

Legally Speaking...

a CLEO publication

By **CAROL ANN LETMAN**
Herald Special

In recent years, the door has been opened on a long-standing, long-hidden problem - violence in the home. Victims are now saying "Enough of this, I will not stand still and be beaten again."

But then they face the question "What do I do now?"

What can you do, when you are the victim? That depends on how serious you are about making the violence stop. Often the only way to make the hurting stop is to leave, and this is not easy.

The first thing you should do after being beaten is to call the police, and tell them it is an emergency. Tell them what happened and if you are injured, insist they take you to the hospital.

If you have small children, and you do not feel comfortable leaving them with your partner, take them with you. Get the names of the officers and any doctors who treat you.

The police may ask you if you want to press charges. Generally speaking, it is the duty of the police officer to press charges, but if the officer is not willing to do so, you may lay the charges yourself.

To press charges yourself, you must go to a justice of the peace.

Before you proceed with charges, you should

consider your relationship with your spouse. Do you wish to separate, or do you still want to stay together and try to work out the problem?

If you don't wish to lay charges a temporary separation may convince your partner that you will not tolerate any more abuse.

You may wish to try counselling, to help solve the problem. However, for counselling to work, both parties must be willing to try to put their relationship back together. If the spouse who has inflicted the pain is not interested in counselling or does not recognize that there are problems in the relationship, counselling will not work.

If you decide to leave, there are several things to consider. You must find a place to stay until you can get yourself together and plan your future. Family or sympathetic friends can often provide good temporary shelter and good emotional support when it is almost needed. Some communities have publicly supported shelters for battered wives, if not in your town then perhaps in some larger nearby town.

Such information can be obtained from a community information centre, legal clinic, or perhaps from your doctor or lawyer.

When you decide to leave, make sure you take with you sufficient clothes

and money, bankbooks, identification and charge cards. If you have children and are taking them with you, make sure you take clothes and some small toys for them.

If you do not intend to return to your spouse, you should speak to a lawyer about custody of the children. (You will not lose custody of your children just because you have left.)

Other things to discuss are getting support payments and some protection in the form of a "restraining order". A restraining order is made by a judge. It forbids your partner from hurting you.

This is very important if you have not laid charges and are still afraid of your partner coming after you. If you are not working it is also very important that you obtain support for you and your children.

The Family Law Reform Act of Ontario says spouses must support each other and their children according to need and ability to pay.

Support is very important if you are not working and cannot find a job.

Usually it is best to talk about the matter with someone who can help you decide the best course of action. Many communities have groups or individuals available to advise people in your situation and most lawyers, particularly those practising family law, can listen to your problem and advise you on what steps to take.

Remember that help is available and that there is a better way to live than to continue to suffer abuse from your spouse, or anyone else in your family.

This material contains general information about one area of the law. It is designed to help you recognize when the law can assist you with a problem. It does not provide a complete statement of the law in the area. If you have a legal problem, you need legal advice which this article cannot provide.

To get legal advice



HHRD

Six new paddle boats arrived last week for the Acton Fairy Lake canoe rentals and by Saturday, they were ready for their first trip across the lake. Testing the seating were (left to right) Mary Haefling of Rockwood, Mikey Garton, 4, of Acton, and Maitlynd Haefling, 4.

(Herald photo)

contact a lawyer or a Legal Aid Clinic in your community. This article was distributed in June, 1983. Because laws change, articles published months after the distribution date may no longer be accurate.

watch for the second article in this two-part series on VIOLENCE IN THE HOME -- VIOLENCE BETWEEN PARENT AND CHILD.



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HORNBY HOEDOWN

The mosquitos had good nibbling grounds on the Hornby community park stage Saturday night. Knees exposed, Hob Graham sang a selection of Scottish ballads to go with his woollen garb.

(Herald photo)

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