

Resources

There is information on how to apply for a Peace Bond at www.courts.ns.ca, under “Representing Yourself” and “Information Kits.”

See our other family violence materials (available in print and online)

- Family Violence, Emergency Protection Orders, Child Discipline, Elder Abuse, Sexual Assault, and Being a Witness in a Family Violence Case.

Help Lines provide general crisis counselling and can refer you to other helping agencies. Only the Halifax line offers a 24-hour service.

Antigonish: Naomi Society 902-863-3807

Halifax: Metro Helpline 421-1188

New Glasgow: Pictou Help Line 752-5952

Sydney: Sydney Help Line 562-4357 or 1-800-957-9995

Transition Houses provide residential and outreach services to abused women and their children. Call the Transition House Association of Nova Scotia (THANS) at 902-429-7287 or visit www.thans.ca.

Women’s Centers provide a variety of services, such as advocacy, accompaniment, referrals, and information. There are eight Women’s centers in Nova Scotia:

Tri-County, Yarmouth-902-742-0085

Antigonish Women’s Resource Centre 902-863-6221

Sydney Every Woman’s Centre 902-567-1212

Sheet Harbour-Lea Place 902-855-2668

New Glasgow-Pictou County Women’s Centre 902-755-4647

Lunenburg-Second Story Women’s Centre 902-543-1315

Cornwallis-The Women’s Place Resource Centre 902-584-7195

Truro-Central Nova Women’s Centre 902-895-4295

Victims’ Services support victims of crime by providing information, support, and assistance as a case moves through the criminal justice system.

Head office: 1-888-470-0773, Dartmouth: 902-424-3307, Kentville: 1-800-565-1805, New Glasgow: 1-800-565-7912, Sydney: 1-800-565-0071

LEGALinformation

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5523B Young Street,

Halifax, Nova Scotia, B3K 1Z7

www.legalinfo.org

Tel: Administration, publications and
Speakers’ Bureau 902-454-2198

Tel: Legal Information Line and

Lawyer Referral Service 455-3135 or 1-
800-665-9779

Tel: Dial-a-law 1-902-420-1888

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Peace Bonds and Family Violence

WHAT YOU NEED TO KNOW



If you fear your spouse or partner may harm you, your family, or your property, you can apply for a Peace Bond.

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YOU HAVE QUESTIONS.
WE HAVE ANSWERS.



A Peace Bond is a court order requiring a person who has threatened or hurt you or your property to agree to stay away from you and to stop the harmful behaviour. The person who signs the Peace Bond is called the defendant. Under a Peace Bond, the defendant must follow certain conditions. If it is an emergency, call 911. In some cases, you can apply for an Emergency Protection Order over the phone or from a Transition House by calling the Justice of The Peace Centre (1-866-816-6555).

This brochure provides general information only. It is not meant to replace legal advice from a lawyer.

What is a Peace Bond?

A peace bond is a court order.

- Only a judge can give you a Peace Bond.
- Peace Bonds last up unto one year.
- You can get a Peace Bond without laying assault charges.
- If a court finds your spouse or partner is not guilty of assault charges, you can still apply for a Peace Bond.
- It is illegal for anybody to try to stop you from applying for a Peace Bond, or for anyone to try to intimidate you in court.
- You may not always get a Peace Bond, even if your spouse or partner has previous assault convictions.
- You do not need a lawyer to apply for a Peace Bond, but it is a good idea to talk about the situation with a lawyer before you decide what to do.

There are many services available to help you keep you and your family safe. See the Resources section at the end of this pamphlet for additional information.

Will a Peace Bond keep me safe?

The Peace Bond can have many conditions to protect you. If the Peace Bond does not cover an area that you think is important, do not be afraid to talk to your lawyer or the judge about additional terms. A Peace Bond is a good deterrent in many cases. However, not all defendants respect the terms of a Peace Bond, so you need to be careful.

How do I get a Peace Bond?

First, you file an application (or “lay an Information”) in court, or somebody will do so on your behalf. You will then be given a court date for a hearing. Peace Bonds refer to you as the “complainant” and your spouse or partner as the “defendant.”

If the police are involved that may lay criminal charges against the defendant if he or she has assaulted you or damaged your property.

If the police lay charges, you may not need a Peace Bond because the police will have your spouse or partner sign a “recognizance” or “undertaking,” which promises that he or she will not have contact with you until the trial. The police must tell you on what conditions they release the defendant, so give them a call to find out.

Will a Peace Bond give my spouse or partner a criminal record?

No, your spouse or partner will not get a criminal record unless he or she breaks the Peace Bond. However, if your spouse or partner breaches the Peace Bonds, he or she can face charges, which can lead to a criminal record.

Can my spouse (partner) see the children?

Your Peace Bond should not affect your spouse or partner’s rights of access to the children, unless this is a condition of the Peace Bond. If your spouse or partner has access to the children there are ways of ensuring that he or she will still not have contact with you, including using a third party as a mediator, or requiring that your spouse or partner remain in the car when picking up or dropping off your children. The court may require that he or she only contact you via email or phone to arrange access to the children. Let the judge know if child custody or access is an issue.

What happens in Court?

The day of the Peace Bond hearing, you will go to the Provincial Court or Summary Offence Court for your hearing. Be prepared to face your spouse or partner and say why you are afraid of him or her. You will have to show the judge that you have a reasonable fear that the defendant will harm you or your property. You will need to provide dates and times when your spouse threatened you and what was said and done. Contact the court administration office if you are afraid about your safety while in court. You can bring somebody with you for support.

How long does it take to get a Peace Bond?

It can take weeks or even months to get a Peace Bond, and even longer to get the defendant convicted if he or she breaks the bond. Therefore, if someone is threatening you with immediate physical violence, consider applying for an Emergency Protection Order. Peace Bonds are also not permanent. However, you can make a new application, with new evidence, after the first one expires (maximum one year). A Peace Bond is not always the best way to deal with a violent situation. Consider contacting the police, who will decide whether to lay a criminal charge.

What happens if the defendant breaks a Peace Bond?

The police must follow the guidelines of the Nova Scotia Department of Justice to arrest, charge, and prosecute defendants for breaking Peace Bonds when there is evidence to do so.

If your spouse or partner breaks the Peace Bond and you decide not to call the police, record the details of the incident, such as time and/or place. You may need this information later. You should know that if you break a Peace Bond willingly (by contacting the defendant, for example) it might be hard to get the police to charge your spouse or partner in the future. If a Peace Bond is broken, it may take two to three weeks for the court to summon your spouse or partner to court. If the police do not lay charges, you can do so yourself.

What are the penalties for breaking a Peace Bond?

If convicted of breaking a Peace Bond, your spouse or partner may get a criminal record, and depending on the seriousness of the charge, could go to prison for up to two years. However, it is rare for a defendant to get the maximum sentence. A common sentence for a first offence is release on probation with conditions to stay away from your family.

What if we get back together?

If you have a Peace Bond against your spouse or partner and decide to try living together again, it is a technical breach of the Peace Bond, but the police probably will not lay charges unless you ask them to. You can also go back to court and ask to have conditions amended or deleted. The judge may be reluctant to enforce the terms of the Peace Bond if you get back together with your partner.