

Bench & Bar Fact Pattern DRAFT

Background:

Mr. Spouse (37) and Ms. Spouse (32) live in Fort Simpson, NT. They have been in a common law relationship for 12 years. They have two children together: Ben (4) and Kristin (8). Mr. Spouse also has one child of his own from a previous relationship: Arthur (14). Arthur's mother is no longer involved, and Arthur has lived full-time with Mr. Spouse for the last 4 years.

Mr. Spouse is Dene and grew up in Fort Simpson. Ms. Spouse is Gwitchin and is originally from Fort McPherson.

Mr. Spouse has a criminal record:

- November 2020 – Breach of Release Order – 23 days custody (time served)
- July 2019 – Breach of Undertaking - \$500 Fine
- September 2010 – Assault – 60 days custody + 12 months probation
- January 2009 – Assault Causing Bodily Harm – 90 days custody + 12 months probation
- July 2008 – Mischief – 12 month suspended sentence

Ms. Spouse has a criminal record that contains two convictions for impaired driving within the last 3 years.

Ms. Spouse previously obtained an Emergency Protection Order against Mr. Spouse prohibiting him from contacting her and all the children. It expired on March 12, 2026.

Incident:

On March 14th, 2026, at approximately 10:00 PM, RCMP received multiple reports of a domestic dispute at the Spouse residence.

A neighbour, Ms. Ears, phoned 911 and advised she had heard loud arguing from the Spouses' residence next door. At one point she heard Ms. Spouse yell "Let me go! You're hurting me!" A statement was later obtained from Ms. Ears detailing the same.

Another witness, Mr. Eyes, was stopped at a nearby intersection and saw a man and a woman arguing on their front porch, while a child watched from inside the house. He recorded a video of the man pushing the woman to the ground, grabbing her by the hair and pulling her back into the house. Mr. Eyes reported this to the RCMP and later provided a statement and the video he took.

RCMP attended the Spouse residence shortly thereafter with child protection workers. Arthur answered the door and said he saw his dad hit Ms. Spouse. Arthur let police into the residence. The younger children were in their bedroom sleeping.

Police found Mr. Spouse sitting at the kitchen table. He was swaying in his chair and smelled like alcohol. RCMP observed an empty 2/6 on the kitchen counter. Mr. Spouse was placed under arrest for assault. While being given his police caution, he exclaimed “This is bullshit – she hit me first!” Mr. Spouse was taken into custody and placed in the back of the police vehicle.

After lodging Mr. Spouse in the police vehicle, RCMP spoke with Ms. Spouse who emerged from the bathroom. She was crying and appeared to have red/swollen left cheek. She was also swaying and smelled of alcohol. RCMP asked Ms. Spouse to tell them what happened and the following was recorded on the officer’s body-worn camera footage:

- We were drinking and watching the Oilers game when out of nowhere he got mad at me for being on my phone so much.
- I told him to mind his own business.
- He started accusing me of cheating on him and yelling.
- I got up and pushed him out of the way so I could leave.
- He hit me on the left side of my face. I don’t know if it was a punch or a slap. It happened so fast.
- I was scared so I kept heading out the door and he followed me. He kept yelling at me outside and I started yelling back.
- He pushed me and I fell down. He grabbed me by the hair and pulled me back into the house.
- He must have seen Arthur watching because he let me go once we got inside.
- He kept yelling at me so I went into the bathroom and locked the door in case he got angry again.

RCMP decided that due to Ms. Spouse’s level of intoxication they would not attempt a formal statement at that time. Ms. Spouse agreed to give a statement in the coming days. RCMP took a photo of the redness on Ms. Spouse’s cheek. She declined medical attention.

RCMP spoke to Arthur briefly and he agreed to provide a statement describing the following:

- He was in his room when he heard yelling.
- He went downstairs and saw his dad hit Ms. Spouse in the face. He did not see Ms. Spouse push or hit his dad.

- His dad and Ms. Spouse left the house and he went to check on his brother and sister. His siblings were both sleeping.
- Once he returned to the living room both his dad and Ms. Spouse were back in the house. They were no longer physically fighting but they were arguing and calling each other names.
- They both seemed like they were drinking.
- He has seen them argue a lot before but this is the first time he's seen them physically fight. He's heard them talking about hitting each other before so he's guessing this isn't the first time.
- Neither Ms. Spouse or his dad has ever physically hit him or his siblings before that he knows of. They typically don't get angry like that unless they're drinking.
- Ms. Spouse isn't his real mom but she is the closest thing he's had to one.

RCMP left the residence and took Mr. Spouse to cells to be lodged for the night. In the morning, he was released on an undertaking not to have any contact with Ms. Spouse/not to go to the place of residence/education/employment of Ms. Spouse.

The younger two children were placed with an extended family member identified through a safety plan with Ms. Spouse. Arthur was apprehended and placed in a foster home.

Mr. Spouse decided to go live with his uncle in Wrigley while he was subject to the conditions of his undertaking.

RCMP later tried to obtain a formal statement from Ms. Spouse, but she declined and said she didn't want Mr. Spouse to get in trouble and just wants him to come home.

Child and Family Services commenced proceedings related to all three children. Ms. Spouse entered a Plan of Care Agreement and started family law proceedings regarding the two younger children.