

When is an Emergency Protection Order appropriate?

An Emergency Protection Order is granted only if a designated justice of the peace is satisfied that domestic violence has happened and that the situation is serious and urgent.

The justice of the peace must look at the nature and history of the domestic violence, the existence of immediate danger, and the best interests of the victim or any child or other person in the victim's care.

Who can apply for an Emergency Protection Order?

A victim or person acting on behalf of the victim with approval of the justice of the peace can apply any day of the week from 9 am to 9 pm.

The following designated people can apply on behalf of the victim at any time:

- peace officers
- victim services workers employed by the Nova Scotia Department of Justice or the police or RCMP.
- designated employees of a transition house that is a member of the Transition House Association of Nova Scotia

What are the offences under the Act?

It is an offence for anyone to

- fail to comply with the provision of an order
- falsely and maliciously make an application
- obstruct any person who is performing any function authorized by an order
- publish any information in contravention of an order

How can a victim use the law?

If you believe that an Emergency Protection Order will help you, call the Justice of the Peace Centre at:

1 866•816•6555

or ask the police, Victim Services, or a transition house worker to apply for an order on your behalf.

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The Domestic Violence Intervention Act

DVIA



NOVA SCOTIA
Justice

What is the Domestic Violence Intervention Act?

The *Domestic Violence Intervention Act* provides another tool to protect victims of family violence through Emergency Protection Orders. It came into effect on April 1, 2003.

The Act is meant to be used together with the Criminal Code. In appropriate cases, the police will lay charges under the Criminal Code and the victim or designated person may also seek an emergency protection order. The Act does not replace the need for a shelter for women and children who are victims of domestic violence. In some cases the victim may still need to leave the home.

This law provides us with another way to help victims and sends the message that domestic violence is **never** acceptable.

The Act provides the following definitions: **victim:**

“... a person who is at least sixteen years of age and has been subjected to domestic violence by another person who

- (i) has cohabited or is cohabiting with the victim in a conjugal relationship, or
- (ii) is, with the victim, the parent of one or more children, regardless of their marital status with respect to each other or whether they have lived together at any time”

respondent:

“... any person against whom an emergency protection order is sought or made”

What is an Emergency Protection Order?

An Emergency Protection Order allows the justice system to take immediate action to protect a victim of domestic violence in an emergency situation. It is

- available 24 hours a day
- issued by a specially designated justice of the peace
- remains in effect for as long as directed by the justice of the peace (up to 30 days)
- reviewed by the Supreme Court of Nova Scotia

What can an Emergency Protection Order do?

- give the victim
 - exclusive occupation of the home (up to 30 days)
 - temporary possession of specified personal property (such as a car)
- give temporary care and custody of a child to the victim or another person
- direct a peace officer
 - to remove the respondent from the home
 - to accompany the victim or respondent to the home to supervise removal of personal belongings
- order the respondent
 - to stay away from any place identified in the order
 - not to contact the victim or another person
 - not to take, sell, or damage property
 - not to commit any further acts of violence against the victim
- prohibit the publication of the victim’s name and address

