

Form A

DOMESTIC VIOLENCE INTERVENTION ACT
JUSTICE OF THE PEACE
EMERGENCY PROTECTION ORDER APPLICATION
CHECK LIST

GENERAL PRINCIPLE: Orders are available to a VICTIM who has suffered DOMESTIC VIOLENCE and is in need of immediate protection.

Date: (month) (day) (year)

Time:

Name of Victim: (full name)

Police File #: (if applicable)

The victim's residence:
[] where the victim normally resides;
[] which the victim has vacated due to family violence

Name of Respondent:

Date of Birth:

Address of Respondent: (full civic address & contact numbers)

The VICTIM is: a person over 16 years of age and:
[] has cohabited or is cohabiting with the respondent in a conjugal relationship, or
[] is with the respondent, the parent of one or more children

Does the victim consent to the application? [] Yes [] No

Application made by:
[] Victim [] Peace Officer
[] Victim Services Worker [] Transition House Designate

Name of the designated person or applicant: (print name & agency)

Location of the Victim at the time of application: (full civic address & contact number)

Nature of Domestic Violence:

- Assault that causes victim to fear for his/her safety
- Act or omission, or, threatened act or omission that causes reasonable fear of bodily harm or damage to property
- Forced physical confinement
- Sexual Assault, exploitation, molestation or threat of same
- Series of acts that collectively causes the victim to fear for his/her safety (includes following, contacting, communicating with, observing or recording any person)

This domestic violence has most recently occurred on _____, (date)
at or between _____ at the following location _____ (time)
_____ in the following circumstances:

Immediate danger to persons or property: Yes No (Supply details)

What clearly identifies this as an emergency?

There has been a history of domestic violence: Yes No None Disclosed
The circumstances of which are as follows:

Relevant Criminal Record: Yes No

Does the Victim agree that the information supplied by the Designate is accurate? Yes No

Special needs of victim and children: _____ Number of Children _____

Names and ages of Children

Has the incident been reported to appropriate child protection agency? Yes _____ No _____

Who reported the incident? _____

Does a valid child custody order or agreement exist? Yes _____ No _____

If yes, who was granted custody, in what province, and on what date: _____

What is the current location of the respondent?

Presently at scene

In custody

At large in the community

DECISION OF JUSTICE OF THE PEACE

I believe, on a balance of probabilities, there exists immediate danger to

- the victim;
- other persons, to wit: _____

- the following property: _____

Because _____

I believe, on a balance of probabilities, there exists the need to issue forthwith an emergency protection order to ensure the immediate protection of the VICTIM of domestic violence because:

I believe, on a balance of probabilities, the seriousness or urgency of the circumstances merits the making of an order for a period of _____ days. This duration is sought because _____

Order granted: Yes No

Additional Comments (if any) _____

JP will report incident to appropriate child protection agency? Yes _____ No _____

Signature: _____

Designated Justice of the Peace

Form B

EPO No. _____

EMERGENCY PROTECTION ORDER

(Domestic Violence Intervention Act)

RE: _____
(Name of Victim)

AND

(Name of Respondent)

(Full and complete address of residence)

TO THE RESPONDENT:

You are subject to this EMERGENCY PROTECTION ORDER. This ORDER was made by a designated Justice of the Peace pursuant to the *Domestic Violence Intervention Act*.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this order is an offence under the *Domestic Violence Intervention Act* with punishment, on conviction, of up to two years imprisonment.

You have the right to apply for a hearing to the Supreme Court of Nova Scotia to either set aside or change this ORDER.

YOU MAY WISH TO CONTACT A LAWYER for advice as to what your rights are and as to what you are required to do respecting the ORDER.

PROVISIONS:

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to *Section 6 of the Domestic Violence Intervention Act*.

I order that:

1. The victim is granted exclusive occupation of the following residence: _____

2. A peace officer remove the respondent from the following residence: _____

3. A peace officer accompany _____ *(name of person)* to the victim's residence to supervise the removal of personal belongings within the following specified time: _____

4. The respondent may not directly or indirectly communicate with or contact the victim and/or any of the following person(s): _____

5. The respondent is to remain away from the following place(s): _____

6. Temporary possession of or control over the following personal property is granted to: _____

- automobile
- cheque book
- bank card
- health services card
- supplementary medical insurance cards
- identification documents
- keys
- utility or household accounts
- other personal effects

(Details)

7. The Respondent is restrained from taking, converting, damaging or otherwise dealing with property: _____

(Details)

8. The Respondent is restrained from committing any further acts of domestic violence against the victim.

9. The publication of the name and address of the victim or any other information that may identify the victim is prohibited.

10. A peace officer seize any weapons and any documents that authorize the respondent to own, possess or control the aforesaid weapons:

11. Temporary care and custody of the following child _____ be awarded to the victim or to the following person:

(Name and Address)

12. _____

This ORDER is effective immediately and remains in force until: _____
(month) (day) (year)

Dated at _____, Nova Scotia this _____ of _____, 20____, _____ m.
(day) (month) (time)

Signature of Designated Justice of the Peace

Form C

Order Dispensing With Service(subsection 10(2) of the *Domestic Violence Intervention Act*)

Re:

NAME OF VICTIM

AND

NAME OF RESPONDENT_____
ADDRESS

Pursuant to subsection 10(2) of the *Domestic Violence Intervention Act* an application has been made to dispense with service of the Emergency Protection Order.

After hearing evidence from _____,
I hereby grant this Order dispensing with service and the respondent is thereby deemed to have notice of the Emergency Protection Order.

Dated at _____, Nova Scotia, this _____ day of _____, 20_____.

Designated Justice of the Peace

Form D

20____

S.H. No. _____

IN THE SUPREME COURT OF NOVA SCOTIA**BETWEEN:**

Applicant

- and -

Respondent

TO THE RESPONDENT:**SUMMONS TO ATTEND**

You are **REQUIRED** to attend a hearing before the Supreme Court of Nova Scotia to be held on the _____ day of _____, 20____, at

_____ to review the Emergency Protection Order granted by the designated Justice of the Peace on _____.

At the hearing the Supreme Court judge may confirm, terminate or vary the Emergency Protection order. **Be advised that if you fail to attend this hearing, the Emergency Protection Order may be confirmed in your absence.**

Dated this _____ day of _____, 20____.

Prothonotary

20__

S.H. No. _____

IN THE SUPREME COURT OF NOVA SCOTIA

BETWEEN:

Applicant

- and -

Respondent

TO THE APPLICANT:

NOTICE OF HEARING

Be advised that a hearing before the Supreme Court of Nova Scotia will be held in this matter on the _____ day of _____, 20____, at _____
to review the Emergency Protection Order granted by the designated Justice of the Peace on _____.

At the hearing the Supreme Court judge may confirm, terminate or vary the Emergency Protection Order. **You are entitled to fully participate in this hearing personally or through counsel.**

Dated this _____ day of _____, 20____.

Prothonotary