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## Legal Help for Survivors of Intimate Partner Violence

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If you believe you are in danger, or if your health, safety, or property is being threatened and you need immediate help from the police, **call 911**.

If you don't speak English or French  
911 operators have access to interpreters in more than 170 languages.

If you are concerned that someone you know may be in an unsafe situation, you can receive confidential and expert advice on how to help. Call or text the provincial Neighbour Friends & Family line at **1-855-225-0220**.

Both services are available 24 hours a day, 7 days per week.

Intimate partner violence can take many forms of physical mistreatment. It is a crime whenever a person uses force against you, even if it's only very little force, without your consent. You do not need to have been physically hurt or have suffered any form of apparent injury to have been assaulted. You have suffered domestic violence if your intimate partner, your ex, or the parent of your child has

- Threatened to hit you, to hurt your child, to hurt your pet, or damage your property.
- Grabbed you, spit in your face, thrown an object at you, hit, kicked, scratched, or slapped you.
- Forced you to have sexual contact when you **did not give explicit consent**.
- Detained you against your will or damaged your personal property to try to intimidate you.

It is normal to find it difficult to denounce your intimate partner's behaviour or to leave a violent relationship. You may be afraid of being judged or being rejected by friends, family, or community members. You may be afraid of retaliation. You may be afraid of not being believed by the police, or you simply do not know what resources are available in your community. You may also feel responsible for the abuse, or your intimate partner may try to blame you for having caused the violence. However, **if you have suffered any form of intimate partner violence, remember that it is never your fault**. No one deserves nor chooses to be physically hurt, threatened, or intimidated. Only the abuser is responsible for their actions, and they must take responsibility for their behaviour.

## **Criminal charges – *Criminal Code of Canada***

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In Canada, police and public prosecutors have rules that advocate for charging and prosecuting an accused in a situation where there is any form of intimate partner violence. These *spousal abuse policies* means that if a police officer has a reasonable belief that your partner or ex-partner has hurt you, they must charge them. It is not your choice, nor is it your fault if the police lay criminal charges against your intimate partner, your ex, or the parent of your child. It is the police's choice and responsibility to lay charges in cases of intimate partner violence.

When the police officer charges someone, the accused will need to follow a court order, otherwise known as a *recognizance* or *undertaking*. In most cases, the police officer will remove the accused from your home and give you temporary possession, even if you do not own the property or your name is not on the lease. If you prefer not to continue living in your home, the police will accompany you to remove any personal belongings from your home. The accused person will not be allowed to communicate with you, and they will need to stay away from your home and your workplace. Even in a situation where the accused is the parent of your child, the police will still put in place a no-contact order that prevents the accused parent of being able to communicate directly or indirectly with you. The police will also remove any weapons and munitions in the accused person's possession.

If your intimate partner, ex-partner, or the parent of your child has been charged with assault, you can get important information about the court proceeding by calling:

Victim Services Centre at **1-888-470-0773**.

A victim services worker can help you get a copy of the no-contact order (undertaking or recognizance). They can provide you with the date and time of the accused next court appearance, and their current home address.

A victim services worker can also help you when trying to speak with the police or the public prosecutor. They will assist you to: prepare to testify in court, prepare a victim impact statement, apply for criminal injuries counselling, and request any special accommodations for your child if they were a witness to the family violence.

## **Emergency Protection Order – *Domestic Violence Intervention Act***

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If you have suffered any form of intimate partner violence or physical mistreatment by your intimate partner, ex, or the parent of your child, and you are afraid they will hurt you again, you can apply for an Emergency Protection Order by calling the Justice of the Peace Centre at **1-866-816-6555**.

An Emergency Protection Order (EPO) will stay in place for 30 days. It will allow the police to remove your intimate partner or the parent of your child from your home and it will give you temporary possession of any house or rented apartment where you currently live, regardless of whether you are the owner of the house or whether your name is on the lease. If you prefer to leave your home, the police will accompany you to remove any of your personal belongings from the home.

The EPO will also serve as a “no-contact order”, which means that your intimate partner, your ex, or the parent of your child will not be allowed to communicate with you, directly or indirectly, for the next 30 days. The person will be ordered to stay away from your current address and your workplace, and they will not be allowed to call or send you any forms of messages through voice mail, text, email, or social media. The police will also remove any weapons and munitions in their possession.

Although an EPO is not a criminal charge, if your intimate partner, ex, or parent of your child doesn't follow the terms of the order, they can be charged for failing to follow a court order and may face a fine of \$5,000 and/or imprisonment for up to 3 months for a first offence.

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## **Renting and Ending Your Lease Early**

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If you are renting the place you live with an abusive partner and the police have charged them with intimate partner violence, you may be able to end your year-to-year or fixed term lease by providing your landlord with only one month's notice. You can speak with Victim Services at **1-888-470-0773** to ask for a letter confirming that you can end your lease early due to intimate partner violence.

If you **need to stay at a shelter** or want to talk to a counsellor to learn more about the resources available in your community, you can call the 24-hour Helpline at **1-855-225-0220**.

## Transition Homes and Women's Shelters

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You can apply to stay in a transition house if you are at risk of violence and you need a safe, temporary accommodation for yourself and your children. There are shelters in confidential locations in every part of the province where women and families live communally.

### Halifax Regional Municipality (HRM)

- ❖ Bryony House: 902-422-7650
- ❖ Alice House: 902-466-8459
- ❖ Nisa Homes (Muslim Women's Shelter): 1-888-456-8043 (ext.409)

### Cape Breton

- ❖ Cape Breton Transition House in Sydney: 1-800-563-2945 or 902-539-2945
- ❖ Leaside Society in Port Hawkesbury: 1-800-565-3390 or 902-625-2444
- ❖ Family Healing Centre (designed to serve all First Nations People on Cape Breton Island) located in Waycobah: 1-800-565-3440 or 902-756-3440

### South Shore & Valley Region

- ❖ Harbour House in Bridgewater: 1-888-543-3999
- ❖ Juniper House in Yarmouth: 1-800-266-4087 or 902-742-8689
- ❖ Juniper Digby Outreach in Digby: 1-800-266-4087 or 902-742-8689
- ❖ Chrysallis House in Kentville: 1-800-264-8682 or 902-679-1922

### Northern Region

- ❖ Autumn House in Amherst: 902-667-1200
- ❖ Naomi Society in Antigonish: 902-863-3807
- ❖ Tearmann House in New Glasgow: 1-888-831-0330 or 902-752-0132
- ❖ Third Place in Truro: 1-800-565-4878 or 902-893-3232
- ❖ Family Healing Centre (designed to serve all First Nations People) located in Millbrook: 1-800-565-4741 or 902-893-8483

## **Taking Leave from Your Work – *Labour Standards Code***

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If you have been with the same employer for at least three months and you are experiencing domestic violence, you may be able to take a leave from your work. Under the provincial employment law, the *Labour Standards Code*, domestic violence is not limited to criminal offences, and includes abuse that can be physical, sexual, emotional, or psychological. The domestic violence leave allows you to take time off work to: receive any medical and/or psychological support or other professional counselling; relocate temporarily or permanently; get legal help to prepare for and participate in any criminal or civil case; and to receive help from a police or victim services organization.

You can apply for a domestic violence leave if you are abused by your current or former intimate partner, or if your child (under 18) is abused by their current or former intimate partner. You can choose either to take: (1) a short leave, which allows you to take up to 10 days in a row or on and off, or (2) you can choose to take a long leave which allows you to take up to 16 weeks in a row, per year.

Your employer must pay for up to 3 days of domestic violence leave per year. They may require you to provide a “Notification to Employer-Domestic Violence Leave” that explains the reason for the leave, but the employer must keep this information private. To receive more information about your employment rights, and your ability to take domestic violence leave, you can call the Nova Scotia Labour Standards at **1-888-315-0110**.

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## **Financial Support – *Employment Support and Income Assistance Act***

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If you are homeless or have no fixed address because you are leaving a relationship due to abuse or violence, you may be eligible for government financial assistance. Emergency financial assistance may be provided while determining eligibility for income assistance. You can receive financial assistance even if you are not a Canadian citizen. You can call the Department of Community Services at **1-877-424-1177** to apply for financial assistance. You may also wish to contact your local shelter or transition home to receive temporary housing while waiting for government assistance. You can call the 24-hour Helpline at **1-855-225-0220** if you need help finding a nearby shelter.

*Legal Information Society of Nova Scotia*

*Free Legal Information Line: 1-800-665-9779*

*You can also send us questions by email: [questions@legalinfo.org](mailto:questions@legalinfo.org)*

## **Protection against cyber-bullying – *Intimate Images and Cyber-protection Act***

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If you have been bullied online or had an intimate photo or video shared online without your consent, you can contact the provincial CyberScan Unit at **1-855-702-8324**. Cyber-bullying can take many forms, but includes when a person uses email, text, or social media to threaten, intimidate, harass, make false allegations, disclose sensitive personal facts, or send messages that are grossly offensive, indecent, or obscene. It does not matter if the person who sent a message or shared an intimate image did it because they wanted to hurt you, or they did it without thinking about the consequences of their actions. The staff at the CyberScan Unit can help you by trying to stop the cyber-bullying using a dispute resolution process. They will also explain other options such as going to court to get a Cyber-protection Order. A Cyber-protection Order can include requiring that a person take down an image or any messages from any websites, forbidding a person from contacting you, and forbidding a person from posting or sending similar messages in the future.

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## **Family Law – *Parenting and Support Act***

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If you are experiencing intimate partner violence, you can file an urgent application with the Supreme Court (Family Division) to ask for an order for exclusive possession of your home. You can receive exclusive possession even if your name is not on the deed, or if your name is not on the lease.

You can also get temporary custody of your child and financial support from your spouse, regardless of whether you were married, and even if you never declared yourself to be common-law. Although you do not need a lawyer to go to court, it is always recommended to contact your local Nova Scotia Legal Aid office to see if you are eligible for their help. If you do not feel comfortable representing yourself in court and do not have a lawyer, you can ask a trusted person to speak for you in court.

To learn more about how to apply to court, call the Legal Information Line at 1-800-665-9779. You can speak with the staff at your local courthouse to learn more about court documents, and you can visit the Nova Scotia Family Law website ([www.nsfamilylaw.ca](http://www.nsfamilylaw.ca)) to learn more about going to court.

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## Immigration – *Immigration and Refugee Protection Act*

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You should never feel that you must stay in an abusive relationship to remain in Canada. If you are in an abusive relationship and you are currently being sponsored by your spouse, then you should contact Immigration Canada, especially if your spouse has threatened to revoke their sponsorship to try to have you deported. If you are still waiting for a decision on your permanent resident application, you can request a special temporary resident permit to allow you to stay in Canada if your spouse decides to withdraw their spousal sponsorship.

Call Immigration Canada at **1-888-242-2100** and choose the option for victims of abuse and forced marriage. You will be able to speak with someone who can explain your options, including the steps to get a free special temporary resident permit (TRP) that will allow you to remain in Canada.

You do not need to call the police to report the violence and you will not need to testify against your abuser to get a temporary resident permit. If your children are with you, then you can also get a temporary resident permit for them.

**If you have already become a permanent resident**, then you have the right, like any other Canadian citizen, to take up residence and pursue the gaining of a livelihood in any province in Canada. **Your spouse cannot cancel or revoke your permanent resident status** to try to have you deported, even if you received your permanent residence through a spousal sponsorship.

*This fact sheet explains the law in a general way as it applies in Nova Scotia, Canada.*

*The information is not intended as legal advice. If you need to hire a lawyer to help you with a legal problem, contact a law firm for advice about what steps you should take in your situation.*

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