

OTHER PLACES YOU MAY FIND LEGAL HELP

Consumer Rights

“What you Need to Know About Collection Agencies”

www.cleonet.ca/items/586

Legal Aid Ontario

1 800 668-8258

www.legalaid.on.ca

Local contact here: _____

Community Legal Education Ontario

416 408-4420

www.cleo.on.ca

Ontario Association of Credit Counselling Services

1 888 746-3328

Bankruptcy

http://strategis.ic.gc.ca/epic/site/bsf-osb.nsf/en/h_br01545e.html (Government of Canada site)

Office of the Superintendent of Bankruptcy

Ottawa

Tel: 613 995-2994

Toronto

Tel: 416 973-6486

Fax: 416 973-7440

Hamilton

Tel: 905 572-2847

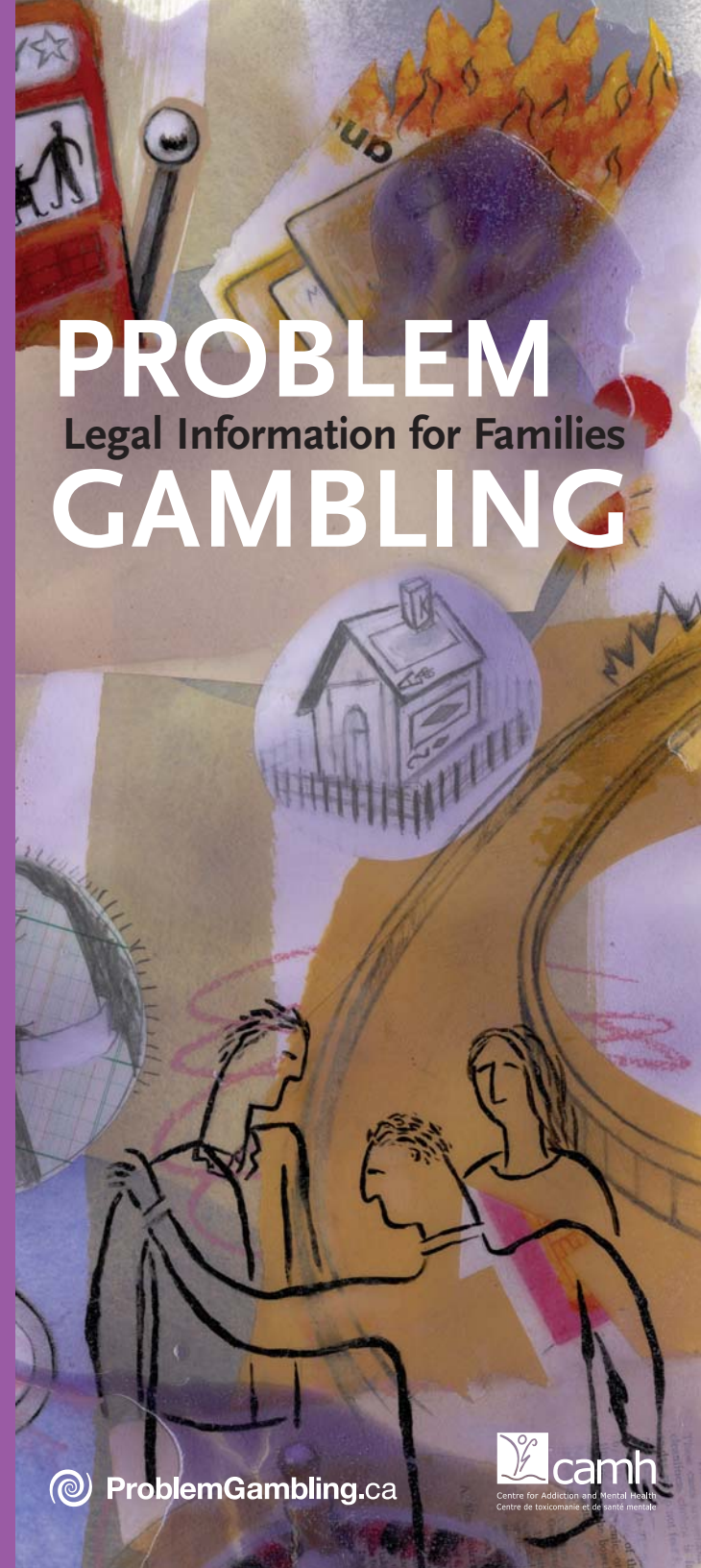
London

Tel: 519 645-4034

The information contained in this pamphlet is intended for information purposes only. None of the information contained in this pamphlet is intended as legal advice, nor should it be interpreted or relied upon as such. If you have legal questions or concerns, consult a lawyer or other professional legal adviser.

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Ontario Problem Gambling Helpline
1 888 230-3505



PROBLEM Legal Information for Families GAMBLING

 **ProblemGambling.ca**

 **camh**
Centre for Addiction and Mental Health
Centre de toxicomanie et de santé mentale

Gambling and Legal Problems: Information for Families

This pamphlet offers information about questions commonly asked by people who have a gambling problem in their family. Some of the information you read here might be hard to understand. Please ask your counsellor to help you with this pamphlet, and to help you find the right kind of legal advice for your specific situation.

What if my partner uses my name/credit cards without my knowledge or permission?

Generally speaking, it is up to you to make sure nobody else uses, steals or abuses your credit cards. Credit card companies are not obligated to monitor usage; so, if you think someone has stolen or is misusing your credit, you should report this right away. If you fail to protect your credit card or keep your PIN secret, you may be responsible for charges others made to your card.

If you suspect theft or fraud by a family member, you may have to report the family member to the credit card company to address the credit issues. This may result in legal consequences for the family member—you should contact a lawyer for advice.

You can also talk to your bank representatives about your options of handling things at the bank, including having separate accounts.

How do I protect myself if my partner or someone in my family commits a financial crime using my name?

This is called identity theft, and is dealt with similar to dealing with credit card theft. It is important to:

- Contact your bank or credit card company.
- Call the police and file a police report. A record saying you reported the theft and proof of your actions

may be important later on. Creditors may also require a police report to make any corrections to your credit account.

If you choose not to follow these guidelines or not to turn in the offender, you may be responsible for the legal or financial consequences of the theft yourself.

I am concerned we will lose everything due to my family member's gambling. How can I protect joint assets?

This situation is very complex and it is very important that you get legal advice and personal support for this issue. Your counsellor can help point you in the right direction.

Generally, when people are married, each spouse keeps ownership of their separate property, unless they have legally shared their property or assets with their partner. Sometimes, couples have a separation agreement that will be considered. Since there are many complicated legal factors involved, and because each situation is looked at individually, it is very important to discuss your unique situation with a legal expert.

Common-law partners may also face financial consequences of a partner's debt when the relationship ends.

My elderly parent is gambling heavily. How can I protect my parents' estate?

Adult children often provide care for their ageing parents. At the same time, your parent may voluntarily give you *power of attorney* to protect his or her assets.

A person who can't understand information needed to make decisions about property or financial management, or who can't understand the consequences of their decisions, may be found incapable of managing property or finances. In this case, if your parent is found incapable of managing property or finances, a guardian of property may be appointed by the courts to manage these affairs.

My child used my credit card to gamble. Am I responsible for my child's gambling debt?

As with stolen credit cards, you should take all reasonable efforts to prevent misuse of credit cards and report any concerns promptly. If debt is incurred fraudulently or by theft, you must report the fraud to the credit card company to avoid liability. Such reports usually require proof that the police were promptly informed. Some credit card companies are willing to negotiate with the cardholder to avoid legal proceedings. These arrangements usually involve repaying the debt.

Parents are generally *not* held responsible for debts incurred by their child; but the parents also must provide for treatment if the child is diagnosed with a mental health or addiction problem, such as problem gambling. And, while you may choose not to sue your child, creditors still may sue them. Such debts are usually pursued through civil rather than criminal courts.