

LEGAL BULLETIN

Issue No. 25**Legal Aid Expansion for People Experiencing Family Violence:
*Single Mothers' Alliance v. BC*****Introduction**

After an approximately seven-year long constitutional challenge, a settlement was reached between the Centre for Family Equity (formerly the Single Mothers' Alliance, plaintiff), who were represented by West Coast LEAF, and the Province of British Columbia (BC) and Legal Services Society (now known as Legal Aid BC). This victory secured a historic \$29.1 million expansion in legal aid services and eligibility criteria for single parent survivors who are leaving violence and navigating family law disputes in BC.

**Case Contexts**

Over 20 years ago, the BC provincial government made 60% cuts to legal aid funding for family law cases. These significant cuts left many survivors of violence, generally mothers, without legal aid.

The cuts resulted in legal aid for family law cases in BC becoming “highly restricted,” including: 1) being “generally limited to those who were recognized as needing an immediate court order

to ensure their own or their children’s safety;” and 2) creating financial eligibility criteria that were “based on extremely low income and asset requirements.”¹ Specifically, the income threshold was low enough that many earning minimum wage or, in some cases, less were disqualified. Importantly, the needs of those who did qualify for aid also often remained unmet due to the limited number of legal aid hours provided.

¹ At para. 9 of West Coast LEAF (2024). *Single Mothers' Alliance v. BC: Taking the fight for family law legal aid to court [2017]*.

As a result of many vulnerabilities, risks, and barriers to safety created by the absence of sufficient legal aid, a constitutional challenge was put forward by the Single Mothers' Alliance (plaintiff) and West Coast LEAF (representation) against the Province of BC and Legal Aid BC for "failing to provide adequate family law legal aid to women leaving abusive relationships."²

Beginning in April 2017, *Single Mothers' Alliance v. BC* (hereafter, the case) alleged that the Province of BC and Legal Aid BC were not ensuring sufficient or equitable "access to the justice system for women who are fleeing violent relationships or facing ongoing abuse from ex-spouses,"³ which resulted in failure to uphold their constitutional responsibility as outlined in the *Charter of Rights and Freedoms*.

"BC's legal aid system discriminates against women and children in need of access to legal aid due to their socioeconomic status and violates their rights to life and security of the

***person by increasing their risk of exposure to violence and intense stress.*"⁴**

The Centre for Family Equity (formerly Single Mothers' Alliance) asserted that the province was failing to protect survivors' "rights to equity, life and security of person,"⁵ which are fundamental rights and protections under the constitution.

In this case, a core focus was how survivors' access to justice was being infringed on due to the province and Legal Aid BC amplifying risks faced by, and creating additional barriers to safety for, survivors leaving violence and going through family law disputes. Of note, two survivors with lived experience supported the case as co-plaintiffs.

The case was met with resistance from the provincial government who made two attempts to "stop the case from proceeding to trial,"⁶ which were ruled against by the BC Supreme Court in 2019 and 2022 respectively.

² *Ibid* para. 14 of West Coast LEAF (2024). *Single Mothers' Alliance v. BC: Taking the fight for family law legal aid to court [2017]*.
<https://westcoastleaf.org/work/single-mothers-alliance-v-bc-taking-the-fight-for-family-law-legal-aid-to-court/>

³ *Ibid* at para. 14

⁴ para. 2 of Centre for Family Equity (n.d.). *Share your legal aid and access to justice story with Single Mothers' Alliance to impact our lawsuit!*

https://www.singlemothersbc.org/legal_aid_test_case

⁵ para. 14 of West Coast LEAF (2024). *Single Mothers' Alliance v. BC: Taking the fight for family law legal aid to court [2017]*.

<https://westcoastleaf.org/work/single-mothers-alliance-v-bc-taking-the-fight-for-family-law-legal-aid-to-court/>

⁶ *Ibid* at para. 16

Implications of the Settlement

A settlement was reached in this case on February 15, 2024. The settlement marks a “huge victory for single mothers”⁷ and lone parent survivors in need of family law legal aid, as well as Centre for Family Equity and West Coast LEAF.

“The settlement from this case will replace a one-size-fits-all model of family law legal aid with robust, multidimensional, and sustained services. The solutions offered by this exciting new tier of services will make the family law legal aid system more responsive to the on-the-ground realities of survivors and better able to meet survivors’ complex legal needs.”⁸

Over the next three years, the provincial government will: 1) invest \$29.1 million “to create new multidisciplinary, trauma-informed family law clinics”⁹ which will offer supports and services both in-person and virtually/online; and 2) loosen and expand the province’s family law legal aid eligibility requirements.

The settlement will address many of the risks, barriers to safety, and gaps created by the provincial cuts to legal aid over two decades ago. West Coast LEAF also emphasized that a key implication of this ruling is the importance of collective action in fighting for access to justice and the rights and safety of survivors.

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⁷ *Ibid* at para. 1

⁸ *Ibid* at para. 4

⁹ *Ibid* at para. 12