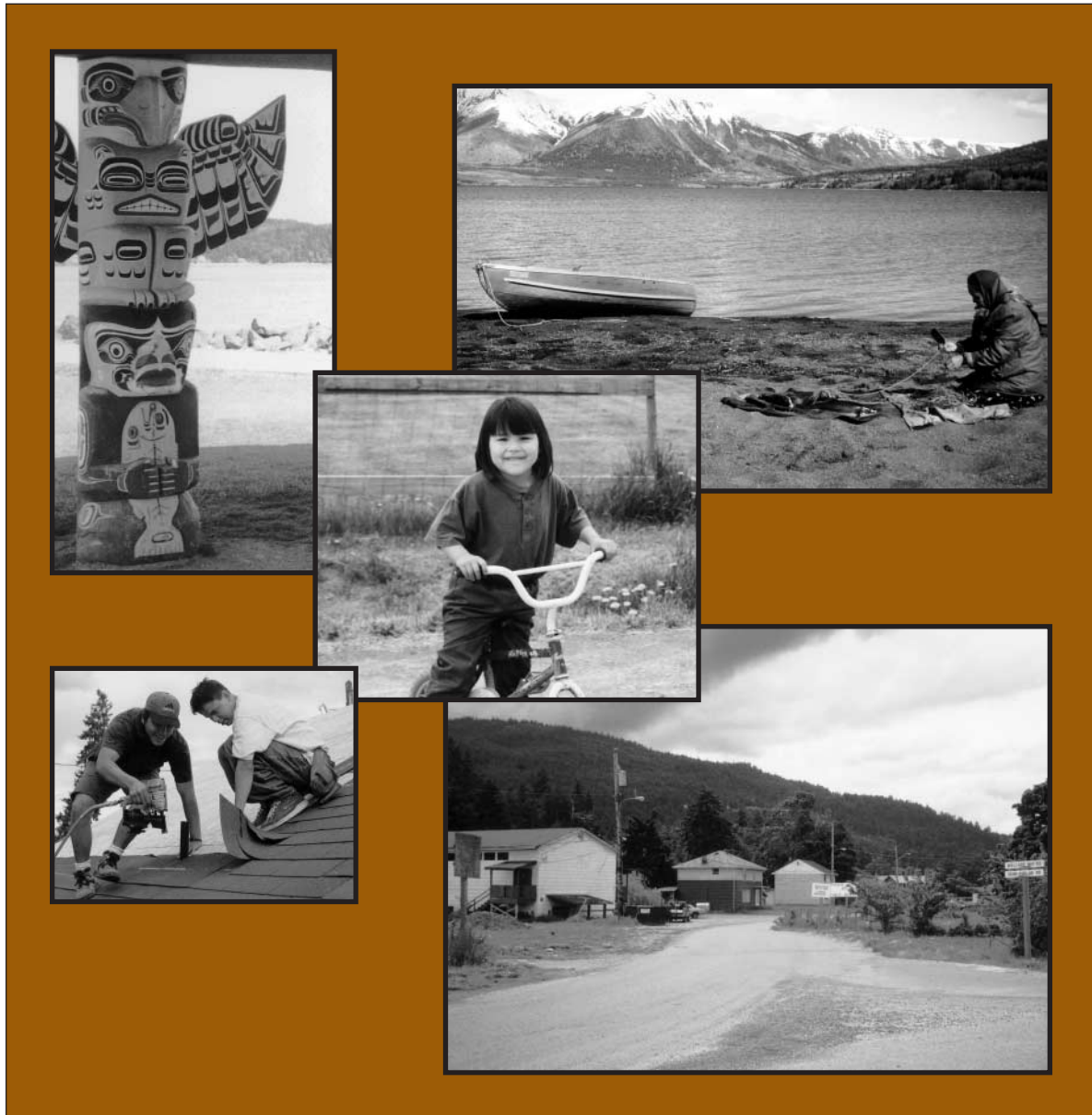


Welfare Rights on Indian Reserves in British Columbia



Legal
Services
Society

British Columbia
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Important — Please read

We have tried to make the law explained in this booklet as accurate as possible. However, it is only a summary. Welfare policies and benefits change. Use this booklet as a guide, but please try to double-check the information in the Indian and Northern Affairs Canada (INAC) Social Development Program *Policy and Procedures Manual*. (You can read a copy of this manual at Indian and Northern Affairs Canada offices and all band offices.)

Also, please note that this booklet explains social development policy in general. It is not intended to give you legal advice on your particular problem. Because each person's case is different, you may need to get legal help.

This booklet includes the most recent information on welfare rights on reserve available from INAC as of August 2002.

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Introduction

How this booklet can help you

This booklet describes what you can do if you need financial help and you live on reserve. It explains:

- how welfare on reserve works
- how welfare on reserve is different from welfare off reserve
- what welfare benefits you can get on reserve
- who can get welfare on reserve
- how to get welfare on reserve
- what to do if you're turned down for welfare benefits

Who this booklet is for

This booklet is for you if you live on an Indian reserve in British Columbia — even if you aren't an aboriginal person. It'll help you even if you're staying on a reserve for a short time only.

This booklet does *not* describe welfare for you if you live off reserve — even if you're an aboriginal person. If you live off reserve, you can apply for welfare at the nearest office of the BC Ministry of Human Resources. If you need help with your welfare application off reserve, please ask for a copy of the Legal Services Society welfare fact sheet series.

This booklet and the welfare fact sheet series are available for free at your nearest legal aid office. You can also order copies from:

Legal Services Society
1500 – 1140 W. Pender Street
Vancouver, BC V6E 4G1
Fax: (604) 682-0965
E-mail: distribution@lss.bc.ca

Definitions

Here are definitions of a few terms used throughout this booklet. You may find it helpful to read these definitions before you read the rest of the booklet.

Who are administering authorities and social development workers?

An administering authority is the body responsible for giving out welfare benefits on reserve. It's usually the band for the reserve you live on, but it may be a tribal council or organization in your area. Social development workers are employed by the administering authority to make decisions about welfare benefits. When they make decisions, they must follow policy set by Indian and Northern Affairs Canada (INAC).

What are assets?

Assets are things you own, such as money, trust property, a house or land, cattle, and other possessions.

Some assets are called “excluded assets.” Examples include your family home, necessary household equipment and work clothes, a commercial fishing boat (if you fish), farming equipment (if you farm), breeding stock, child tax benefits, BC Family Bonuses, and GST credits. Your social development worker shouldn't include these kinds of assets when deciding if you qualify for welfare.

Other assets, including your bank accounts and non-essential possessions that can be sold, are used to determine your asset level. Your family won't qualify for welfare if the total value of these assets exceeds the allowable amount (see Table 1 on page 12).

Your first family vehicle is considered an excluded asset if you have less than \$5,000 equity in it. If you have more than \$5,000 equity in it, you may be required to sell it to become eligible for assistance.

What is a family unit?

A family unit means a single person or couple with or without dependent children under 19 years of age who live at home. If you live with another adult, you may be considered as members of the same family if —

- you share household responsibilities,
- you share income or one of you supports the other, or
- you act like spouses (either same-sex or heterosexual).

Note: Only one person in a family can receive welfare for the whole family.

What is income?

Income is money your family gets — apart from welfare money — like pay cheques from a job, pension benefits, child support, and fishing or trapping income.

“Earned income” includes money you get directly from a job, a tax or pension contribution refund, room rental, or a Chief/Councillor honorarium.

“Unearned income” includes money from sources such as Workers’ Compensation (WCB), Employment Insurance, pensions, lottery winnings, and training allowances.

GST Credits, Federal Sales Tax Credits, Child Tax Benefits, BC Family Bonuses, BC Earned Income Benefits, and post-adoption assistance payments aren’t considered a income.

If you’re a foster parent, the amount of money you receive to provide for the child’s needs isn’t considered income. The portion paid to you for providing the service of a foster parent is considered “earned income” and treated accordingly.

Some earned and unearned income is “exempt,” and your social development worker shouldn’t subtract it from the amount of regular benefits you’re entitled to. Your worker will subtract non-exempt income from the amount of regular income assistance you’re entitled to receive.

The rules on what is considered exempt income can be different for certain categories of people. The rules on exempt income also change. The following are some examples of recent changes to exempt income rules:

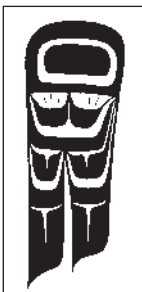
- If you’ve been receiving disability level II benefits for more than three months, you can now keep \$300 of income earned from employment.
- Family maintenance payments (child or spousal support) are now deducted in full from welfare benefits; in the past, you could keep some of the money.
- All lottery winnings are now deducted from welfare benefits.
- The employment earnings of a dependent child must be declared as income unless that child attends school.

Check with your worker for the current rules on exempt and non-exempt income.

Note: When you apply for welfare, tell your social development worker about all of your income, whether it's earned, unearned, exempt, or non-exempt. If the worker subtracts some of your income from your regular income assistance that you think shouldn't be subtracted, ask to see how he or she arrived at the calculation. If you aren't satisfied, you can appeal. See page 31 for how to appeal a social development worker's decision.

What does “regular income assistance” mean?

In this booklet, the term “regular income assistance” includes welfare disability benefits (DBL I and II), but doesn’t include hardship assistance, guardian financial assistance, or transient benefits.



What is welfare on reserve?

What is welfare?

Welfare is money and other benefits for people who need financial help and have no other reasonable way of getting money.

Where does welfare money come from?

For people living on reserve, welfare money comes from the Government of Canada through Indian Northern Affairs Canada (INAC). For people living off reserve, welfare money comes from the BC provincial government through the Ministry of Human Resources.

Who decides if I qualify for welfare on reserve?

Social development workers are employed by the administering authority to decide who qualifies for welfare.

Social development workers must follow policy when they make a decision about welfare. Indian Northern Affairs Canada (INAC) sets out the welfare policy in the INAC policy manual (the Social Development Program *Policy and Procedures Manual*). It's important to remember that social development workers don't make welfare policy; they just follow it.

How is welfare on reserve different from BC Benefits?

BC Benefits are for people living off reserve in British Columbia. These benefits are governed by detailed statutes and regulations. Welfare on reserve, on the other hand, isn't directly governed by statutes or regulations, but by policy.

INAC policy follows current provincial welfare legislation as closely as possible, but it's sometimes several months behind on changes to rates and benefits. In addition, the appeal process and a number of specific benefits differ somewhat from BC Benefits. For example, INAC's Social Development Program includes health benefits and adult care services not available through BC Benefits.

What if I disagree with the decision about my case?

Sometimes, social development workers won't authorize welfare benefits, even though they should. If this happens to you, turn to the section "What if I am turned down for a welfare benefit?" on page 31 of this booklet. It'll tell you what you can do about a decision you think is wrong.

What kinds of benefits can I get?

Welfare benefits for people living on reserve include —

- regular income assistance,
- hardship benefits, and
- a range of other important benefits.

Regular income assistance

Regular income assistance consists of two types of payments:

- support allowances, and
- shelter allowances.

A support allowance is money for food and other necessary living expenses. A shelter allowance is money to pay for your housing, including the rent, phone, and utilities for your apartment or house. Indian and Northern Affairs Canada (INAC) policy determines the maximum amount you can get for these allowances. For more information about regular income assistance, turn to page 11.

Hardship assistance

Hardship assistance is for people who don't qualify for regular income assistance and who can't get money right away from anywhere else. This assistance covers only basic expenses, like food and housing, and is meant to help you for just a few weeks. Like regular income assistance, hardship assistance includes a support allowance and a shelter allowance.

For more information about hardship assistance, turn to page 17.

Other benefits

Whether or not you've applied for regular income assistance or hardship benefits, you can also apply for additional welfare benefits. These include —

- guardian financial assistance,
- incentive allowances,
- special needs allowances,
- burial/cremation allowances,
- adult care services,
- family support services,
- health benefits for non-status residents on reserve, and
- transient benefits.

To find out more about these and other benefits, turn to pages 20, 25, and 27 of this booklet.

What are my responsibilities while on welfare?

Requirement to look for work

While you receive welfare, you and your adult dependants must be available for and actively seek work at all times to remain eligible for assistance, unless you collect disability benefits or are “temporarily excused” because of a medical condition or personal circumstance.

If you’re considered employable, you must provide your worker with proof that you’re looking for work. Failure to do so can result in your welfare being discontinued.

You may be required to participate in an employability program for training, education, or employment preparation. If you’re referred to such a program, you must attend or risk losing welfare.

If you’re a single parent with a child under three (this age may change) or a parent with a child who has a physical or mental condition that prevents you from leaving home, you don’t need to look for work.

If you become ill, suffer an injury, have a mental illness, or have a drug or alcohol problem that prevents you from looking for work, tell your worker straight away. Be prepared to provide your worker with medical documentation. Don’t consider yourself excused until your reason has been accepted. You may risk being found ineligible for assistance.

You may also be excused from looking for work if you have recently separated from an abusive spouse and your condition prevents you from working. If this is your situation, be sure to tell your worker.

Annual and monthly declarations

When you first apply for assistance, you need to sign a form that says you agree that all information you’ve given is correct to the best of your knowledge. Each month you’ll sign a similar declaration. These declarations are legal documents, and making a false declaration can result in a charge of fraud. Remember to declare all of your income and assets, and any change in your financial circumstances.



How do I apply for welfare?

When and where do I apply?

Apply for welfare when you or your family is short of money. Don't wait until you have no money left or until you've sold your possessions.

You can apply for welfare with the social development worker for the reserve you live on. You can reach the worker by calling the band office for your reserve. It's a good idea to make an appointment with your worker to discuss your application.

What should I bring to my appointment?

When you call the worker to make an appointment, ask about what you need to bring with you. The worker will probably want to see a lot of your papers before giving you welfare. Here are some of the documents the worker will want to see:

- picture identification
- social insurance card
- CareCard and other identification for all members of your family
- an up-to-date bank book or bank statement
- recent rent, fuel, and utilities receipts
- statements showing recent income (pay stubs)
- documents about Workers' Compensation or Employment Insurance
- documents about your assets (car, house, boat)

It's important to take as many of these documents as possible with you to your appointment. If you can't find all of them before your appointment, you should apply anyway, but be aware that eventually you'll need to produce them.

You'll be eligible for welfare only after the information you give your worker is verified. Tell your worker if you face immediate hardship — for example, if you have no food or face eviction. Your worker can sometimes issue assistance while verifying your information.

If your worker asks you for information that doesn't exist or that you can't reasonably get, tell your worker right away to avoid delays in getting a decision. If you're denied welfare because you couldn't provide this information, you can appeal.



Disability benefits on reserve

What are disability benefits?

Disability benefits are a welfare benefit, not a pension. To receive them you must meet certain requirements and be eligible for welfare. If you have a physical or mental condition that interferes with your ability to manage your life or that costs you extra money each month, you may qualify for disability benefits levels I or II. People on disability benefits aren't expected to look for work, but they can work if they want to.

Who qualifies for Disability Benefits Level I (DBL I)?

You'll qualify for DBL I if —

- you're under 65 years of age and not a dependent child, and
- you have a medical condition that a doctor says is likely to last for at least six months, and
- you have extra ongoing costs or need ongoing assistance to perform daily living tasks because of your medical condition, and
- you have no other source of funds to pay for the extra costs or assistance.

A person who qualifies for DBL I may be entitled to more money than a person who doesn't qualify.

Who qualifies for Disability Benefits Level II (DBL II)?

You'll qualify for DBL II if —

- you're 18 years of age or older, and
- you have a severe mental or physical impairment that is likely to continue for at least two years, or that is likely to continue for at least a year and recur after that, and
- you require extensive assistance or supervision because of the impairment to perform daily tasks within a reasonable time period, or you have unusual and continuous monthly expenses for transportation, or special diets, or other unusual but essential needs.

A person who qualifies for DBL II is entitled to more money than a person with no disability or with a DBL I disability.

Note: If you have a medical condition that won't last for at least six months, you won't qualify for either disability benefit. However, if your condition prevents you from working, you may ask your worker to excuse you temporarily from looking for work. You'll need to provide a letter from your doctor that confirms your medical condition and estimates your recovery date. You won't receive any extra money while being temporarily excused.

How do I apply for DBL I?

If you believe you qualify for DBL I but not DBL II, ask your worker for a medical release and report form. You and your doctor will need to complete this form. Your worker will then use the information to decide if you qualify for DBL I. DBL I can be approved for up to five years at a time, depending on how long your doctor states your condition will last. You'll need to reapply for benefits when the specified time runs out.

How do I apply for DBL II?

A disagreement between INAC and the Ministry of Human Resources means that applying for disability benefits on reserve can be complicated, and the life-time benefits awarded to those approved for provincial assistance isn't available to residents of reserves.

If you think you may qualify for level II benefits, you must complete the provincial welfare program's disability benefits application form. You can pick one up at the nearest Ministry of Human Resources office or call the disability benefits program at 1-800-337-3531.

Either you or someone on your behalf, your doctor, and an independent assessor must fill out this form in detail. A good idea is to get help with your application from an advocate who knows what information has to be included. In addition, the Legal Services Society welfare fact sheet #5 can help you understand the information to include.

After you complete your application, mail it — in the envelope included with the application — to the Health Benefits Branch of the Ministry of Human Resources. You'll then receive a letter stating that provincial law doesn't allow the Ministry to look at your application. At that point, you must take the letter to your worker, who will decide whether or not to give you temporary disability benefits.

If a social development worker approved your disability benefits and you move off reserve, you'll have to reapply for disability benefits from the Ministry of Human Resources. If you know that you're going to move off reserve, mail your application as soon as you move, as it can take up to 10 weeks to get an answer.

What if I am turned down for disability benefits?

If you're denied disability benefits, you can appeal. Turn to page 31 for information on how to appeal a decision.



Regular income assistance

How do I qualify?

To get regular income assistance, you must be living on reserve at the time you apply. You must also be —

- a Canadian citizen,
- a landed immigrant,
- a Convention refugee, or
- a sponsored immigrant whose sponsor is unable to support you.

Your social development worker will also look at your assets and income. (“Assets” and “income” are defined on page 2 of this booklet.) If your assets are worth too much or your monthly income is too high, you won’t qualify for regular income assistance. In addition, you may not qualify if you get rid of assets to make yourself eligible for welfare.

Note: When you apply for welfare, tell your social development worker about all of your assets, whether you believe they are “excluded assets” or not. Also tell your worker about all of your income — earned, unearned, exempt, or non-exempt. If your worker includes assets you believe should be excluded or income you believe should be exempt, you can appeal. See page 31 for how to appeal a social development worker’s decision.

Applicants who are under 19

If you’re under 19, you can qualify for assistance only in exceptional circumstances and only after every effort has been made to get your parents to assume financial responsibility for you. The social development worker will often have to involve a child welfare agency in your case. This step is mandatory if child-protection concerns arise or if you live in a marriage-like relationship.

Children-in-care as parents

If you are a child-in-care (of the Ministry or a First Nations Child and Family Services Agency) with a baby, you may qualify for assistance to pay for your baby’s needs.

People under 19 have the right to appeal if income assistance has been denied, cancelled, or reduced. See page 31 for how to appeal a worker’s decision.

**Table 1: Maximum allowable asset levels
(Effective August 1, 2002)**

Family size and composition	Applicant under 65 years old	Recipient 65 years old	Recipient Disability level II
Single (no dependants)	\$1,500	\$1,500	\$3,000
Cash asset level	150		
Couple (no children)	2,250	2,500	5,000
Cash asset level	250		
One-parent family with children	2,500	2,500	5,500
Cash asset level	250		
Two-parent family with children	2,500	2,500	5,000
Cash asset level	250		
Note: These amounts can change. Consult your worker or advocate for current rates.			

How much will I get?

The amount of regular income assistance you're entitled to depends on —

- the size of your family unit,*
- the age of your family members and composition of your family, including whether or not an adult member of your family is getting disability benefits,
- other income* your family may be getting, and
- the value of your family's assets.*

If you qualify for regular income assistance, you'll get two types of payments: a shelter allowance and a support allowance.

Shelter allowances

Your shelter allowance covers the actual housing costs you're paying right now, up to a maximum allowable amount. Your costs may include —

- rent,
- mortgage or house loan payments,
- heating and utility costs,
- basic phone services, and
- some forms of house and contents insurance.

Sometimes, water, sewage disposal, garbage pick-up, and other services may be included in your shelter costs.

The maximum amount you can get for a shelter allowance depends on the size of your family. This maximum is shown in the right hand columns of Tables 2 and 3 on pages 14 and 15 below.

If you share custody of a child whose primary residence is with someone else but the child stays with you for more than 40 percent of the month, you may claim a shelter allowance for up to the maximum payable for a family unit size that includes the child. To get this increased shelter allowance, you must have a court order or legal document proving that the child lives with you for the specified time.

Support allowances

Your support allowance covers basic things you need that aren't included in your shelter allowance, like food, clothes, and transportation.

Support allowances depend on your age, family status, and whether or not adult members of your family have disabilities.

The support allowance to which your family may be entitled is shown in columns A – G in Table 2 (on page 14) for most families and in columns A – D in Table 3 (on page 15) for families in which an adult member qualifies for DBL II.

To use Tables 2 and 3, first find the description of your family in the categories listed above the table. Look in the appropriate lettered column under the heading, "Support Allowance," for your family's size. This is the maximum amount of support to which your family is entitled.

Next, look under the heading, "Shelter maximum," for the size of your family. This is the maximum amount of shelter allowance to which your family is entitled.

Finally, add the support allowance to the shelter allowance. The total is the maximum amount of regular income assistance to which your family may be entitled.

**Table 2: Support and shelter allowances: Most families
(Effective August 1, 2002)**

- A) Rates for employable singles, couples, and two-parent families with all adults under 65 years.
- B) Rates for employable singles and couples, and two-parent families where all adults are eligible for DBL I.
- C) Rates for one-parent families.
- D) Rates for singles, couples, and two-parent families with one adult aged 65 years or older.
- E) Rates for couples and two-parent families with both adults aged 65 years or older.
- F) Rates for one-parent families with the parent aged 65 years or older.

Support allowance								Shelter maximum
Family size	A	B	C	D	E	F	G	
1	\$185.00	\$282.98	N/A	\$461.42	N/A	N/A	\$376.58	\$325.00
2	307.22	452.06	325.58	630.56	809.06	555.08	376.58	520.00
3	401.06	452.06	325.58	630.56	809.06	555.08	376.58	555.00
4	401.06	452.06	325.58	630.56	809.06	555.08	376.58	590.00
5	401.06	452.06	325.58	630.56	809.06	555.08	376.58	625.00
6	401.06	452.06	325.58	630.56	809.06	555.08	376.58	660.00
7	401.06	452.06	325.58	630.56	809.06	555.08	376.58	695.00

Note: These amounts can change. Consult your worker or advocate for current rates.

Note: Families with two or more children receiving full BC Family Bonus are eligible for an additional \$.50 for the second child and \$.67 for the third and subsequent children to take into account the National Child Benefit (NCB) indexing factor. These amounts aren't included in the rate table above.

Note: For the first month you get income assistance, your support allowance will be pro-rated based on the number of days left in the month from the day you applied. For example, if you apply for assistance half way through a pay period, you'll receive only half a month's support allowance for that month.

**Table 3: Support and shelter allowances: DBL II
(Effective August 1, 2002)**

- A) Rates for singles, couples, and two-parent families with one member eligible for full DBL II.
- B) Rates for couples and two-parent families with both adults eligible for full DBL II.
- C) Rates for one-parent families with the parent eligible for full DBL II.
- D) Rates for couples and two-parent families with one adult aged 65 years or older and not eligible for full level II disability benefits and the other adult eligible for DBL II.

Support allowance					Shelter maximum
Family size	A	B	C	D	
1	\$461.42	N/A	N/A	N/A	\$325.00
2	630.56	809.06	555.08	809.06	520.00
3	630.56	809.06	555.08	809.06	610.00
4	630.56	809.06	555.08	809.06	650.00
5	630.56	809.06	555.08	809.06	700.00
6	630.56	809.06	555.08	809.06	730.00
7	630.56	809.06	555.08	809.06	760.00

Note: These amounts can change. Consult your worker or advocate for current rates.

Note: Families with two or more children receiving full BC Family Bonus are eligible for an additional \$.50 for the second child and \$.67 for the third and subsequent children to take into account the NCB indexing factor. These amounts aren't included in the rate table above.

Note: Disability benefits are payable the month following designation, as long as you've reached 18 years of age.

What if I am turned down for regular income assistance?

The social development worker may turn you down for, or discontinue, your regular income assistance if you —

- don't have identification,
- quit a job or lost it because of something you did,
- aren't looking for work,
- turned down a job you could do,
- are on strike or lock-out from your job,
- haven't looked for other sources of money, or
- are waiting for other benefits such as Employment Insurance or Workers' Compensation.

If you're turned down for, or cut off, regular income assistance, you might still qualify for hardship benefits (see page 17 for more information) or other important benefits (see pages 20, 25, and 27 for more information).

If your social development worker turns you down for welfare or a particular benefit, or says you qualify for an amount you think is too low, you can appeal his or her decision. Turn to page 31 for more information about how to appeal a decision or file a complaint.



Hardship assistance

How do I qualify?

To qualify for hardship assistance you must be living on reserve when you apply. You must also be —

- a Canadian citizen,
- a landed immigrant,
- a Convention refugee, or
- a sponsored immigrant whose sponsor is unable to provide support.

You'll need to show that you —

- can't afford to pay for your or your family's basic needs (like food, clothing, and housing),
- don't qualify for regular benefits,
- have tried unsuccessfully to get money elsewhere, and
- haven't recently spent money on unnecessary things.

How much will I get?

Hardship assistance is only for basic needs such as shelter and food. You have to prove your eligibility each month. All available income and assets, including child tax benefits, are deducted from hardship assistance.

Like regular income assistance, hardship assistance consists of a shelter allowance and support allowance. The maximum you may receive is shown in Table 4.

**Table 4: Maximum hardship assistance
(Effective August 1, 2000)**

- A) Rates for singles, couples, and two-parent families with all adults under 65 years.
- B) Rates for singles, couples, and two-parent families with one adult aged 65 years or older OR one adult eligible for full DBL II.
- C) Rates for one-parent families.

Support allowance				Shelter maximum
Family size	A	B	C	
1	\$185.00	\$231.92	N/A	\$325.00
2	307.22	401.06	296.00	520.00
3	401.06	401.06	296.00	555.00
4	401.06	401.06	296.00	590.00
5	401.06	401.06	296.00	625.00
6	401.06	401.06	296.00	660.00
7	401.06	401.06	296.00	695.00

Note: These amounts can change. Consult your worker or advocate for current rates.

Note: Families with two or more children receiving full BC Family Bonus are eligible for an additional \$.50 for the second child and \$.67 for the third and subsequent children to take into account the National Child Benefit indexing factor. These amounts aren't included in the rate table above.

What if I will be getting other money?

If you expect to get money from other sources in a few weeks (like Employment Insurance, Workers' Compensation, or an ICBC settlement), you may have to sign an agreement to repay your hardship assistance when that money arrives. Other circumstances may also require that you sign a repayment agreement.

In some circumstances, you don't have to repay hardship assistance. You shouldn't have to repay hardship assistance if —

- you're a victim of family violence and pursuing assets or support would likely lead to further violence against you,
- you had a sponsorship agreement that broke down,
- you're on strike or locked out, or
- you don't have sufficient ID to qualify for regular assistance.

Talk to your worker so that you know if you'll have to pay back any money you receive.

What if I am turned down for hardship assistance?

Your worker may turn you down for hardship assistance if —

- you lost your job because of something you did and you didn't fight the decision, or
- you refused to accept a job you could do, or
- you aren't looking for work, or
- you haven't used up or looked for other sources of money.

If you're turned down for hardship assistance, you might still qualify for other benefits. Turn to pages 25 and 27 for more information about other benefits.

If your worker turns you down for hardship assistance, or gives you an amount you think is too low, or requires you to repay money you don't believe you should have to, you can appeal the decision or file a complaint. Turn to page 31 for more information on how to appeal a decision or file a complaint.



Special allowances

Incentive allowance

You can apply for an incentive allowance if you're getting regular income assistance and can't immediately follow an employment or training plan, and you do volunteer work for a non-profit organization, private agency, government office, or private sector business. This money covers clothing, transportation, babysitting, and other costs incidental to volunteer work. The purpose of the allowance is to encourage you to do work that may lead to paid employment.

How do I qualify?

To qualify for an incentive allowance, you must —

- be less than 65 years old and on regular income assistance, and
- sign an incentive allowance contract with your worker, and
- perform a minimum number of volunteer hours each month.

How much will I get?

If you have no dependants and perform at least 20 volunteer hours per month, you can get \$50 a month. If you have dependants or receive level II disability benefits, and perform at least 40 volunteer hours per month, you can get \$100 a month.

An incentive allowance contract extends up to six months, with one extension of up to another six months within a three-year period.

Note: The incentive allowance is considered extra income, so it won't be deducted from your regular benefits.

Special needs allowance

Special needs allowances are for people who qualify for regular income assistance and face a one-time financial emergency that can't be covered by regular assistance. Payment of this allowance depends on the priorities of the administering authority and the money it has available.

How do I qualify?

To qualify for a special needs allowance, you must —

- qualify for regular income assistance, and
- need the money for an unexpected emergency to prevent imminent danger to physical health or to protect a child.

How much will I get?

A special needs allowance covers one or more of the following:

- up to one month's rent arrears to prevent eviction
- up to \$200 for arrears for utilities (heat, electricity, and phone), only once, to prevent immediate disconnection
- necessary furniture (bed, bedding, kitchen table and chairs, sofa, lamps, dresser, and cooking utensils)
- necessary appliances (stove, refrigerator, and washing machine)
- exceptional items recommended by your doctor (vacuum cleaner, humidifier, dehumidifier)
- the repairs to a house you own and live in that are required for health or safety

Natal allowance

If you're pregnant or have a child less than seven months old, you may be entitled to receive \$35 per month to help with additional costs related to pregnancy or new babies. The allowance may increase to \$70 per month in the case of twins or multiple births.

You can get the natal allowance if you're receiving guardian financial assistance, but not if you're receiving hardship assistance.

To receive a natal allowance, you'll need to show your worker written confirmation of your pregnancy from a doctor or a midwife.

Instant formula allowance

Infant formula is available for a baby's first 12 months when breastfeeding is impossible or ill-advised (for example, when the mother has HIV or breast cancer, or is receiving methadone treatment). A doctor's confirmation of the medical condition that prevents breastfeeding is required for the approval of a formula allowance.

Babies with special dietary needs — as a result of food allergies or the failure to thrive, for example — can receive specialized formula for an unspecified time period.

Diet allowance

If you or your dependants have a medical condition that requires a special and expensive diet, you may be entitled to receive a dietary allowance. The eligible diets and related allowances include the following:

- restricted sodium diet: \$10 a month
- diet for diabetes: \$15 a month

- diet for kidney dialysis: \$30 a month (if not covered through Ministry of Health)
- high protein diet: \$40 a month
- gluten-free diet: \$40 a month
- diet for dysphagia: \$40 a month
- diet for cystic fibrosis: \$50 a month

You'll have to show the worker written proof, such as a doctor's letter, of your dietary needs.

Note: The province has recently restricted issuing high protein diet allowances for people with one of a specific list of medical conditions. These new restrictions will likely apply on reserve in the future. Check with your worker before applying for a high protein diet allowance.

If you're receiving a natal allowance but your medically necessary special diet isn't pregnancy-related, you can receive both benefits.

You aren't eligible for a diet allowance if you're receiving hardship assistance.

Camp fee allowance

If the administering authority has funds available in its special needs budget, adults with level II disabilities and children of families on welfare may get funds to attend a recognized camp once a year.

Children with disabilities and children of long-time welfare recipients have priority.

December supplementary allowance

If your family is on regular income assistance, you may be eligible for some additional money in December to help with Christmas and holiday expenses. The following amounts are available:

- Single person, no dependents \$35
- Couple with no children \$70
- Family with children \$70 plus \$10 per dependent child

School start-up allowance

If you have in your home dependent non-status children up to 18 years old who are attending kindergarten or grade school full-time, you may be eligible for additional money to help with back-to-school costs. (Children with Indian status are eligible for funding through their band's education program.)

The amount available for children from kindergarten age to 11 years of age is \$42. For children from 12 to 18 years of age, the amount is \$58.

Work clothes/work transportation benefit

If you're returning to work, you may be eligible for up to \$200 for necessary clothing and local transportation costs, provided the administering authority has enough money in its special needs budget.

You'll have to provide your worker with written proof of your start of employment and two estimates of your expenses.

This benefit isn't available to transients or people getting hardship assistance.

Workforce entry benefit

If you're returning to work, you may be eligible for up to \$200 for necessary clothing and one month's local transportation costs, provided the administering authority has enough money in its special needs budget.

You'll have to provide your worker with written proof of your start of employment.

You may receive both a workforce entry benefit and a work clothes/work transportation benefit.

The workforce entry benefit is available once every 12 months.

Moving costs

You may be eligible for up to \$500 to assist with moving costs if —

- you're unemployed and need to move to accept a confirmed job offer,
- you're moving to repatriate your family to your home reserve, or
- you're forced into a local move because your home is
 - destroyed,
 - unfit for habitation,
 - about to be demolished, or
 - occupied by the owner.

You must provide your worker with written proof of the reason for your move and two estimates of the moving costs from licensed movers or truck rental agencies, before receiving a moving allowance.

This benefit isn't available for people moving from off reserve to the reserve, unless they're repatriating in the best interest of themselves and their dependent children. Nor is it available for a move from the reserve to a home off reserve if other suitable on-reserve housing is available. People evicted due to their own actions aren't eligible for moving costs.

Special transportation

If the administering authority has enough money in its special needs budget, you may be eligible for assistance with your transportation costs, including necessary meals and shelter en route within BC, to attend —

- a rehabilitation centre,
- a family court hearing as a witness for a family member, or
- a training program at a non-profit achievement centre for people with disabilities.

This benefit is also available for people visiting a parent, spouse, or child in an institution when a doctor or worker at the institution recommends the visit. It may also be available to someone taken to court who doesn't have the funds to return home.

Guide dog allowance

If you or a dependent member of your family use a registered guide dog, you may be eligible to receive \$62 a month to help with the costs of maintaining the dog.



Guardian financial assistance

Even if you don't qualify for income assistance or other benefits, you may get guardian financial assistance if you have a child — who isn't your own son or daughter — living with you on reserve. This could happen if a child's parents are temporarily unable to take care of their child, and they ask you to look after the child in your home on reserve for a short time.

How do I qualify?

To qualify for guardian financial assistance —

- the child cannot be your own,
- you and the child must live on reserve, in the same house,
- the child's parents must be unable to pay all the costs of looking after the child, and
- the child's parents must agree (in writing) that the child can live with you.

When you apply for guardian financial assistance, your worker will check the income of the child's parents. If the parents have more income than they'd get on welfare, the parents will be asked to pay that extra income to you. The amount you get from guardian financial assistance will then be reduced by that amount from the parents.

If you have legal (court ordered) custody of the child, you may continue to be eligible for guardian financial assistance without the written consent of the child's parents, if all other sources of maintenance have been explored and you meet the criteria. If you're denied guardian financial assistance but are receiving income assistance, you can include the child as a dependant.

How much will I get?

The maximum amount of guardian financial assistance is shown in Table 5.

**Table 5: Maximum guardian financial assistance (for each child)
(Effective August 1, 2002)**

Age of child	Maximum allowance
Birth to 5 years old	\$257.46
6 to 9 years	271.59
10 to 11 years	314.31
12 to 13 years	357.82
14 to 17 years	402.70
18 years	454.32

Note: These amounts can change. Consult your worker or advocate for current rates.

Note: You may also apply for the Canada Child Tax Benefit for the child in your care. This benefit won't affect your guardian financial assistance rates. In addition, the Child Tax Benefit won't be deducted from your regular income assistance.



Additional benefits, allowances, and services

Burial/cremation allowance

A burial/cremation allowance is money for —

- a simple funeral or memorial service, and
- cremation or burial of a family member.

How do I qualify?

The administering authority will contribute to the costs only if the deceased was living on reserve at the time of death or if the funeral or burial takes place on a reserve in BC. The administering authority gives the money directly to the funeral home.

Note: To have burial/cremation expenses paid for, you need to have approval from the administering authority before you arrange for the burial/cremation. This is very important because the contribution by the administering authority depends on the status, place of residence, and financial circumstances of the deceased and his or her family.

If the deceased wasn't living on a reserve at the time of death but burial will take place on reserve, contact first the Ministry of Human Resources, which is responsible for payment. The administering authority may pay the balance of the cost not covered by the Ministry.

How much will I get?

The allowance will cover the cost of an “Imperial 2, cloth-covered” casket or the equivalent. It'll also cover some, or all, of the cost of transporting your deceased relative, plus funeral expenses up to \$690 for a child under 12 and \$917 for someone older.

If the deceased lived on a reserve some distance from the place of death, the expense of transporting the body to the reserve may also be covered. However, the administering authority won't pay for transporting a body from outside BC.

Adult care

An “in-home” adult care allowance is money for elderly people or people with disabilities who need help with day-to-day tasks, like preparing meals, housecleaning, and laundry, and who don't have a family member nearby who can perform these tasks. The purpose of the “in-home” allowance is to maintain the person's independence and avoid institutionalization.

An “institutional” adult care allowance is money for people 19 years of age or older who can’t look after themselves and must live in a continuing care residential facility.

How do I qualify?

To qualify for an adult care allowance —

- your income must be below the limits set by INAC, but you don’t have to be on welfare (Ask a social development worker or advocate about these limits. If your income is too high, you may have to pay some or all of the adult care costs.)
- and
- you must need help with day-to-day tasks. (A nurse, community health representative, or person from the BC Ministry of Health reviews these needs.)

How much will I get?

The allowance you may get depends on —

- your physical needs (a nurse, community health representative, or person from the BC Ministry of Health reviews your needs),
 - the size of your family, and
 - the cost of the institution (according to limits set by INAC).
- Funds are paid directly to your service provider.

Family support services

Family support services include temporary help and training for household or parenting skills.

How do I qualify?

To qualify, you must —

- be a parent with children living with you on reserve,
- need help (or training) with household or parenting skills, and
- have an income that is below the limits set by INAC. (Ask your social development worker about these limits.)

How much will I get?

The services you get will depend on your needs and on the amount of money available to the administering authority. The administering authority will pay the service provider directly.

Health benefits for non-status people

If you or a dependant are non-status, you may be eligible for basic or enhanced MSP coverage. With a written recommendation from a doctor or dentist, you may be eligible for such non-insured health benefits as prescription drugs, eyeglasses, dental care, medical equipment, hearing aids, and some other medical and related expenses.

Health benefits are available to status Indians through the Medical Services Branch of Health Canada.

Transient benefits

Transient benefits include money and accommodation for people staying on the reserve for only a short time, who have no intention of becoming permanent residents there.

How do I qualify?

To qualify, you must be —

- a single person, or
- a member of a childless couple staying on reserve for a few weeks.

How much will I get?

You may get up to three days of support allowance and reasonable shelter allowance. If you're looking for work and intend to live on the reserve and make it your home, you can get up to one month of support and, if accommodation is available, up to one month of shelter allowance.

Transition to employment programs

Funds are available to bands to assist welfare recipients make a transition to work. Three programs are available:

- the work opportunity program
- the employment training initiative
- the training and employment support initiative

Money is available for training, education, and temporary employment for current welfare recipients.

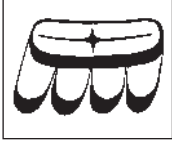
Ask your worker about the availability of these programs.

Child care services

Child care services for people living on reserve aren't provided through INAC's Social Development Program. Instead, the provincial Ministry of Human Resources provides these services.

If you're a parent or custodian of children and require child care to allow you to work, to attend school or training, or to search for work, you may apply directly to the Ministry of Human Resources (the off-reserve welfare office). You may also receive a child care subsidy if a child and family welfare agency recommends it as part of a child protection plan.

A worker will do a financial assessment. If you can't afford to pay some or all of your reasonable child care costs, you may be entitled to have the ministry cover those costs.



What if I am turned down for a welfare benefit?

You have the right to appeal your worker's decision if he or she refuses, reduces, suspends, or cancels your welfare benefit. You can also file a complaint if you don't like the way your welfare application or claim is handled. You'll probably need an advocate to help you file an appeal or complaint.

What is an advocate?

An advocate is someone who helps others get the rights or benefits they're entitled to. An advocate can help you —

- apply for welfare,
- learn about welfare rights and benefits, and
- appeal decisions made by your social development worker.

Your advocate is on your side. He or she should treat you with respect and keep your case confidential.

To find an advocate, call the legal aid office or anti-poverty organization nearest to you. If you don't know where the nearest legal aid office is, call the Legal Services Society at (604) 601-6000 (in the Lower Mainland) or toll free at 1-866-577-2525 (outside the Lower Mainland) for information.

Filing the appeal form

First, tell your worker that you want to appeal his or her decision. Ask for an "Administrative Review and Appeal" form.

Next, complete the Administrative Review and Appeal form and mail or give it to your worker within 30 calendar days of the decision you're appealing.

If you're appealing a decision that reduces or cancels a welfare benefit you're already getting, your worker must pay you the full benefit until your appeal is completed.

The administrative review

Your worker must make sure that a co-worker and a representative of INAC review your appeal form. They must then tell you their decision within 10 calendar days (or 30 calendar days if the appeal concerns disability benefits). This process is called an "Administrative Review."

At the review, several things can happen. For example, the reviewers may —

- deny your request,
- confirm your worker's decision,
- change your worker's decision, or
- refer your appeal to an appeal committee.

The administrative review decision will be written on the Administrative Review and Appeal form, and you'll receive a copy.

The appeal

If you aren't satisfied with the results of the Administrative Review, you can write this on an Administrative Review Appeal form. You must fill out this form and return it to your social development worker within seven calendar days of receiving the results of the Administrative Review.

Within 14 calendar days of getting the Administrative Review Appeal form back from you, your worker must make sure that an Appeal Committee is formed to hear your appeal.

You can choose a person to sit on the Appeal Committee, but that person cannot be a relative.

The band or tribal group can also choose someone to sit on the Appeal Committee, but that person cannot be a band or tribal group employee, or a government employee.

Next, the person you've chosen and the person chosen by the band or tribal group pick a third person. This person chairs the Appeal Committee. If a third person can't be agreed on, the band chief and a representative of INAC choose the chairperson.

Appeal Committee members are reimbursed for travel, accommodation, and meal expenses.

The chairperson must make sure the appeal hearing starts within 14 calendar days of his or her appointment and must notify you, the chief and council, and INAC of the date, place, and time of the hearing.

The appeal hearing

You must go to the appeal hearing or send a representative (or advocate) on your behalf. You can also attend with an advocate.

If you send a representative in your place, you must advise the chairperson of this in writing.

At the hearing, you have the right to explain all your reasons for appealing your worker's decision. You may need to show documents related to the decision and to bring witnesses.

You also have the right to see any documents considered by the Appeal Committee members and the right to question any of their witnesses at the hearing. Your social development worker will have to explain his or her decision and answer your questions about it.

If the hearing can't be finished in one day, the chairperson can adjourn it for up to 30 calendar days and finish it later.

After the appeal hearing

At the end of the hearing, the Appeal Committee members must decide by a majority vote if they want to accept or reject the decision made by your worker. The Appeal Committee can also suggest changes to the policy and procedures in the (INAC) Social Development Program *Policy and Procedures Manual*.

When the Appeal Committee makes its decision, it sends a report to INAC.

If the regional intergovernmental affairs advisor for social development at INAC agrees with the Appeal Committee's decision, he or she will order the social development worker to carry out the decision. If the regional intergovernmental affairs advisor disagrees with the Appeal Committee's decision, he or she will meet with the chairperson of the committee to find a solution.

What if I don't like the Appeal Committee's decision?

If you aren't satisfied with the result of the appeal, you may ask for a judicial review by the Federal Court of Canada. If you decide to do this, contact an advocate or lawyer as soon as possible.

What can I do if the appeal procedure is not followed?

If these procedures aren't followed, you can complain. Call Indian and Northern Affairs Canada at (604) 666-5171 and ask to speak to the social development specialist for your area. Or talk to your advocate about what to do.

Making a complaint

If you don't think you were treated fairly by your worker or someone who works for the administering authority, you can complain to his or her supervisor. The supervisor might be a social development manager, the band manager, or band administrator. If you're still not satisfied, you can complain to the chief and band council. Talk to your advocate about this.



How to help yourself get welfare on reserve

Here are some suggestions that will help you get and keep the welfare benefits you need and deserve.

1. Learn as much as you can about welfare

Read this booklet. Look at a copy of the INAC Social Development Program *Policy and Procedures Manual*. Read as much as you can about welfare and welfare rights.

2. Protect your rights

Your worker might make a mistake. Compare what your worker tells you with what it says in the *Policy and Procedures Manual*. If you ask, your worker should show you the part of the manual on which he or she bases a decision.

3. Keep documents and receipts

The welfare world runs on paper. You often need evidence — on paper — to make your point or prove your case.

4. Make notes

Make notes of all the conversations you have with your worker, including what he or she tells you about benefits. These notes will help if there's a future disagreement. Also, take notes on when, where, and to whom you send appeal documents.

5. Take a friend or advocate

You're allowed to bring a friend or advocate to meetings with your worker. You also have the right to have your advocate attend your appeal hearing.

6. Appeal if you think a decision is wrong

Appealing a decision doesn't mean you are insulting the worker. You're just saying that you disagree with his or her decision. Even if you don't win your appeal, the Appeal Committee may find the information you provide helpful in suggesting changes to welfare policy.

7. Reapply if your circumstances change

If you get turned down for a welfare benefit and then your circumstances change (for example, if you lose your job, or you suddenly have a lot of medical expenses, or you marry and have a family to take care of), it's important that you apply for welfare again. You might qualify the next time.



Other people who can help

Welfare advocacy groups

There are many anti-poverty or welfare advocacy groups across BC that help people living in poverty. These groups understand welfare under BC Benefits and may have experience with welfare issues on reserve. All advocates, though, can give you information and help you with your welfare application, appeal, complaint, or problem.

A list of anti-poverty and advocacy groups follows. Please call the advocacy or poverty group closest to where you live. You might also get help from your local native courtworker or friendship centre.

Where to find an advocate

Abbotsford

- Abbotsford Community Services
(604) 859-7681
- Welfare and Handicapped Persons Rights Society
(604) 853-8009

Armstrong

- Armstrong-Spallumcheen Community Service Centre
(250) 546-3465

Campbell River

- North Island Legal Advocacy Coalition
(250) 830-1171

Chetwynd

- Chetwynd Women's Resource Centre
(250) 788-3793

Chilliwack

- Helping Hands Against Poverty
(604) 824-1989

Courtenay

- The Advocacy Centre
(250) 338-4694

Fort St. John

- Fort St. John Women's Resource Society
(250) 787-1121/787-0918

Gibsons

- Sunshine Coast Unemployed Action Centre
(604) 886-2425

Golden

- Golden Family Centre
(250) 344-2000
- Golden Women's Resource Centre
(250) 344-5317

Grand Forks

- Boundary Family and Individual Services Society
(250) 442-5355
- Boundary Women's Resource Centre
(250) 442-5212

Kamloops

- Kamloops Active Support Against Poverty
(250) 554-0166

Kelowna

- Kelowna Women's Resource Centre Society
(250) 762-2355

Kitimat

- Tamitik Status of Women Association
(250) 632-2020

Lumby

- Monashee Advocacy Group
(250) 547-9770

Mission

- Mission Indian Friendship Centre
(604) 826-1281

Nanaimo

- Nanaimo Citizen Advocacy
(250) 753-2321
- Nanaimo Women's Resources Centre
(250) 753-0633

Nelson

- The Advocacy Centre
(250) 352-5777

New Westminster

- Welfare Rights Advocacy Group Services
(604) 521-6955

North Vancouver

- Co-Pro, North Shore
(604) 922-4324

Parksville

- Society of Organized Services
(250) 248-2093

Penticton

- Penticton and Area Women's Centre
(250) 493-6822

Port Hardy

- North Island Crisis and Counselling Centre Society
(250) 949-8333

Powell River

- Powell River Life Skills Program
(604) 485-9219

Prince George

- Active Support Against Poverty
(250) 563-6112
- Carrier Sekani Family Services
(250) 562-3591/1-800-889-6855

Prince Rupert

- Prince Rupert Unemployed Action Centre
(250) 627-8776

Richmond

- Richmond Women's Resource Centre Association
(604) 279-7060

Salmon Arm

- Advocacy Outreach Society
(250) 832-7231
(250) 559-8811

Smithers

- Bulkley Valley Anti-Poverty Group
(250) 847-4402
- Positive Living
(250) 877-0042
- Smithers Friendship Centre
(250) 847-8959

Spence's Bridge

- KASFA Advocacy
(250) 458-2249

Squamish

- Howe Sound Women's Centre
(604) 892-5748

Surrey

- Newton Advocacy Group Society
(604) 596-2311
- Surrey Women's Centre
(604) 589-1868

Terrace

- Kermode Friendship Society
(250) 635-4906
- Terrace Anti-Poverty Group Society
(250) 635-4631

Vancouver

- 411 Seniors Centre
(604) 684-8171
- Advocacy Access
BC Coalition of People with Disabilities
(604) 872-1278/1-800-663-1278
- The Advocacy Office at St. Paul's Anglican Church
(604) 683-4287
- Downtown Eastside Residents' Association (DERA)
(604) 682-0931
- Downtown Eastside Women's Centre
(604) 681-8480
- End Legislated Poverty
(604) 879-1209
- First United Church
(604) 681-8365
- The Kettle Friendship Society Advocacy
(604) 253-0669
- Mental Health Action Research and Advocacy of Greater Vancouver
(604) 689-7938
- Mental Health Empowerment Advocates Program
(604) 738-5770
- Prideline
(604) 684-6869

- UBC Law Students Legal Advice Program
(604) 822-5791
- United Native Nations (UNN) Advocacy Resource Centre
(604) 688-1821
- YWCA Crabtree Corner
(604) 689-2808

Vernon

- Vernon and District Women's Centre
(250) 542-7531

Victoria

- Action Committee of People with Disabilities
(250) 383-4105
- Together Against Poverty Society
(250) 361-3521

West Vancouver

- Co-Pro, North Shore
(604) 922-4324

Williams Lake

- Women's Groups Society Advocacy Program
(250) 392-4005

Provincial organizations

- BC Coalition of People with Disabilities
1-800-663-1278
- End Legislated Poverty
(604) 879-1209
- federated anti-poverty groups of BC
(250) 782-2366 (Dawson Creek)
- Tenants' Rights Action Coalition Hotline
1-800-665-1185

Legal aid (Legal Services Society)

If you have a legal problem but you can't afford a lawyer, the Legal Services Society (LSS) may be able to pay for a lawyer for you. This is called legal aid. A legal aid office can also give you information about your legal problem.

Legal aid will provide you with a lawyer if you have a low income and one of the following legal problems:

- You're charged with a criminal offence and are likely to go to jail, lose your job, or be deported if you're found guilty.
- The Ministry of Children and Family Development has taken, or is threatening to take, your children away from you.
- Your partner has threatened or hurt you or your children, and you are afraid of further harm and need a court order to protect you or your children.
- You need a court order because the other parent has threatened to take your children out of the province permanently.
- You're facing a refugee or deportation hearing.

To find out if legal aid can help you, call the LSS office nearest you. Look in the white pages of your phone book under "Legal Aid — Legal Services Society" or in the yellow pages under "Lawyers — Legal Aid — Legal Services Society." If your area doesn't have an office, call the Legal Services Society Call Centre at (604) 408-2172 (in the Lower Mainland) or toll free at 1-866-577-2525 (outside the Lower Mainland).

Copies of this booklet and other publications may be ordered from:

Distribution
Legal Services Society
1500 – 1140 W. Pender Street
Vancouver, BC V6E 4G1
Fax: (604) 682-0965
E-mail: distribution@lss.bc.ca

To read this and other legal information publications online, or to learn more about legal aid,
visit the LSS website at <http://www.lss.bc.ca>.
