

**Summary:** Intimate partner violence in my case took the form of extreme willful neglect, which resulted in financial and psychological trauma, as well as infringements on my civil liberties that continued for years after my husband left Canada to work in the USA under the NAFTA treaty.

**Keywords:** *Psychological Aggression, Mental Abuse, Financial Abuse, Abandonment, Willful Neglect, Wanton Disregard, Coercive Control, Stonewalling,Breadcrumbing, Gaslighting, Divorce, Corollary Action, Spousal Support, Matrimonial Property, NAFTA, Divorce Act*

**Background:** In 2014, I left my high paying job with the provincial government to focus on obtaining a Master's degree. My spouse and I bought a house in Alberta. We were happy. A year later, my spouse was approached by a talent scout and accepted a competitive, high paying job with Facebook Headquarters in Palo Alto, USA. North American Free Trade Agreement (NAFTA) permitted my spouse to obtain a Treaty National (TN) visa to work in this competitive role. Under the same Treaty, I would have been eligible for a Treaty Dependent (TD) visa contingent on my spouse's employment. As a TD visa holder I would not be allowed to work, but I would be able to attend school. At the time, there were no Master's degree programs in my chosen field offered in the Bay Area that would have recognised my Canadian undergraduate credentials and/or transferred my coursework. The two most apparent choices were: (1) live in the USA without the ability to work, or, (2) stay in Canada and complete my studies with the hope of obtaining a work permit in America upon completion. Both choices rendered me financially dependent on my spouse.

My spouse and I agreed to proceed with a long distance marriage, while I completed my studies. At first, my spouse continued to financially support me and nurtured our relationship. Long distance marriage was difficult for my spouse. Communication became less regular - or intermittent. When confronted, my spouse provided me with partial, false and/or misleading information indicating that extraneous factors such as landlord troubles and medical challenges were causing the lapses in communication, visits and financial support. My spouse began seriously dating someone else, yet he persuaded me that our marriage was a priority for him. Thus, the cycle of emotional manipulation began. Breadcrumbing is popularly known as the practice by which an individual provides intermittent attention, care, affection and/or support in order to maintain status, power, control and/or benefits in a relationship. I continued to take on student loans - and extend our co-signed line of credit - with most of the funds being channeled into maintaining the matrimonial property, or in some cases sent directly to my spouse to alleviate the health and housing challenges he claimed to be experiencing. For two years I attempted to reconcile the fragmented and fragile relationship. My hope was to restore stability in our lives and in our relationship.

Over time, I began to understand that our perceived realities did not align. On one hand, my spouse was a highly-functioning, intelligent, skilled Senior Engineer working for Big Tech in Silicon Valley; yet, he seemed not to be able to organize his daily tasks. My spouse was earning a six figure salary; yet, he seemed not to be able to afford basic expenses. This perpetuated the cycle of "gaslighting" whereby I was manipulated and led to doubt my own judgment and reality.

One day, without explanation, the communication ended. My spouse's financial support ended, including basic living allowances, mortgage payments, property taxes, car loan payments, co-signed line of credit payments, etc.

My spouse's silence and inaction represented a wanton disregard, neglect and abandonment of me and of his financial and legal commitments in Canada. **The ramifications of my spouse's "ghosting" behavior resulted in a complex series of coercive controls that infiltrated virtually every facet of my existence.** I was legally trapped in an unrequited marriage and all of its associated financial obligations (co-shared vehicle loan, co-signed line of credit, co-signed mortgage). My spouse was free to continue his life in the USA relatively unscathed by the repercussions of his actions.

I was operating in a financial, temporal and emotional deficit. In addition to my demanding Master's degree commitments, I worked three low-paying jobs in the evenings and on weekends in order not to have the matrimonial home - which represented our entire life's savings - repossessed by the bank. The remaining income failed to support my living and educational expenses, and I relied on charity, loans and support from friends and family to survive. Many of the less critical financial payments went into default, including line of credit, credit card, property taxes, vehicle loan, etc. Many of these remain in default to this day, creating drastic impacts on my credit score.

At this time I experienced a severe decline in my health: I became dependent on amphetamines, lost 30% of my body weight due to undernourishment and sleep deprivation, neglected basic self-care practices and experienced severe lows in my mental health. Not being able to afford comprehensive dental care (i.e., root canal), I on two occasions ended up in Emergency wards for excruciating pain and chronic periapical tooth abscess. Most of my possessions (vehicle, furniture, photography equipment, art, personal artifacts) were in my spouse's possession in California, and represented years of investment and memories - I never saw them again. Most of our mutual friends and my entire family in-law - I never saw them again. All of my investments into the matrimonial home including my government pension plan earnings - I never saw the returns. I was left in Canada with all of the responsibilities and debts, and none of the advantages that the union had promised.

I eventually graduated. **Still, my spouse's willful negligence exerted a silent but significant coercive control over my life.** I could not afford to take the time off work required to develop my professional portfolio, and compete for high paying jobs in my field. Thus, I became grid locked in a poverty cycle of living hand to mouth, despite having earned a Master's Degree. Constant phone calls from both my and my spouse's creditors regarding default payments would create panic, stress and anxiety that percolated into my daily routines.

Navigating the Canadian legal system as a self-representing Plaintiff was a labyrinthian struggle. I was offered one free hour of pro bono consultation with a non-profit women's organization in Alberta. However, I did not meet the basic criteria for any further legal representation. The situation, where my husband was living abroad, created a plethora of jurisdictional gray areas surrounding serving documents, determining spousal support entitlements and enforcement of court orders. Even upon retaining a lawyer for limited consultation, my case presented unclear pathways that the counselor could not readily advise me on, within the financial constraints of our retainer.

It took significant time and effort to file an Application for Divorce and Division of Matrimonial Property. As per the Divorce Act, I waited a full year after separation to file the paperwork. My spouse never provided court-ordered Financial Disclosure. My spouse did not attend court-ordered Mediation. It took an additional two years of intermittent court contact with the Defendant, before the Judge granted an order to Sever Divorce from Corollary Action (Division of Matrimonial Property). Only by this action was the Judge able to grant a Certificate of Divorce. However, the Division of Matrimonial Property still needed to be determined (outstanding to this day). My spouse ignored a court order for the return of my share of the matrimonial property. My spouse's Big Tech employers, including Facebook Headquarters and Backblaze Inc., disregarded employer financial disclosure court-orders and loosely cited jurisdictional loop holes caused by the USA and Canada divide. The onus and burden of gathering the evidence and financial disclosure, and for preparing an application for a Summary Trial where a Queen's Bench Justice would objectively determine my future, was placed entirely on my shoulders. **My agency and autonomy were stripped from me, both by my spouse and by the Divorce legislation and procedures.**

A system of legislative and corporate policy blockades limited my power in Canada as well. I could not sell the matrimonial home without my spouse's consent. It took significant time and effort of our mutually trusted real estate agent, to obtain the required signatures authorizing the sale. The proceeds of the sale sat in a lawyer's trust for over a year, because they could not be released without my spouse's consent. The Canadian bank declared that agents could not contact my spouse because he lived abroad; effectively, I was responsible for our shared loan. Our home and car insurance providers prohibited account changes, including policy cancellation, without my spouse's consent. Alberta Registry prohibited registration changes without my spouse's consent; effectively, I was not permitted to sell the secondary vehicle, a 2003 wagon, even after it broke down. The Vancouver Police Department rejected my attempt to file a stolen vehicle report for the primary vehicle, a 2013 SUV which I co-owned with my spouse. **My agency, autonomy and consent surrounding co-shared policies, assets and liabilities were systematically disregarded and stripped from me by the procedural bureaucracy of these government organizations and corporations.**

The financial implications were significant. My credit score plummeted. I lived in a predominantly empty house for months, renting the basement to a friend. Countless real estate viewings resulted in continuous housecleaning and maintenance, as well as disruptions to my work schedules. This affected my performance at work, and I lost my primary job. Eventually, the matrimonial home was sold at a loss to mitigate defaulting on the mortgage. My spouse maxed out all of his Canadian debts, and kept them in default. My spouse spent, or hid, all of his earnings. My spouse liquidated all of his stocks and shares in the Big Tech companies. Our co-owned 2013 vehicle, which we bought new and which was in my spouse's possession, was not registered or insured in any State or Province since 2019. It is unclear what the condition or location is of this vehicle. **The idleness and profligacy that my spouse exhibited, combined with the barriers of navigating the complicated court system, led to an utter and complete dissipation of our marital property.**

#### **Recommendations:**

- 1. Gender Inclusivity:** Integrate gender inclusive language in the Status of Women Committee work. I was assigned female at birth, but am in reality a gender non-conforming, non-binary individual. It is unclear to me whether or not my experience with abuse as a non-binary individual is valid to the Government of Canada's Status of Women Committee.
- 2. International Agreements:** Investigate Canadian international treaties and policies that force women and gender non-conforming folks to become financially dependent on their spouses. Specifically, investigate the NAFTA TD visa policies, which render Canadian spouses (who are often women) impotent in the American workforce, while their partners (who are often men) thrive and accelerate their careers. Conversely, explore Canadian-issued visas that would prohibit spouses of Work-Permit holders in Canada from seeking meaningful employment (and thus independent financial sources). Build pathways to mitigate financial dependency of spouses, which can lead to financial abuse or barriers to leaving unsafe situations. Most importantly, develop international mechanisms for holding Canadian citizens accountable for their behavior while working or living abroad under NAFTA treaties and other conditions.
- 3. Banking / Government Loan Regulations:** Investigate policies and legislation that limit banks and loan establishment from prohibiting women and gender diverse folks from being able to discharge debts (such as student loans, co-signed car loans, co-signed lines of credit) accrued in dysfunctional or abusive marital situations, resulting from willful neglect, coercive control or abuse. Specifically, add

provisions in the national / provincial Student Loan Agreements and Bank Regulations for equitable processes surrounding co-signed line of credits in the event of marital breakdown.

4. Divorce Legislation:

4a. Legislation: Investigate legislation, including the Divorce Act (and provincial counterparts), to ensure women and gender non-conforming folks can effectively extricate themselves from abusive situations in a more timely and conclusive manner. For example, define physical and mental cruelty in section of the Divorce Act (section 8.2), so that clear terms exist for exiting unsafe marriages prior to the one-year mandatory separation period. Expand the definition of “Family Violence” in the Divorce Act, and ensure that relatively passive forms of coercive control, such as wanton disregard or willful negligence are defined, in addition to emerging phenomena such as ghosting, stonewalling, breadcrumbing and gaslighting.

4b. Protocol: Provide clear protocols for divorce processes where one spouse has willfully abandoned the spouse and/or vacated the country since the marriage commenced and/or refused to participate in the proceedings. For self-representing litigants, provide clear pathways for obtaining corollary relief where there are jurisdictional and enforcement gray areas between provinces and/or countries. Where the process falls into jurisdictional gray areas, provide self-representing Plaintiffs with free access to comprehensive consultation with divorce clerk experts, or staff members. Note that every clerk I spoke to at the divorce counter gave me different instructions and different forms to submit. On some occasions, when a clerk was unsure of the process, I was turned away at the counter and told to consult a lawyer (i.e., Spousal Support vs. Interjurisdictional Spousal Support). A dead end, as I could not afford a lawyer and legal precedents for similar situations are limited.

5. Civil Code, Criminal Code and Other Legislation: Investigate laws surrounding domestic violence and abuse, and ensure that willful neglect, wanton disregard, abandonment, and psychiatric aggression are defined, and that actionable pathways exist for victims to pursue justice and compensation. Currently there is no definition of “domestic violence” in the Criminal Code and 1 Civil Code.

6. Supports: Provide more support to women and gender diverse folks in the form of pro bono legal counseling and legal representation. Raise the maximum income thresholds and qualification criteria for the existing programs and provide context specific assessments. Assign caseworkers, so that Victims and self-representing Plaintiffs have one individual well aware of the court proceedings, as opposed to redundant and often contrary consultations with various officers and counselors.

7. Public Awareness: Raise public awareness and education surrounding relatively passive forms of coercive controls: negligence, abandonment, financial abuse, and psychological aggression, etc. Expand key indicators of abuse to modern concepts such as “ghosting”, “breadcrumbing”, “gaslighting”, “stonewalling”, abandonment, etc.

Thank you for your time, and consideration.