESOURCES

Find a Nova Scotia Legal Aid Office near you at:
nslegalaid.ca/legal-aid-offices

Legal Aid does not help with peace bonds or emergency protection orders.

Legal Aid works to provide some level of service to all people in the areas of law that they cover. This includes things like problems with Income Assistance, Canada Pension Plan, or public housing. Even if you do not qualify financially, you may receive some services. This could range from summary advice (brief, basic legal advice) from a Legal Aid lawyer to full representation in court.

In some situations, Legal Aid may also enter into repayment agreements for people who don't qualify, but cannot afford a private lawyer. Legal Aid will consider the person's specific circumstances (for example, whether that person has experienced abuse).

You can call your local Legal Aid office for more information or to book an appointment. You can also apply for Legal Aid online at nslegalaid.ca/online-application.

LEGAL INFO

Legal Aid can't work for both you and your partner. If your partner calls first, Legal Aid lawyers can't represent you, but they can provide a Legal Aid certificate you can take to another lawyer if you qualify for aid.

Find the Legal Aid office nearest you at:
nslegalaid.ca/legal-aid-offices

You can also talk to **Summary Advice Lawyers** who work at the family courts in Nova Scotia. They give basic legal advice free of charge, no matter how much income you have. The Summary Advice Counsel is a court-based service provided by Legal Aid to answer questions about family law. It is separate from the summary legal advice provided by Legal Aid lawyers. Summary Advice Counsel helps people who need advice on family law matters, but do not have a lawyer of their own.

You can find contact information for the **Summary Advice Counsel** nearest you at:
nsfamilylaw.ca/summary-advice-counsel

The Legal Information Society of Nova Scotia offers a low-cost **Lawyer Referral Service**. You can book your first meeting with a lawyer for up to 30 minutes for $20 plus tax.
legalinfo.org/i-have-a-legal-question/lawyers-legal-help

Call Monday to Friday during regular business hours:
Phone: 902-455-3135
Toll-free: 1-800-665-9779
You cannot leave a message for a return phone call.

Hiring a lawyer

It may be helpful to ask friends or co-workers for names of good lawyers.

When you see a lawyer, you may find it useful to bring a list of questions and as much information with you as you can.

The lawyer may ask you for some information that helps them get ready to go to court:

- your marriage certificate or proof of registration for your registered domestic partnership
- the lease, deed, or mortgage to your house or apartment
- your partner's most recent pay stubs or income tax return
- your income tax return
- bank statements
- immigration papers/passport
- a written record of your partner's abusive actions
- any court orders and notice of court applications

QUESTIONS FOR YOUR LAWYER CHECKLIST

Here are some issues you may want to discuss with the lawyer:

- legal fees
- custody and access to the children
- who can take the children
- spousal support and child support
- applying for income assistance
- managing debts and assets
- what money is yours
- separation and divorce
- property rights
- concerns about your immigration status
- who has rights to the house and belongings that you and your partner shared
- going to court and what to expect in court
- what the judge will ask
- whether you should apply for a peace bond or an emergency protection order
- whether you or your partner can leave the province or country

Free legal information

There is information on legal matters throughout this book, but other places also offer reliable free legal information.

The **Family Law Nova Scotia website**, nsfamilylaw.ca, is a good resource for legal information on family law matters.

Transition houses with the Transition House Association of Nova Scotia give good information on police procedures, how the justice system works, and legal matters. The staff at the transition house can also help you get legal advice. You can talk with a transition house worker even if you are not staying there.

RESOURCES

Family Law Nova Scotia: nsfamilylaw.ca

Transition House Association of Nova Scotia: thans.ca or call 211 to find a transition house near you.

If you need legal information and resources in French, you can contact the Association des juristes d'expression française de la Nouvelle-Écosse (AJEFNÉ). Through its bilingual Justice Access Centre, AJEFNÉ provides free legal information in person, by telephone, and online.

RESOURCES

You can contact AJEFNÉ 902-433-2085
Toll-free: 1-844-250-8471
or visit their website: ajefne.ns.ca

The **Legal Information Society of Nova Scotia** (LISNS) gives free legal information to anyone. They offer information on their website, online chat, and a legal information line. You can also email your legal questions to them.

RESOURCES

Website: legalinfo.org
Online chat with a **Legal Information Counsellor** at legalinfo.org
Legal information line: 902-455-3135
Email questions about the law to questions@legalinfo.org

Nova Scotia Legal Aid also gives free legal information in online chat. You can chat privately with a lawyer about family law or social justice issues. Family law includes separation and divorce, parenting arrangements, child support, and child protection. Social justice includes Income Assistance, disability benefits, landlord-tenant issues, and Employment Insurance benefits.

RESOURCES

The **Nova Scotia Legal Aid** family law chat is available on Tuesdays, 3-5 p.m.
The social justice chat is available on Wednesdays, 3-5 p.m.
Visit: nslegalaid.ca to find a time to chat.

Some **RCMP and police departments** have Victim Services which provide information and support to people who have been abused. Victim Services also provide information about community resources, and what to expect as the case moves through the justice system.

There are also **Nova Scotia Victim Services** offices across the province. Staff at these offices can answer questions about your case and the criminal justice process, keep you informed of court proceedings, and help you prepare to testify in court.

RESOURCES

Find out more about **Victim Services** by calling 211.

Help on family law matters is also available in Cape Breton and Halifax Regional Municipality at **Family Law Information Program Centres** at the Family Division of the Supreme Court. nsfamilylaw.ca/programs-services/family-law-information-program

Independent legal advice for sexual assault survivors

To give adult survivors of sexual assault better support, the province of Nova Scotia created the **Legal Advice for Sexual Assault Survivors program**. This program provides two hours of free legal advice from a lawyer.

To use this service, you must be 16 years or older, and the assault must have taken place in Nova Scotia.

RESOURCES

You can call 211 to learn more about this program. You don't have to talk about what happened. You only have to say that you were sexually assaulted in Nova Scotia, and that you would like to speak with a lawyer. If more time is needed, you call 211 again and they will send you another certificate number for another two-hour session of legal advice.

If you're not sure if you were sexually assaulted, you can still call 211 and register for the program. When you meet with the lawyer, they will help you define what happened to you according to the law.

After you register, they will send you a package with a certificate number for two hours of legal advice. They can send it in the mail or by email, depending upon your needs. The package includes a list of lawyers, information about them, and their contact information.

The certificate is for you to talk to a pre-approved lawyer about your sexual assault and for you to get legal advice about the sexual assault. The certificate can only be used for this purpose. It is not for legal representation in court.

Once you choose a lawyer, you can contact them to speak with them and provide them the two-hour certificate number. This is how they will know that you are part of the program.

You can meet with the lawyer in person, by telephone, or online.

During your session, the lawyer will help you figure out your legal options, like deciding if you want to report to the police, pursue civil action, or take no action.

Confidentiality

Before you share what happened to you, the lawyer will explain what confidentiality means. Once you understand these limits, you can choose to go through with the session or not. A lawyer will keep anything you tell them private, unless they have to tell someone to protect you or another person from physical harm, or to prevent a crime that is about to happen.

Translation services

If English or French is not your first language, translation services are available for free. Because it can take more time to have an effective meeting with a translator, you will have three hours with the lawyer and a translator for every two-hour certificate you use.

The program was developed by Nova Scotia's Department of Justice, but the Department does not have access to your names or contact information. When the lawyers send in their invoices, they use only the certificate number.

RESOURCES

Independent legal advice for sexual assault survivors:
novascotia.ca/sexualassaultlegaladvice

Domestic Violence Court Program

People in Cape Breton and Halifax Regional Municipality who have been charged with a crime related to their partner may use a special Domestic Violence Court Program. If the accused person pleads guilty, the Domestic Violence Court will offer services like counselling, anger management classes, and parenting classes to that person.

The court may also put rules in place for that person, such as people or places they must stay away from and when they must be in their own place. If the accused person follows the rules and works well with the services, they may not have a criminal record when they finish their program.

To use the Domestic Violence Court Program, the person charged must:

- be 18 years of age or older
- live in, or be connected to, the Cape Breton Regional Municipality or Halifax Regional Municipality (HRM), or the offence must have occurred in Cape Breton or HRM
- be willing to plead guilty to the charges against them and accept responsibility for the harm caused
- be assessed to see if they are a good fit for the program
- be accepted for the program
- have the consent of the Crown attorney

RESOURCES

For more information on the **Domestic Violence Court Program**:
Sydney . . . . . (902) 563-3510
Halifax . . . . . (902) 233-0386
Email: DVCP@novascotia.ca
Web: courts.ns.ca/courts/provincial-court/domestic-violence-court-program

Cut or tear along this line. Fold up and keep in a safe place.

Safety Alert

If you have experienced domestic abuse, know that you are not alone, and that there are a variety of supports available to you.

If you are in immediate danger, call 911.

If you are seeking help or are looking for information about abuse, you can call the **Transition House Association of Nova Scotia 24-hour toll-free line**: 1-855-225-0220

Women's, Men's, and All Genders Helplines: 211

Help Lines

Crime Stoppers 1-800-222-8477

Kids Help Phone 1-800-668-6868

Mental Health Crisis Line
Serves all of Nova Scotia (24/7)1-888-429-8167

Avalon Sexual Assault Centre
Crisis Line 902-422-4240

Your local number:

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Quick connect

Community and social services 211
ns.211.ca

HealthLink 811
Hearing impaired 711
811.novascotia.ca

Women's, Men's, and All Genders Helplines:211

Mi'kmaw Family Healing Centres

Millbrook 902-756-3440
Toll-free: 1-800-565-4741

We'koqma'q 902-756-3440
Toll-free: 1-800-565-3440

Transition Houses and Shelters Crisis Lines

Amherst, Autumn House 902-667-1200

Antigonish, Naomi Society. 902-863-3807

Bridgewater, Harbour House 902-543-3999

Digby, Juniper House 902-742-8689
Toll-free: 1-800-266-4087

Halifax, Bryony House 902-422-7650

Kentville, Chrysalis House 902-679-1922
Toll-free: 1-800-264-8682

New Glasgow, Tearmann House . 902-752-0132
Toll-free: 1-800-831-0330

Port Hawkesbury, Leeside Transition House
. 902-625-2444
Toll-free: 1-800-565-3390

Shelburne, Juniper House 902-742-8689
Toll-free: 1-800-266-4087

Sydney, Cape Breton Transition House
. 902-539-2945
Toll-free: 1-800-563-2945

Truro, Third Place 902-893-3232
Toll-free: 1-800-565-4878

Yarmouth, Juniper House 902-742-8689
Toll-free: 1-800-266-4087

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