

## Other Legal Terms

**Balance of Probabilities** - more likely than not that something happened. This is the standard of proof in family law.

**Legal Aid** - help for people who do not have enough money to hire a lawyer. You must meet certain financial criteria to be eligible. Your case must be a specific kind, such as custody or child protection.

**Restraining Orders** - court orders that restrict the behaviour of a person, such as an abusive partner. You apply for a Restraining Order at Family Court. Sometimes these orders are **breached**, meaning that the person disobeys the order. Disobeying the order is a criminal offence and the person can be arrested and charged by the police.

**Retainer** - fee required by most lawyers before they will begin work. It is an agreement between a lawyer and a client, where the client is paying for the lawyer's time to help him or her with a legal case.

**Spousal Support** - money paid by one spouse to the other for that person's support after the end of a relationship.

**Division of Property** - the division of any property between two people who have lived together as a couple, when they stop living together.

## For More Legal Information

- **Legal Aid Ontario**  
1.800.668.8258  
TTY: 1.866.641.8867
- **Ontario Women's Justice Network (OWJN)**  
www.owjn.org
- **Family Law Education for Women (FLEW)**  
www.onefamilylaw.ca
- **Assaulted Women's Helpline**  
1.866.863.0511  
TTY: 1.866.863.7867
- **Your Legal Rights**  
www.yourlegalrights.on.ca

My Local Women's Organization:

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Phone: \_\_\_\_\_

This flyer is part of *Legal Information Workshops for Women Experiencing Violence* developed by METRAC & the Ontario Women's Justice Network, and funded by the Law Foundation of Ontario.

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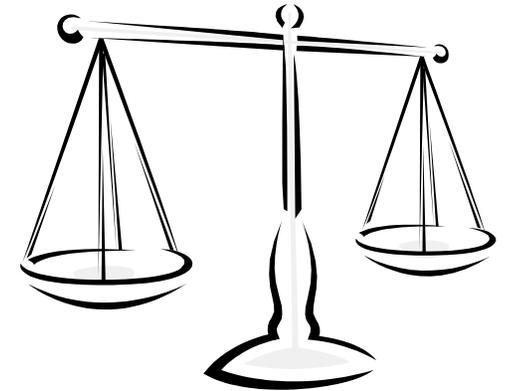
For more information contact:  
Tel: 416.392.9138  
Email: justicecoordinator@metrac.org  
www.metrac.org | www.owjn.org  
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Legal Information for Women  
Experiencing Violence

What women should  
know about

## Family Law



Woman Abuse Is A Crime



**This flyer is for women who are dealing with the following types of cases:**

- Child custody and access (worried about losing your children to your ex-partner)
- Child support and/or spousal support (need financial support for your children and/or for yourself from an ex-partner)
- Divorce/ separation (leaving a relationship and/or leaving an abusive partner)
- Child protection (dealing with the Children’s Aid Society (CAS))
- Restraining order (keeping safe from an abusive ex-partner)

If you are thinking of going to court, or if you are in court now, it is helpful to learn about Family Law. This way you can make good decisions for your children and for yourself.

**Types of Court**

There are 3 different courts in Ontario that deal with family law cases. Choosing the right court will depend on where you live and what type of family law case you have. The courts are:

1. **Superior Court of Justice**
2. **Ontario Court of Justice Unified Family Court** (17 locations; can use for all family law cases)

To find out which is the right court for your case, ask a lawyer or legal clinic.

**Some words or terms you will hear in cases about children...**

When a judge is thinking about what to do for a child, she or he will talk about the **Best Interests of the Child**. This means the judge is trying to find out what is working well in the child’s life and how to keep things safe and stable for the child during the separation or divorce of her / his parents.

**Children’s Aid Society (CAS)** is a government agency that makes sure children are safe from abuse (being hurt) or neglect (uncared for). If a child is thought to be **in need of protection**, the CAS will get involved. In Toronto, there are four different CAS agencies working to protect children (Children’s Aid Society, Catholic Children’s Aid Society, Jewish Family & Child Services, and Native Child & Family Services).

**Custody and access** describes how a child is cared for after parents separate. The parent or parents with **custody** have the legal right and responsibility to make decisions about the child’s life. **Access** means a parent can spend time with a child. The amount of time a parent can spend with a child will vary from case to case.

**Child Support Guidelines** set out how much money a parent must give to the other parent for the support of their child. Child support is paid by the parent who does not have custody to the parent who does.

**Family Responsibility Office (FRO)** is a government office that helps parents get the child support owed to them if they have a court order.

See pamphlets on CAS, Child Custody & Access and Child Protection for more information

**Names for People in Court**

**Judge** - the person in court who hears your evidence and decides the case.

**Duty Counsel** - lawyers at the courthouse who can help you if you do not have a lawyer. They are usually very busy, so get there early. Duty counsel provide only basic information and advice. They only provide short-term help and do not represent clients.

**Applicant** - the person starting a family case with the court.

**Respondent** - the person who is brought to court by the applicant to respond to the family law application.

**Application** - the forms and documents a person must complete to start a family case. It tells the court what you are asking for, for example, a divorce, child custody or spousal support. An application provides the background facts and information about your case.

**Caregiver** - any person who cares for a child day-to-day, such as a parent, foster parent, or grandparent.

One woman said...  
“When my abusive ex-husband applied for custody of our kids, I knew he was using the courts to keep on hurting me. Somehow I scraped together enough money for a lawyer. I learned as much as I could about the law so that I was really prepared for every meeting with the lawyer. I felt stronger knowing what was going on.”