

# **Safety Planning Before, During and After Separating from an Abusive Partner**

November 24, 2020

*Webinar prepared for CLEO*

# Disclaimer

This webinar is for general information purposes only and is not legal advice. It is not intended to be used as legal advice for a specific legal problem. This webinar was recorded on November 24, 2020, and reflects developments in the law before that date.





# | Your Legal Rights

## About our presenter...

Pamela Cross is a feminist lawyer; a well-known and respected expert on violence against women and the law for her work as a researcher, writer, educator and trainer. She is the Legal Director of Luke's Place Support and Resource Centre in Durham Region, where she leads the organization's provincial projects, including research, training and advocacy.



**CLEO**

Community Legal Education Ontario  
Éducation juridique communautaire Ontario



**Luke's Place**  
Change her experience. Change their lives.

We acknowledge that the land  
from which we are presenting this webinar  
is the traditional territory of the  
Mississaugas of Scugog First Nation.

# Luke's Place

- Durham Region: services for women who have left abuse & are engaged with family law
- Provincial & national level: research, resources, training & systemic advocacy

Webinar  
supported by



FamilyCourtAndBeyond.ca



LukesPlace.ca



LukesPlaceTraining.ca



# Disclaimer

This webinar is not to be interpreted  
as legal advice.

Only a lawyer can provide legal advice.

## We recognize

- Men can be victims
- Abuse happens in same-sex relationships
- Trans or non-binary folks may face abuse in relationships

Abuse rooted  
in misogyny  
& traditional  
male power

Women are  
subjected to  
most serious  
forms of  
coercive  
controlling &  
physical  
violence

We use  
gendered  
nouns &  
pronouns  
when talking  
about  
violence  
within  
families

# Agenda

## Safety planning

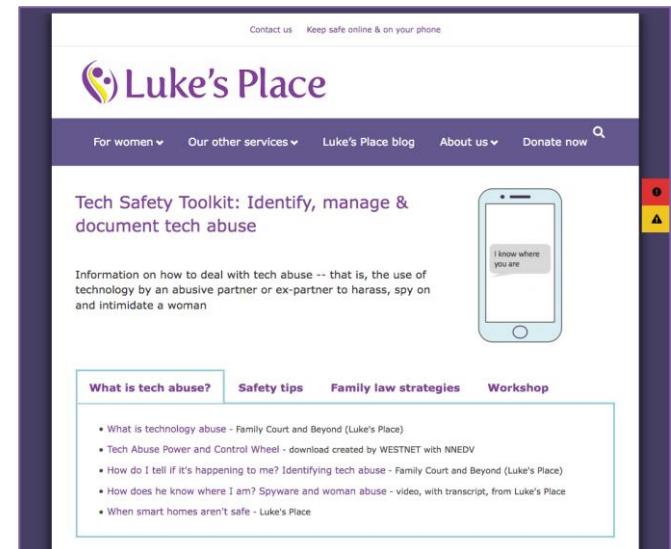
- While still with abuser
- As the relationship ends
- During family court
- Afterwards

- Physical & emotional safety
- Legal options
- Tech safety
- Keeping children safe

# Resources



FamilyCourtAndBeyond.ca



LukesPlace.ca/tech-safety

# What is a safety plan?

# Safety plans

Reduce  
risk for  
woman,  
children

Address

Physical  
safety

Emotional  
safety

Basic  
needs

Unique  
for each  
woman

Change  
over  
time

# When developing a safety plan, the woman leads

She knows

- Her own resiliency
- Resources available
- Her partner/ex-partner

Seek to eliminate/reduce  
risks the woman  
is facing

Include strategies for  
both staying with &  
leaving the abuser

Safety plan elements

How to get away in an emergency

How to get help if leaving is not an option

Where to go if she does leave

How to be safe in her new location

How to keep in touch with supports

How to keep children safe

How to protect personal items

Staying safe in public, at work, in private life

Other elements specific to her needs/reality

# Emotional safety

## Manage contact

- At court
- Exchanging/  
discussing children

## Set boundaries

- Use a separate email account for him
- Use social media privacy settings
- Exchange kids away from home
- Limit contact with his family

INTIMATE PARTNER ABUSE

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**MY SAFETY PLAN**

Your individualized safety plan should be designed to reduce the risks of further abuse for you and your children. You may want to make a few copies of this blank chart so you can include different measures as your situation changes. For example, what you need to stay safer when you are still with your partner is different from what you need when you first leave. You may need additional measures in place when you start your family law case and when you move into your own apartment or house.

Take some time to think of the protective measures you can put in place in the following areas of your life:

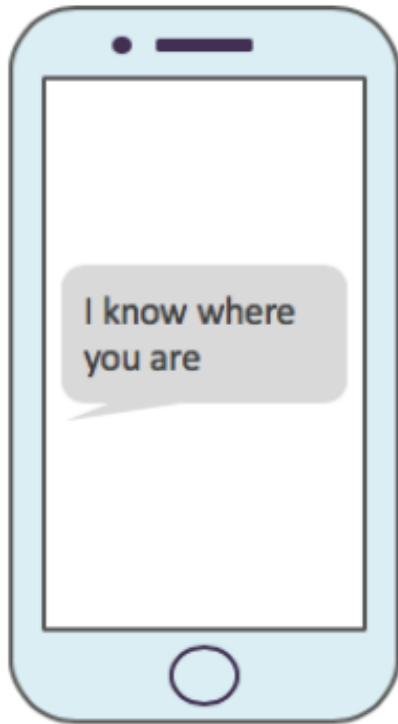
|                                                                                              |                                                                                                                    |
|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>PHYSICAL</b> (be aware of your surroundings, car/transportation, workplace safety, etc.)  | <b>EMOTIONAL</b> (boundaries, self-care, attend counselling, connect with friends and family, online safety, etc.) |
| <b>SEXUAL</b> (consider medical testing, set boundaries, attend counselling, etc.)           | <b>HEALTH/ WELLNESS</b> (visit doctor, self-care, exercise, healthy eating, limit substance use, etc.)             |
| <b>FINANCIAL</b> (set a budget, organize bank accounts, seek advice, change passwords, etc.) | <b>SPIRITUAL</b> (explore your sense of purpose, seek counselling, etc.)                                           |
| <b>HOUSING</b> (protect your address, plan escape routes, etc.)                              | <b>LEGAL</b> (learn about legal rights and options to protect self and children, etc.)                             |

Download from  
[FamilyCourtAndBeyond.ca/keep-safe](http://FamilyCourtAndBeyond.ca/keep-safe)

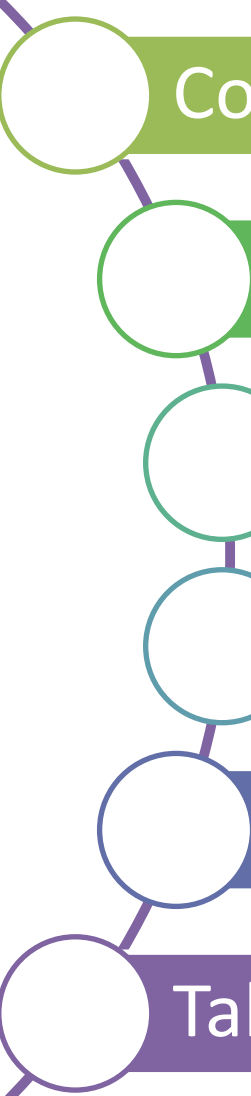
# **Safety while a woman is still living with the abuser**

# Is he monitoring her?

Does he know things he shouldn't?



- Hidden video cameras/security cameras
- Email, browsing, text & calling history
- Car/phone GPS
- Spyware on her phone or computer



Contact local women's shelter

Keep phone handy & fully charged

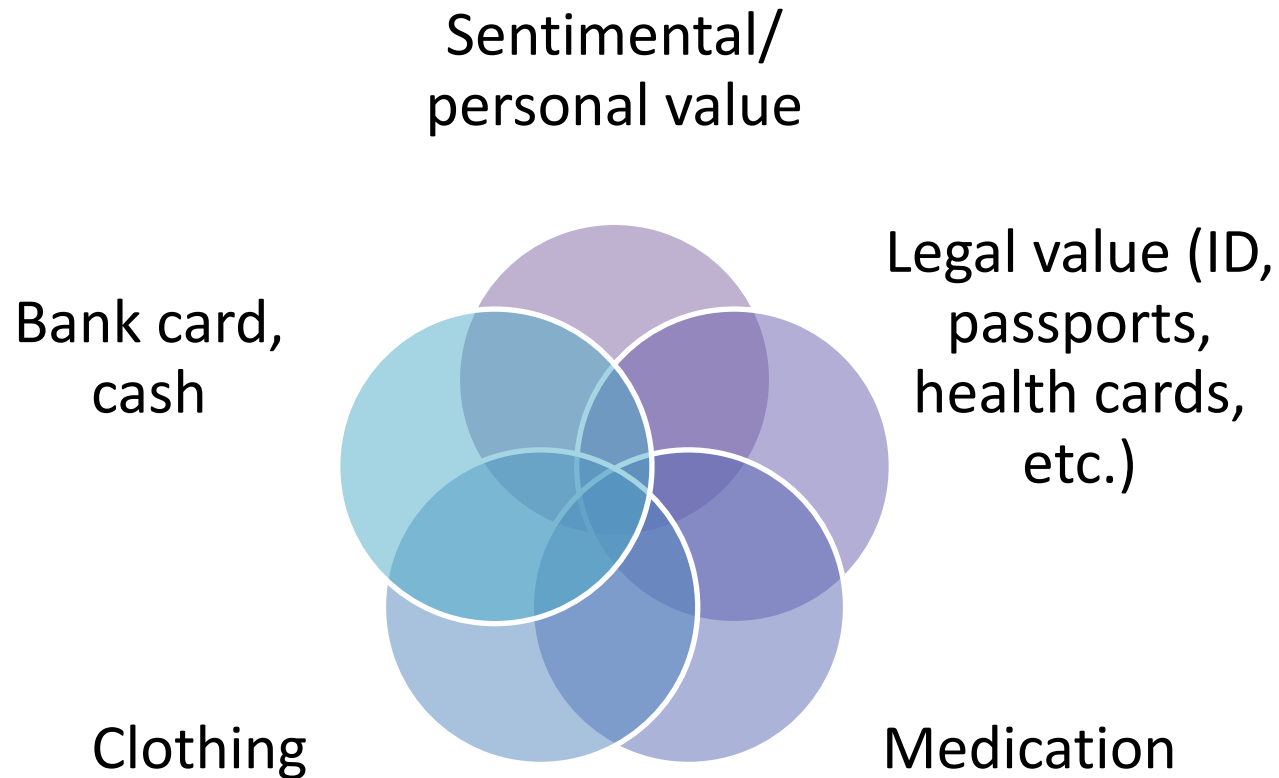
Find/make a safe space

Emergency bag

Arrangements with neighbour

Talk to kids in age-appropriate way

# What to take with her



*Put the kit somewhere she can easily retrieve it*

# Other things to think about

- Bank account
- Credit card
- Financial & property documents
- People who will need to know she has left
- Back up her contact list



# **Safety during the separation process**

# If she works outside the home

## Talk to colleagues & employer

- A secure parking spot
- Someone to travel to and from work with
- Screening her calls
- A no-trespassing letter to keep the abuser away from the workplace

# If she has a lawyer

Discuss safety concerns

How to contact her safely without the abuser knowing about it, e.g. safe word for calls

# If she has children

Talk to school/day care



Plan for unexpected appearance by abuser



Until parenting order in place, school/day care cannot stop father from taking the children



How to slow him down while the mother is contacted

# Other considerations

Friends/family  
members may need  
their own safety plans

Her safety in the  
community

# Court-related safety

# Why court safety planning matters

Woman will encounter abuser in court proceedings



Abuser may try to increase her fears



Fear will impact her ability to function well during proceeding

# Elements of a court safety plan

Work with a legal  
advocate

Have friend/family  
member for  
support

Anticipate  
reactions &  
strategize how to  
manage emotions

Plan for safety  
before & after

Have documents  
complete

Book time off work

Book  
arrangements for  
kids

## If going to court in person

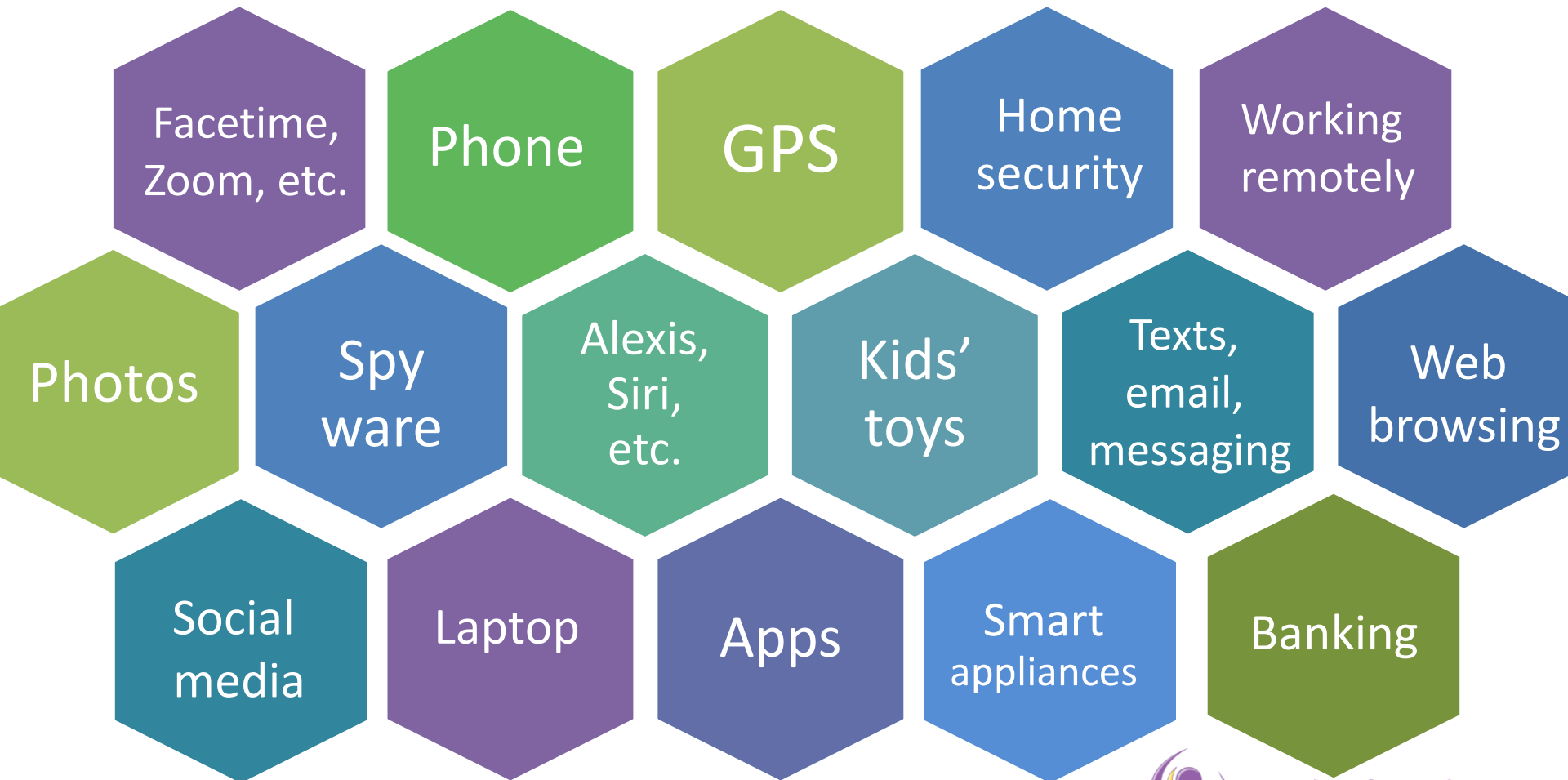
- Visit courthouse ahead of time
- Meet court security
- Find washrooms, stairs/elevator, etc.
- Plan how to come to & leave safely

## If appearance is virtual

- Test out technology ahead of time
- Set up in location abuser cannot access
- Ensure background doesn't reveal anything (e.g. home security, photos)
- Put away any device that he might harass her on (e.g. phone/text)

# Tech safety

# Tech must be part of her safety plan



# Women have the right to use technology

## *Be strategic*

Determine how  
abuser is using  
technology

Manage the  
record left by her  
tech activities

Think about GPS

Think about  
changing  
passwords

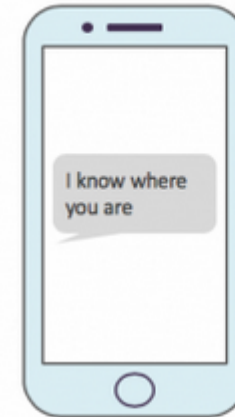
What to post  
online/in  
messages

Manage  
communications  
with him

# LukesPlace.ca/tech-safety

## Tech Safety Toolkit: Identify, manage & document tech abuse

Information on how to deal with tech abuse -- that is, the use of technology by an abusive partner or ex-partner to harass, spy on and intimidate a woman



**What is tech abuse?**

**Safety tips**

**Family law strategies**

**Workshop**

- [Keep safe online and on your phone](#) - Luke's Place
- [Managing communications with an abusive person](#) - Family Court and Beyond (Luke's Place)
- [How-to links](#) - browser history, screen shots, privacy settings, free email - collected by Luke's Place

For service providers:

- [Tech safety planning principles for service providers](#) - Luke's Place
- [How can I support a woman who is experiencing technology abuse?](#) - Luke's Place
- [How to manage tech abuse with safety planning and family law](#) - Luke's Place (webinar recording)

## What is tech abuse?

## Safety tips

## Family law

- What is technology abuse - Family Court and Beyond (Luke's Place)
- Tech Abuse Power and Control Wheel - download created by WESTN
- How do I tell if it's happening to me? Identifying tech abuse -
- How does he know where I am? Spyware and woman abu
- When smart homes aren't safe - Luke's Place

- Unwanted communication
- Surveillance
- Using children's technology to spy on her
- Using others to comment online about her
- Attacks: posting sexual images of her, pretending to be her in social media, hacking into her accounts

# Children's safety

# Children's safety plan

Will align  
with their  
mother's

Reflects  
child's  
particular  
needs

Include

- How to stay safe
- How to get help
- Code words

View or download a  
template safety plan for  
children from  
[FamilyCourtAndBeyond.ca/  
keep-safe](http://FamilyCourtAndBeyond.ca/keep-safe)

| SAFETY PLAN FOR CHILDREN                                                                                                                                                                  | NOTES                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| <input type="checkbox"/> My child(ren) have a safety plan that includes the following:<br><br><br><br><br><br>                                                                            | <br><br><br><br><br><br>                    |
| <input type="checkbox"/> My child(ren) and I have a safety code word that is a signal to each of us when help is needed. (Keep this word private between you and your children.)          | <br><br><br><br><br><br>                    |
| <input type="checkbox"/> We have people who support us and are part of our safety plan. They are:<br><br><br><br><br><br>                                                                 | <br><br><br><br><br><br>                    |
| <input type="checkbox"/> My child(ren) know how to get help and who to go to. (If they cannot leave the house, then a safe room where they can go – with a lock and a phone if possible.) | <br><br><br><br><br><br>                    |
| <input type="checkbox"/> My child(ren) know how to call 911, and this is what they will say:<br><br>ADDRESS AND LOCATION:<br><br><br><br><br><br>                                         | <br><br><br><br><br><br>                    |
| SITUATION:<br><br><br><br><br><br>                                                                                                                                                        | <br><br><br><br><br><br>                    |
| PHONE NUMBER:<br><br><br><br><br><br>                                                                                                                                                     | <br><br><br><br><br><br>                    |
| NAME:<br><br><br><br><br><br>                                                                                                                                                             | <br><br><br><br><br><br>                    |
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# **Safety after court is over**

# The post-separation relationship

Does  
she  
need  
to...

- ☐ Change the locks on her home / install security?
- ☐ Take precautions at work?
- ☐ Continue to be careful with technology?
- ☐ Keep a restraining order in place?
- ☐ Manage the exchanges of children?
- ☐ Take precautions if she has another relationship?



FamilyCourtAndBeyond.ca

# **Legal elements of a safety plan**

Court orders are not as important as  
a good safety plan  
that covers all elements

Available through family  
court & the  
*Family Law Act*

Prohibit one partner  
from contact with other,  
& sometimes children,  
family, friends

## Restraining orders

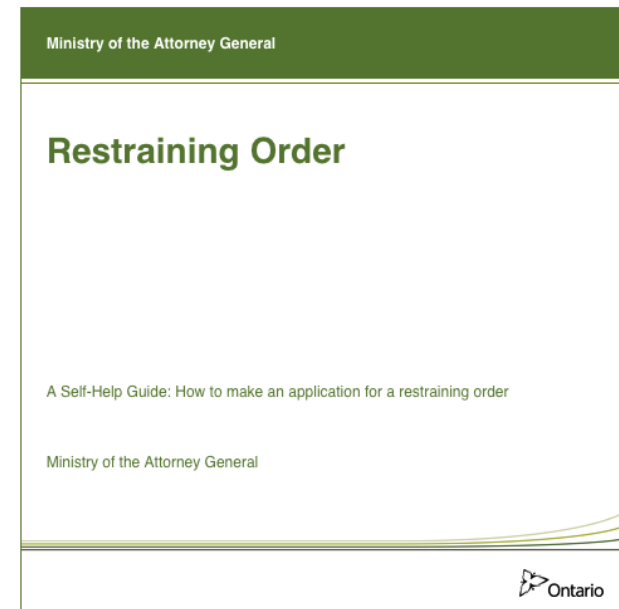
Prove on a balance of  
probabilities that her  
fear is reasonable

The more detailed, the  
more effective

# For more information



Luke's Place / CLEO webinar  
on restraining orders



Ministry of the Attorney  
General self-help guide

## Exclusive possession of matrimonial home

```
graph LR; A[Exclusive possession of matrimonial home] --- B[Woman must be married to partner]; A --- C[Apply to family court for this order]; A --- D[Home can be owned or rented]; A --- E[Partner banned from property]; A --- F[She can change the locks];
```

Woman must be married to partner

Apply to family court for this order

Home can be owned or rented

Partner banned from property

She can change the locks

# Keep a record of his actions

Identifies  
patterns,  
escalation

Informs  
safety  
planning

For  
reporting  
to police

For  
applying  
for a  
restraining  
order

# in a secure location

# Summary

- Resources:
  - FamilyCourtAndBeyond.ca
  - LukesPlace.ca – Tech Safety Toolkit
- Safety plan elements
- Safety planning at different stages
- Tech abuse
- Safety planning with/for children
- Legal remedies

*Thank you!*

LukesPlace.ca

FamilyCourtAndBeyond.ca

CLEOConnect.ca/YourLegalRights/Webinars

StepsToJustice.ca



**CLEO**

Community Legal Education Ontario  
Éducation juridique communautaire Ontario



**Luke's Place**  
Change her experience. Change their lives.