

Jane's journey towards freedom.

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When leaving an abusive partner will not make a woman free from his abuse.

This is a real story and it started 12 years ago. Today I am sharing it because I was Jane's support worker. I accompanied her in her struggle for over ten years. I have asked Jane for her consent to tell her story and she agreed. However, I have changed the names of her and her daughter in order to ensure their safety.

Jane married a Canadian man who she met in her country of origin, Brazil.

After ten years of marriage Jane got pregnant and her husband suggested they move to Canada for a better life. Jane agreed. Her husband told her that he was going to sponsor her so she could stay in Canada legally. In the meantime, Jane entered Canada as a visitor. Once their baby Amy was born, he registered Amy as Canadian.

During Jane's pregnancy her husband became more controlling and abusive. Once the baby was born the abuse escalated. Every time he abused Jane, Jane would tell him that the relationship was not working and she wanted to go back to Brazil.

He would make threats. He would tell her that because she did not have status yet, he was going to keep their baby. He made threats that if she were to call the police he would get her deported without the baby.

Jane tried to reach out to a couple of immigrant serving organization but, unfortunately, she was told to wait until she got her permanent status. She was told that she could not access services or any legal support at that time.

Jane was sent back to her husband's abuse. At some point Jane told him that she could not take it anymore and that she was going to call police. She told him that she did not care about being deported any more. He threatened to kill her if she were to call the police.

After a number of months, Jane met a woman while at the park with Amy. Jane shared her problems with her and the woman gave her BWSS's number.

After talking to her over the phone, I offered to support her. I called immigration to check her sponsorship' status and found out that Jane's husband had never applied for a sponsorship.

At that moment, Jane was trapped in Canada. Without status, with a six-month old baby who is Canadian, without the possibility to go back to Brazil, with the uncertainty of being able to stay legally in Canada, without money, without family or friends, without an income, and without a work permit. At that time, based on the income assistance guidelines she was not entitled to get income assistance.

However, I knew there had to be a way. I could not send her and Amy back to an unsafe environment. I encourage her to leave and offered her to support her in getting into a transition house. I told her I was going to work with her in getting legal support.

Twelve years ago, I did not know as much as I know now. I was naïve but eager.

She did not know that because she did not have an immigration status, many transition houses did not want to provide her with a safe place to stay. I was told that in her situation she would need more than one month. She ended staying six months. Finally, after telling the transition house that I was going to take responsibility for all the support around the immigration, family law and financial support she needed they agreed to take her and her baby.

Jane got safe. Temporarily safe.

I took Jane to a legal aid office and she was told that she was not eligible. After going back and forward and making a case legal aid approved her application. She got an immigration lawyer and she applied for humanitarian and compassionate grounds. Also, she got a family law lawyer to represent her with her family law case.

We called the police and Jane gave her statement. He got arrested for a couple of hours and charged with dead threats.

We would think that this is a happy ending.

She did what it was expected of her to make herself, and her daughter's safe.

Well, this was just the beginning of a ten years' nightmare...

Jane's H & C application was approved while she had to face a custody battle. He had apply for full custody of Amy. He of course made allegations about Jane not having the financial resources to support Amy. About Jane not having a stable place to live and guess what, he also alleged that she did not have a legal immigration status in Canada.

Jane's husband had money and he was able to pay a lawyer who had all the time to make a case for custody and access. Jane told me and her lawyer that she was concerned of providing access to her ex-partner because he had been physically and emotionally abusive towards her. Also, she disclosed that she had fear of her ex-partner possibly molesting her child. She wanted to provide limited and supervise access.

The judge order Jane to provide unsupervised access to her ex-partner once a week. Only because Amy was six months-old, judge did not provide more access. Judge ordered to exchange the baby Amy in a public place. Jane chose a MacDonald's restaurant for the exchange. Every time she dropped the baby off, her ex-husband would yell at Jane, call her names, and would make threats.

Jane would call me and her lawyer in distress. Her lawyer would say to Jane "keep a journal of everything and once that we have more evidence we may go to court again."

At some point, Jane found marihuana in the baby's diaper bag and she got concerned about her ex-partner driving the baby under the use of marihuana.

She insisted to go to court. At the hearing, when Jane brought up her concerns the judge laugh and said "everybody in BC smokes pot." At the end his lawyer made a case about him not having enough access and the judge ordered Jane to provide more access.

Now he could have Amy overnight, every other weekend.

Throughout ten years, Jane's ex-partner would make up stories about Jane's parenting style, he called MCFD multiple times. Jane got investigated multiple times and the ministry never found any evidence to support his claims. He hired multiple lawyers and they took Jane to family court over and over. Jane ran out of legal aid hours. Every time she had to go to court I would advocate for her to get more legal aid hours. For a number of years, we were successful but at some

point she was denied and she had to self-represent. During this time and as Amy got older, her father got more access until he achieved 50% of the time.

Throughout ten years, Jane had to call the police many times because he would not return Amy when he was supposed to. She had to endure his verbal and psychological abuse through having to provide access or having to communicate with him about Amy's school, doctor appointments and so on.

Over the ten years, Amy cried every time she had to see her Father. Amy shared with her mother the many times and ways in which her father abused her emotionally and how she did not like the way in which he touched her.

For example, Amy was in the bathtub and for some reason he got angry and he would spill a whole bottle of shampoo on her head. He would yell at her, locked her in a room as a punishment and talk bad about her mother.

Many times Amy begged her mother and the school teacher not to send her with her dad. At some point Jane had to tell her that she was forced by the court to provide access. Amy told her mother that she wanted to get older faster so she could talk to the judge.

During the many times Amy disclosed her father's abuse, we called MCFD, and over and over we were told that:

1. There was a court order and if Jane had concerns she should go to family court
2. Jane told them that Amy needed to access a counsellor so the counsellor could determine if Amy was being abused emotionally, physically and sexually. She was told that she needed permission from Amy's father to take her to a counsellor or a court order.

And this went on, and on, for ten years. Jane experienced court harassment for ten years. Every time we went to court Jane's lawyers were yelled at by Jane's ex-partner. Even I as her support worker I was yelled at. And he would do it in front of the judges. Her women lawyers would make comments about being scared of him.

One day when Amy was ten years old she told her school teacher that she did not want to go with her father that day. He was going to come to pick her up at school

but she told her teacher that she did not like the way in which her father touched her. When her father came to pick Amy up the teacher told him that she was concerned about some things Amy had disclosed. She told him that she would not allow Amy to go with him. He left and called the police. Police came to the school with a social worker. They took Amy to her father's and interview him. He said that he was just doing Reiki massage and that he had not touch Amy.

They left Amy with him. Jane came to see me and we call the police and MCFD to share our concerns and exposed that they had to believe Amy.

Once again, we state that Amy needed to see a counsellor. The answer was this is a family law matter so if you have concerns deal with it through family court.

The next time that Amy went to her father's home, Amy called 911 and told them that her father was touching her again. She told them that she was going to escape from the house if they did not help her. Police came and took her to her mother's home. They told Jane that they were not going to force Amy to stay with her father but that she needed to go to family court as soon as possible.

Amy told her mother that she wanted to talk to the judge. By then we were able to find a lawyer who agreed to take on the case pro-bono.

The judge agreed to meet with Amy.

On the day of the hearing, the judge told Amy's father that Amy was ten years old. "She does not feel safe with you so I will not force her to continue seeing you. The new order will be that she can see her father if she wants. She can have a third party with her when she sees him, and she is free to access counselling if she and her mother think that she needs to".

A breath of justice...

Afterwards, Jane took Amy to a children's counsellor and later after a number of sessions it came to light that Amy's father had been sexually abusing her as well as Amy was experiencing the effects of childhood trauma.

It should not have take ten years of abuse, for a girl and her mother to be heard.

Amy is now twelve years old and as a girl, she knows more about the patriarchal legal system that many adults can imagine.

We need to understand that a man who loves his children respects the mother of his children.

A man who abuses the mother of his children will abuse his children. This is about power and control over the most vulnerable.

Jane story is the story of many women. Women and children should be heard and believed.

Thank you.