

# FAMILY VIOLENCE

## GETTING HELP!

No one has the right to hurt another person. If anyone threatens or harms you or your children, there is help available. You can:

1. **Call the Police/Pursue Criminal Charges**
2. **Go to a Shelter**
3. **Apply for a Peace Bond**
4. **Apply for an Emergency Protection Order (EPO)**
5. **Consult a Lawyer**

This brochure contains general information only, and is not intended to provide legal advice. For information about your particular situation, contact your local police detachment. For legal advice, contact a lawyer.

You may want to consider doing all of the above-noted. If you pursue one option, you are still free to pursue the others.

In an emergency, leave IMMEDIATELY. The most important thing must be the safety of you and your children. You may want to consider keeping important items like MCP, insurance, bank and credit cards, medicine, IDs, any court papers, and some money together in a safe place so you can take them with you if you need to leave quickly.

The police investigate all complaints of family violence. They should be contacted immediately. They will ask for a statement and the names of witnesses. The police may also interview the person who has threatened or hurt you. They will review the evidence and the statements and decide if there is enough evidence to lay criminal charges. If criminal charges are laid, the accused will be arrested or given a notice to appear in court.

You can also apply to the court for a peace bond. A peace bond is a court order that places specific conditions on an individual's behaviour. It will include various conditions that must be followed. These conditions may include: to keep the peace; not to communicate with you in any manner; or not to possess a firearm. If the person ordered to follow the peace bond breaks a condition, you should immediately report it to the police. They may decide to lay a charge. If the charge is proven in court, the

punishment may include jail time. There is no fee for applying for a peace bond and the order can be valid for up to 12 months. A peace bond is not a criminal charge, but if it is broken, the person can be charged criminally.

As of July 1, 2006, the **Family Violence Protection Act** is law in Newfoundland and Labrador. This legislation provides another option to help adult victims of family violence and their children in emergency situations. You can apply to court for an Emergency Protection Order (EPO). An EPO is a court order that can be granted quickly in cases of family violence. To get an EPO you need to have lived in a sexual relationship or had a child with the person who is being violent. This includes married, common law, and same sex couples. It can allow police to remove that person from the home, take away any firearms or weapons, give you temporary custody of the home and the children, and any other conditions the court thinks necessary. The police can make an application for an EPO for you 24 hours a day. If you apply for the EPO yourself, or have it done by a lawyer, you can only apply during regular court hours to the Provincial Court. Application forms are available from the Provincial Court or online at the Provincial Court website ([www.provincial.court.nl.ca](http://www.provincial.court.nl.ca)). Normally, the judge will decide if an EPO will be granted within 24 hours of receiving the application. An EPO is temporary and will not last for more than 90 days. An EPO is not a criminal charge.

## CRIMINAL COURT PROCESS

Police receive **COMPLAINT**

**INVESTIGATE**

**ARREST/DETAIN** Suspect if there is enough **EVIDENCE** to lay a charge

Suspect not charged if there is not enough **EVIDENCE**

Police prepare **INFORMATION**. Accused is charged with offence

Accused is **RELEASED** until the appearance in Court, sometimes with conditions.

Accused is held in **CUSTODY** until the first appearance in Court.

**FIRST APPEARANCE** in Court

Victim does not need to be there. Accused is normally present, may be represented by a lawyer. Accused is informed of charges, right to counsel and then elects the mode of trial. Accused is released until the next court date or attends a bail hearing to determine if the accused will be released and on what conditions. If provincial court is elected then the accused enters a **PLEA** of guilty or not guilty. If Supreme Court is elected, the accused can request a preliminary inquiry or can set a date for an arraignment.

**PRELIMINARY INQUIRY**

Court proceeding where Judge will decide if there is enough evidence for a trial. If not, charges are dropped. If there is enough evidence, a date will be set for a trial.

**ARRAIGNMENT**

First appearance in Supreme Court where the charges are read to the accused, the accused enters a plea and a date is set for trial.

**TRIAL**

Both accused and victim must appear. Evidence is presented. Both parties can give **TESTIMONY** and may be cross-examined along with other witnesses. Judge and/or Jury will decide if accused is guilty or not guilty.

If **GUILTY** Accused can be sentenced and victim can prepare **VICTIM IMPACT STATEMENT**

If **NOT GUILTY** Accused will be released and the matter is dismissed.

# GLOSSARY OF TERMS

## ABUSE

Abuse can take many forms: physical, sexual, psychological, emotional and economic. Many forms of abuse are criminal offences.

## ACCUSED

The person charged with committing an offence.

## ACQUITTAL

The accused is found not guilty.

## APPEAL

If the Crown or accused is not satisfied with the outcome of the case, they have the right to ask to have their trial decision reviewed by a higher Court. The right to have the case reviewed is not guaranteed. It is dependent on various factors. An appeal is not a new trial and no witnesses are required to give evidence. It is simply a review of the previous case. Either the Crown or the Defence has 30 days from the date of the conviction to file for an appeal.

## APPEARANCE NOTICE

A form issued by a police officer requiring the appearance of an accused to answer to a charge in Court. The Appearance Notice outlines the date, time and location of Court. Failure to appear may result in a Warrant of Arrest being issued for the accused.

## ARRAIGNMENT

This is the first court appearance for the accused in Supreme Court. The charges are read to the accused by the judge. The accused then enters a plea of guilty or not guilty. If a not guilty plea is made, the actual trial will take place separately at a later date that is set by the court. The complainant does not have to appear at the arraignment, but they may if they want.

## ARREST

This occurs when a police officer detains someone and says that the person is not free to leave until further notice. The police can arrest someone and keep them in police custody for a period of time while deciding whether or not to lay a charge.

## ASSAULT

Occurs when force or the threat of force is used on a person without their consent.

## BAIL HEARING

Also called "judicial interim release" or "show cause hearing". When a person is charged with a crime and arrested by police, the police may determine that the accused should not be immediately released, but instead brought before the Court. If the Crown Attorney agrees that the accused should not be released, then a bail hearing is held. This is a hearing before a judge to determine whether the accused should be kept in custody or released. The Crown Attorney will present evidence why the accused should be held in jail until the matter is finished in court.

## BREACH

To disobey a court order.

## CONSENT

Giving permission for something to happen to you, or agreeing to something.

## CONVICTION

A judgment by the Court that the accused is guilty of the offence.

## CRIMINAL HARASSMENT

Often called "stalking". This is a form of harassment that causes the person being harassed to have a reasonable fear for their safety or that of someone else. Different behaviour which may qualify as criminal harassment include repeatedly following someone; repeatedly communicating with someone either directly or indirectly; watching another person; or behaving in a threatening manner towards them or their children.

## CROWN ATTORNEY

The government lawyer who prosecutes criminal cases. In Canada, offences are seen as crimes against society. The Crown Attorney acts on behalf of all members of the public, not as the complainant's personal lawyer

## CUSTODY (CRIMINAL LAW)

Refers to accused being held in prison, or the police lock-up facilities.

## CUSTODY (FAMILY LAW)

Refers to the legal arrangements for post-separation or divorce parenting. Child custody usually refers to the responsibility for major decisions about the child's education and upbringing and the primary residence. One parent may have custody, the other parent may have access or both parents may have custody.

## EMERGENCY PROTECTION ORDER

Also called "EPO." Court order granted in an emergency to protect someone from a person they have a child with or had lived in a sexual relationship with if they become violent. Can order a person not to harass the victim, leave the home, give the victim temporary custody of the property or children. A breach of this order is a provincial offence. An EPO is not a criminal charge.

## EVIDENCE

Documents, oral testimony, written statements, or objects identified by witnesses which are presented to the Court to try to prove certain facts.

## EXCLUSIVE POSSESSION OF MATRIMONIAL HOME

A situation that follows a marriage breakdown, where one spouse (usually the spouse with custody of the children of the marriage) is granted the right by a judge to reside in the matrimonial home for a period of time.

## INFORMATION

This is the formal document that states the charge(s) before the Court.

## LAYING OF CHARGES

Occurs when the police investigate a complaint and decide there are sufficient grounds to charge a person with a criminal offence.

## PEACE BOND

Court order granted to attempt to protect someone from another person. May include several conditions: to keep the peace, not to harm, harass, phone, write or communicate with the complainant. A peace bond is not a criminal charge but breaching one is a criminal offence.

## PLEA

Accused's formal response to charges: Guilty or Not Guilty.

## PRELIMINARY INQUIRY

A hearing in Provincial Court in which a judge decides whether there is adequate evidence against an accused to go to trial.

## RECOGNIZANCE

The accused person's promise to pay a specific amount of money if he or she fails to comply with certain conditions set by the court. The accused person can be charged criminally if they fail to abide by any of the conditions.

## RESTRAINING ORDER

An order that restrains a person from a specific behaviour i.e. to stay away from a particular person or place.

## SENTENCE

The punishment given to an accused found guilty of committing an offence.

## SERVICE

Delivery of court related documents by one party to another.

## SUMMONS

An order requiring an accused to appear in court to answer to a charge. The summons outlines the date, time and location of the court. Failure to appear may result in a Warrant of Arrest being issued.

## TESTIMONY

A statement made in court by a witness under oath.

## THREATS

Words, actions or behaviour that cause the victim to fear bodily harm, and/or damage to property.

## TRESPASS AT NIGHT

The criminal offence of prowling or loitering on another person's property at night.

## TRIAL

A court hearing. In a criminal matter, the evidence is presented to determine whether an accused is guilty or not.

## VICTIM IMPACT STATEMENT

A victim of crime is entitled to prepare a written statement that will be provided to the Judge, Crown Attorney and accused person if the accused is found guilty. This statement tells the court about the harm the victim suffered because of the crime committed against them.

## AVALON

### RCMP

- Bell Island ..... 488-3312
- Ferryland ..... 432-2440
- Trepassay ..... 438-2700
- Holyrood ..... 229-3892
- Bay Roberts ..... 786-2118
- Harbour Grace ..... 596-5014
- Whitbourne ..... 759-2801
- Placentia ..... 227-2000

### RNC

- St. John's (HQ) ..... 739-8000
- Torbay ..... 437-6782
- CBS ..... 834-6137

### LEGAL AID

- St. John's ..... 722-6984
- Carbonear ..... 596-1301

### VICTIMS SERVICES

- St. John's ..... 729-0900
- Carbonear ..... 945-3019

### COMMUNITY RESOURCES

- Iris Kirby House ..... 753-1492
- Naomi Centre ..... 579-8432
- St. John's Women's Centre ..... 753-0220
- Sexual Assault Crisis Line ..... 726-1411
- Mental Health Crisis Centre ..... 737-4668

## EASTERN

### RCMP

- Clarenville ..... 891-2569
- Clarenville ..... 466-3211
- Bonavista ..... 468-7333
- Marystown ..... 276-3001
- Grand Bank ..... 832-2677

### LEGAL AID

- Clarenville ..... 466-7138
- Marystown ..... 279-3068

### VICTIMS SERVICES

- Clarenville ..... 466-5808

### COMMUNITY RESOURCES

- Marystown: Grace Sparkes House ..... 1-877-774-4957

## CENTRAL

### RCMP

- Gander ..... 256-6841
- Lewisporte ..... 535-8637
- Twillingate ..... 884-2811
- Fogo ..... 266-2251
- Carmenville ..... 534-2686
- Glovertown ..... 533-2828
- GF/Windsor ..... 489-2121
- Harbour Breton ..... 885-2320
- Baie d'Espoir ..... 882-2230
- Buchans ..... 672-3944
- Botwood ..... 257-2312
- Springdale ..... 673-3864
- New-Wes-Valley ..... 536-2419

### LEGAL AID

- Gander ..... 256-3991
- GF/Windsor ..... 489-9081

### VICTIMS SERVICES

- Gander ..... 256-1028
- GF/Windsor ..... 292-4544

### COMMUNITY RESOURCES

- Gander Cara Transition House ..... 1-877-800-2272
- Gander Women's Centre ..... 256-4395
- GF/Windsor Women's Centre ..... 489-8919

## WESTERN

### RCMP

- Burgeo ..... 886-2241
- Channel Port-aux-Basques ..... 695-2149
- Barachois Brook ..... 646-2692
- Picadilly ..... 642-5316
- Stephenville ..... 643-2118
- Deer Lake ..... 635-2173
- Corner Brook ..... 637-4433
- Rocky Harbour ..... 458-2222
- Baie Verte ..... 532-4221
- St. Anthony ..... 454-3543
- Roddickton ..... 457-2468
- Flowers Cove ..... 456-2500
- Port Saunders ..... 861-3555

### RNC

- Corner Brook ..... 637-4100

### LEGAL AID

- Stephenville ..... 643-5263
- Corner Brook ..... 639-9226

## VICTIMS SERVICES

- Stephenville ..... 643-6588
- Corner Brook ..... 637-2614
- Port Saunders ..... 861-2147

## COMMUNITY RESOURCES

- Corner Brook Transition House Crisis Line ..... 634-4198
- Corner Brook Women's Centre ..... 639-8522
- Bay St. George Women's Centre ..... 643-4444
- Port aux Basques Women's Centre ..... 695-7505

## LABRADOR

### RCMP

- HV/GB ..... 896-3383
- Nain ..... 922-2862
- Hopedale ..... 933-3820
- Makkovik ..... 923-2405
- Mary's Harbour ..... 921-6229
- Forteau ..... 931-2790
- Cartwright ..... 938-7218
- Natuashish ..... 478-8900
- Rigolet ..... 947-3400
- Sheshatshiu ..... 497-8700

### RNC

- Labrador City ..... 944-7602
- Churchill Falls ..... 925-3524

### LEGAL AID

- HV/GB ..... 896-5323

### VICTIMS SERVICES

- HV/GB ..... 896-0446
- Nain ..... 922-2360

### COMMUNITY RESOURCES

- HV/GB Libra House ..... 896-3014
- Labrador City Hope Haven ..... 944-1200
- Nain Safe House ..... 922-1229
- Sheshatshiu Nukum Munik Shelter ..... 497-8869
- Hopedale Safe House ..... 933-3420
- Labrador West Women's Centre ..... 944-6562
- Mokami Women's Centre ..... 896-3484
- Torngait Inuit Annait ..... 923-2156

## PROVINCE-WIDE

- RCMP ..... 1-800-709-7267
- SEXUAL ASSAULT CRISIS LINE ..... 1-800-726-2743
- MENTAL HEALTH CRISIS CENTRE ..... 1-888-737-4668
- KIDS HELP PHONE ..... 1-800-668-6868
- PARENT HELP LINE ..... 1-888-603-9100

Public Legal  
Information

Association of NL

www.publiclegalinfo.com

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