



Community Legal Information Association of PEI

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# New Relationships: Legal and Safety Concerns



902-892-0853 or 1-800-240-9798

[www.cliapei.ca](http://www.cliapei.ca)   [clia@cliapei.ca](mailto:clia@cliapei.ca)

This booklet is part of a series called “**Putting Your Affairs in Order At Any Age**”. Publications in this series include:

- Putting Your Affairs in Order At Any Age
- Wills
- Powers of Attorney
- Consent to Treatment
- Health Care Directives
- Moving to a Community Care Facility or Nursing Home
- New Relationships: Legal and Safety Concerns
- Preventing Abuse and Neglect of Older Adults
- You and Your Grandchildren

All of these publications can be found at [www.clapei.ca](http://www.clapei.ca) or can be ordered by calling Community Legal Information Association (CLIA) at 892-0853 or 1-800-240-9798. To view the acts mentioned in these booklets, go to [www.gov.pe.ca](http://www.gov.pe.ca), click on “Government”, “Supreme Court” and then click on “Statutes”. A list of the acts will come up in alphabetical order. You can also order paper copies from Island Information Service at 368-4000 or 1-800-236-5196. There is a small fee for paper copies.

## **New Relationships: Legal and Safety Concerns**

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The following stories are examples of situations people may experience in PEI. At the end of the booklet we explain how the information helped.

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*Reg's wife died eight years ago. Six months ago he met Mary. Mary sold the family farm after her husband's death. She moved into town to be near to her children and grandchildren. Reg and Mary enjoy each other's company. Recently, Reg suggested that they move in together. Mary believes that living together without being married is wrong. Reg has begun to pressure her. He brings up living together every time they meet and Mary is getting upset.*

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*Julia is worried about her friend Ann. Nine months ago Ann began dating Matthew, a man she met online. During the past six months, Ann has withdrawn from her friends. She does not visit or go out with her friends anymore. She spends all her time with Matthew. He doesn't like her friends and will have nothing to do with them. He does not like it if Ann phones friends to talk. Julia feels that Ann is becoming totally isolated.*

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*Pat and Alex have fallen in love. They plan to move in together. Both have been married and have children they want to inherit their estates. They worry about what will happen to their belongings and investments if Pat sells his house and they live in Alex's house on their combined pensions.*

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This booklet is designed to give people like Reg, Mary, Julia, Ann, Pat and Alex and their families general information about legal and safety concerns in new relationships. We'll meet them again at the end of the booklet.

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## **Introduction**

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Starting a new relationship can be a fun and enriching experience at any age. However, times change and the whole approach to dating has changed too. There are many books and pamphlets about dating for teens and young adults, but there is little information available for older adults. Some questions about dating are the same for everyone, regardless of age, but there are other concerns that relate specifically to seniors. This booklet has information to help answer your questions about legal and safety issues in new relationships.

## **Being in a Relationship**

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Healthy relationships are built on love and respect. You know when you are in a good relationship because of the way the other person makes you feel. When you feel loved and cared for, and when another person values you for who you are, you feel good about yourself and the other person. When your dating partner makes you feel inferior, unworthy, or nervous, these are signs that your relationship is not healthy.



## **Long Term Relationships**

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When you have been dating for a long time or you have decided to move in together, you may have questions about how this will affect your legal rights and responsibilities. Here are some common questions about property and support obligations.

**We have been seeing each other for a long time now. Does this mean my dating partner has a right to my property or money?**



Your partner does not have a right to your property and assets just because you have been dating for a long time. Your partner has no obligation to support you if you decide to end the relationship. You also have no rights to the property of your dating partner and no obligations to support him or her, either. If you plan to move in together, talk to a lawyer about how this might change your situation.

**If we decide to live together, will our rights and obligations to each other change?**

Living together is not the same as being legally married. You will not have an automatic right to half of each other's property. However, if you live together for three years or more and depend on the other person for support, your partner may have a legal duty to support you if the relationship ends. One of the things you and your partner can do is write and sign a cohabitation agreement. This can include such things as ownership of property, division of property if you separate, and support obligations towards each other. Speak with a lawyer to get legal advice about your rights and obligations. Call CLIA or go to the CLIA website to obtain a copy of the pamphlet about moving in together called "Living Together". Community Legal Information Association: 892-0853 or 1-800-240-9798; [www.cliapei.ca](http://www.cliapei.ca)

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In Prince Edward Island, spouse is defined in the *Domestic Relations Act* as:

- two people who are legally married or
- two people who have lived and are still living together in a conjugal (sexual) relationship for three years or
- two people who are living together in a conjugal (sexual) relationship and are the natural or adoptive parents of a child or children

Please note that in provincial legislation concerning the division of property, a spouse is defined as a person who is legally married. Common-law or unmarried spouses do not have the same rights as married couples in division of property.

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### **Will I be responsible for my partner's debts if we live together?**

You are not responsible for the debts of your partner unless you have co-signed a loan or you have signed a contract agreeing to pay a debt. However, if you separate and your partner applies to the court for a division of property and debts, the court may order a division of property based on your specific situation. Unlike a legally married couple that separates, the equal division of property and debts is not an automatic right for unmarried spouses.



## **What happens if we buy things together?**

If you and your partner buy something together, such as a house, furniture or a car, the person whose name is on the registration, receipt or deed, owns it. Make sure you keep proof of payments such as receipts and that the receipts indicate who paid for the item. If you buy a car together, you can register it in both names.

Another way to deal with these purchases is to draw up a cohabitation agreement that states how assets will be divided if your relationship ends. You can use the lawyer referral service to discuss having an agreement drawn up and what it will cost. If you marry later, your cohabitation agreement becomes a marriage contract. Lawyer Referral Service: 892-0853 or 1-800-240-9798.

## **Will I need to change or update my will if we move in together?**

This depends on whether you wish to leave anything to your partner in your will. If you want your partner to have something when you die, you will need to update your will. It is a good idea to contact a lawyer to do this.



You may have a legal duty to provide support for your partner after your death if your partner depended on you for support when you were alive. The *Dependants of a Deceased Person*

*Relief Act* allows your dependant partner to apply to the court for financial support from your estate if you do not adequately provide for or include your partner in your will.



Marriage invalidates a will unless it is made “in anticipation” of such an event. Divorce invalidates bequests to your ex-spouse unless made “in anticipation” of the divorce. This means that the will must mention the marriage or divorce in it. For more information, see the CLIA booklet called “Wills”.

### **How does marriage and divorce affect a power of attorney document or a health care directive?**

If you named your spouse as your health care proxy in a health care directive and later separate or divorce, the proxy appointment is automatically cancelled. If you wish your former spouse to remain as your proxy, you must state that in a new directive.

If you named your spouse as your attorney in a power of attorney document, separation or divorce does not automatically cancel that appointment. You must revoke that appointment in writing and name a new attorney in your power of attorney document.

Marriage does not affect your power of attorney document or your health care directive. For more information, see the CLIA booklets, “Powers of Attorney” and “Health Care Directives”.

### **How can I protect my property if we decide to get married?**

The best way to protect your property is to see a lawyer and enter into a prenuptial agreement or marriage contract with your partner. This is a written agreement between you and your new spouse. It sets out your rights and responsibilities to each other. It states who is the owner of the property, how the property will be divided if you separate, and it may contain support obligations. You should each talk to a different lawyer. Your lawyer will explain how your agreement will affect your rights and responsibilities.

An existing cohabitation agreement will become a marriage contract if you marry. It is important to make sure that you still agree with its contents before you marry.

### **Becoming Sexually Active**

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When you become sexually active with a new partner, you need to know how to protect yourself from sexually transmitted infections (STIs). Talk to your doctor, go to the library or look at the information available about STIs on the Health Canada website at [www.hc-sc.gc.ca](http://www.hc-sc.gc.ca)

If you decide to become sexually active, it is a good idea to talk with your partner about it. You can discuss what form of protection you will use. Condoms are the best way to protect against STIs.



## **Unhealthy and Abusive Relationships**

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Many older adults are concerned about violence or abuse at the hands of a stranger. They worry about being robbed or having their home broken into. However, very few seniors are harmed in this way. Most violence and abuse of older adults happens at the hands of someone they know well. Research studies show that older women and men are more likely to be physically abused by a spouse, dating partner or family member. Here is some information to help you if your relationship becomes abusive.

### **Feeling Safe**

There are things you can do to protect yourself when you begin dating:

- **Listen to your instincts.** If something does not feel right, it probably is not right. Call a friend or a family member and leave your date as soon as possible.
- **Arrange to meet in a public place** such as a restaurant, a social club or a cafe where there will be other people close by.

- **Date in a group.** Ask your date to join you on an outing with a group of people or go out with another couple.
- **Be careful about inviting someone to your house.** If things don't work out, you may not want that person to know where you live.
- **Take time to get to know each other.** Ask lots of questions. If the other person won't answer all your questions, he or she may be trying to hide something.
- **Use your own transportation** to get to the date and don't offer to pick up the other person. Go home alone in a taxi if you do not have a car.
- **Be cautious if you are drinking.** Alcohol can affect your judgment and lower your inhibitions. Be alert on a date with someone you do not know well.
- **Never leave your drink unattended.** There are drugs that may be added to your drink to make you feel sleepy and forgetful. When you have been drugged, you cannot fight back during a sexual assault. You could also find it hard to report an assault because you may not remember it clearly.

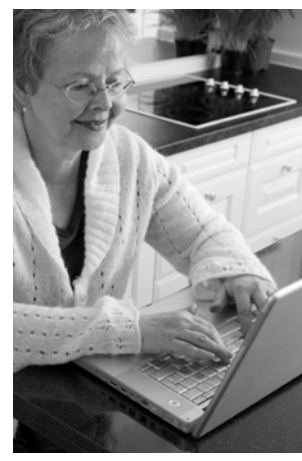


## **Using Internet Chat Rooms or an Internet Dating Service**

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There are hundreds of internet dating sites and chat rooms to choose from. If you are going to use one, ask your friends about their experiences. Find out if the website has a strict privacy policy posted. Be sure that the people you chat with cannot find out your name or where you live.

When you create your profile, do not use your real name or give your address, workplace, phone number, or any other information that could identify you. Be cautious about providing information on your hobbies, interests and hometown, as these could reveal your identity. Some people include a photograph in their profile, but many do not share a photo until they find someone they want to meet.



Consider taking a computer course to learn more about the do's and don'ts of using the internet. To find a course near you, contact Holland College, your local Community School or the Seniors College at the University of Prince Edward Island. Each of these schools advertises courses in the newspaper.

**Seniors College, University of Prince Edward Island: 894-2867**

**Holland College, Program and Course Information:  
1-800-446-5265**

## Keeping Abuse Out of Your Relationship

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Abuse can happen to anyone at any age. Often an abusive person is charming at first and you may be very attracted to him or her. As your relationship matures, the other person may become controlling, hurtful or constantly critical. The important thing to know is that help is available.



Making the difficult choice to end the relationship is easier if you have good information. You can decide to leave an unhealthy or abusive relationship at any time. It is important to protect yourself. Violence sometimes gets worse when you are leaving a relationship.

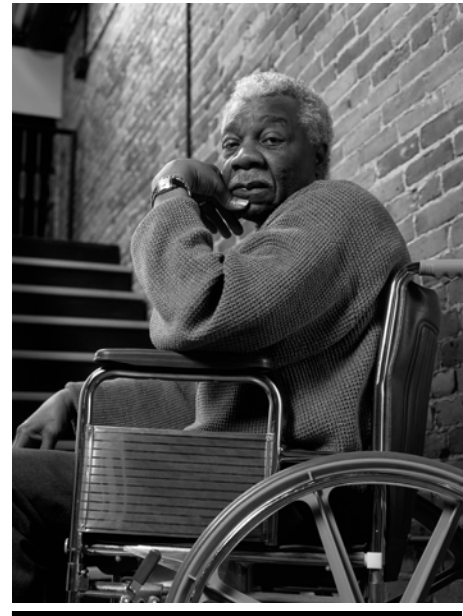
You can find helpful information through PEI Family Violence Prevention Services or through the PEI Rape and Sexual Assault Centre. Both of these services provide information and support. If you need immediate help, PEI Family Violence Prevention Services has a 24-hour crisis line. If you have been physically or sexually assaulted, you can **dial 911 to get emergency help**. Community Legal Information Association can provide you with information about violence in relationships.

Many people blame themselves for upsetting their partner. If your dating partner is cruel or controlling, **it is not your fault**. Abusers often blame their victims for the abusive behaviour and, over time, some victims come to believe that it is their fault.

Don't wait until the abuse happens. If the person you are seeing makes you feel uncomfortable, nervous or unhappy, then your relationship could become abusive.

If you would like to talk to someone about what is happening, call:

- PEI Family Violence Prevention Services: 892-0960 or 1-800-240-9894
- PEI Rape and Sexual Assault Centre: 566-8999 or 1-800-289-5656
- Community Legal Information Association: 892-0853 or 1-800-240-9798



### **Abuse May be a Criminal Offence**

Abuse that happens in intimate relationships may be a crime under the *Criminal Code of Canada*. Examples of this include:

- Criminal harassment - this includes stalking or following you around
- Intimidation
- Breach of a court order such as an undertaking, a peace bond, a probation order - including coming to your place when there is an order to stay away
- Physical assaults - including attempts and threats to assault you

- Sexual assaults - including attempts and threats to assault you. No one has the right to force any unwanted sexual contact on another person—not a spouse or someone you are dating
- Uttering threats - threatening another person is a criminal offence

The police can arrest and charge a person who does any of these things.

## **Getting Help**

You may be afraid or embarrassed to ask for help. You may think that no one will take the abuse seriously. Help is available. You can:

- Talk to a close friend, a family member, or a professional
- Find out about support services, such as counselling, transition houses or shelters, mental health services, and other agencies that can help
- Ask the service providers you contact to help you make a safety plan
- Leave the abusive situation and go somewhere safe. You can stay with a family member, go to a shelter, or move into a hotel or new apartment
- Talk to someone about what is happening
- If you have been harmed or threatened or you are fearful, call the police. In an emergency, call 911

**If you are in an abusive or violent relationship and want to leave, making a safety plan is one way to figure out what to do. You may wish to contact a shelter, Victim Services or Family Violence Prevention Services to ask for help in developing a safety plan. Staff members at both Victim Services and Family Violence Prevention Services provide a confidential service and are trained to work with people in violent relationships.**

**CLIA has also published two information booklets called “Making A Safety Plan in Violent or Abusive Relationships” and “Health and Safety Plan for Aboriginal Families”. Both are available on our website at [www.cliapei.ca](http://www.cliapei.ca) or you may call CLIA to order a free copy.**

**Victim Services workers: Charlottetown 368-4582; Summerside 888-8218**

**Family Violence Prevention Services outreach workers: West Prince 859-8849; East Prince 436-0517; Eastern PEI 838-0795; Queens 566-1480**

**Chief Mary Bernard Memorial Women’s Shelter: 902-831-2332**

**Grandmother’s House: 902-367-3339**

**Community Legal Information Association: 892-0853 or 1-800-240-9798**

## **Now let's look at Mary, Reg, Julia, Ann, Pat and Alex ...**

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*Mary talked to a friend who suggested that she meet with a counsellor to talk about Reg's behaviour. The counsellor helped her decide what she wanted to say to Reg. Mary invited Reg over to her place, making sure that her daughter was in a nearby room. Mary followed the script that she had developed. Reg promised to back off and stop pressuring Mary.*

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*Julia's only choice at this point is to stay in touch with Ann in whatever way she can. Social isolation is one way in which one person can control another person. Julia talked to a counsellor at PEI Family Violence Prevention Services to make sure that she knew the best way to deal with Ann's situation. She has decided to let Ann know that she cares for her and that she will be there for her if Ann ever needs help.*

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*Pat and Alex decide to visit a lawyer who explains that they can make things happen as they wish by updating their wills and creating a cohabitation agreement. They decide to do this for their own peace of mind.*

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## **Other Resources**

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For other useful publications, check Community Legal Information Association's website – [www.cliapei.ca](http://www.cliapei.ca) . You may download and print the pamphlets or call CLIA to order free copies.

Some publications available through Community Legal Information Association:

- Health and Safety Plan for Aboriginal Families
- Legal Information for Same Sex Relationships
- Living Together
- Making a Safety Plan: in Violent or Abusive Relationships
- Making Your Will
- Spousal Support: What You Need to Know

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**Caution:**

**The contents of these booklets are general information only and should not form the basis of legal advice. The contents are not a complete statement of the law or policy in these areas. Changes in law and policy occur frequently, so readers should check with CLIA or a lawyer for up-to-date information. For legal advice, contact a lawyer or call the Lawyer Referral Service at 892-0853 or 1-800-240-9798.**

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