

What if we get back together?

You and your spouse (partner) have the right to apply to the Supreme Court of Nova Scotia to change the terms or end the Emergency Protection Order. See our other family violence materials (available in print and online):

- *Family Violence, Peace Bonds and Family Violence, Sexual Assault, Being a Witness in a family violence case, Child Discipline, and Elder Abuse.*

Resources

To apply for an Emergency Protection, call the Justice of The Peace Centre (1-866-816-6555).

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

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

For an overview of issues and resources for abused women, visit www.gov.ns.ca/staw/pubs2006/MakingChanges4rev_2006.pdf. You can order a hardcopy by calling the NS Advisory Council on the Status of Women toll free at 1-800-565-8662.

LEGALinformation

SOCIETY OF NOVA SCOTIA

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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

ISBN: 0-88648-379-4

1st Edition, March 2009

The Legal Information Society of Nova
Scotia is a registered charity.

If and when the time is right, please
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Created with the support from the De-
partment of Justice Canada.

Aussi disponible en Français

Emergency Protection Orders

WHAT YOU NEED TO KNOW



An Emergency Protection Order is a court order to protect you from serious and urgent danger. A Justice of the Peace issues them, and they last up to 30 days.

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YOU HAVE QUESTIONS.
WE HAVE ANSWERS.



If you are in an emergency, where you, your children or your property are in immediate danger and are worried something might happen before you can get a Peace Bond or a criminal court hearing, an Emergency Protection Order can help.

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

What is an Emergency Protection Order (EMO)?

An EMO is a temporary court order made by a Justice of the Peace to protect victims of family violence, when the situation is serious and urgent. If you are not sure whether you need an Emergency Protection Order, ask a lawyer, Victims' Services, or your local Transition House or Women's Centre. See the Resources section at the end of this pamphlet.

What can an Emergency Protection Order do?

- Remove your spouse or partner from your home
- Require that he or she stay away from you, your home, and your workplace
- Remove weapons and weapon permits.
- Give you temporary possession of personal property, like the car or bank card.
- Give you or somebody else temporary custody of your children.

How can I get an Emergency Protection Order?

You or somebody acting on your behalf can apply for an Emergency Protection Order 9 a.m. – 9 p.m. by calling the Justice of the Peace Centre (1-866-816-6555).

Peace officers, victim services workers (employed by the Nova Scotia Department of Justice, police or RCMP), or designated employees of a Transition House (that is a member of the Transition House Association of Nova Scotia) can apply for an Emergency Protection Order on your behalf any time of the day or night.

What happens when I call to apply?

The Justice of the Peace will talk to you over the phone. This will take about an hour. He or she will ask you about the kind of abuse you are experiencing, how long it has been happening for, and the last time it happened, what makes the situation an emergency, if you have children, if you have a custody agreement, and whether Child Protection is involved.

If the Justice of the Peace makes an Emergency Protection Order, he or she will fax or mail a copy of the order to you and to the police. If you need to have the Emergency Protection Order extended, you can apply through the Supreme Court of Nova Scotia. Getting an extension can take up to two weeks. If you think you need an extension, apply before the current Order expires.

I have an Emergency Protection Order, what now?

The police will tell your spouse or partner (called the respondent) as soon as possible. Then the Emergency Protection Order is in effect. Within two days, the Justice of the Peace will forward the Order and all of the documents associated with it to the Supreme Court of Nova Scotia. Then, a judge has 7 days to confirm it, change it, or set a date for a hearing if he or she is not convinced that there is enough evidence to justify an Emergency Protection Order. At the hearing the judge may confirm, change, or end the order.

Call the police if you want to know whether your spouse or partner (the respondent) has been told about the Emergency Protection Order.

Will my spouse (partner) have a record?

An Emergency Protection Order is not a criminal conviction, so your spouse or partner (the respondent) will not get a criminal record. However, if he or she breaks (breaches) the Order then the police may lay charges.

If your spouse or partner breaks an Emergency Protection Order, it is up to you to call the police. If you do not call the police, make sure you still keep a record of the details of the breach. You may need this information if you decide to report the breach later.

If the respondent is charged, the severity of the sentence will depend on the seriousness of the breach. There can be charges even if your spouse or partner was not threatening or violent so long as he or she breached the order.

- First offence: Up to \$5,000 fine and/or imprisonment up to three months
- Second offence: Up to \$10,000 and/or imprisonment up to two years

If the police do not lay charges, and you think they should, you can contact police officials or decide to take the matter to court yourself.

I am scared to apply for an Emergency Protection Order

People are sometimes worried about what an abusive spouse or partner will do. It can be frightening, especially if you are worried that your spouse or partner will not respect the Emergency Protection Order.

You might need to decide whether to leave your home to seek a safe house. If you need information or support, see the Resources section at the end of this pamphlet. It is illegal for anybody to stop you from applying. If this happens, call the police.

What should I do while the Emergency Protection Order is in effect?

Once the Emergency Protection Order is in place, you can:

- report the criminal offences committed by your spouse or partner against you (such as assault) to the police
- contact Victims' Services
- apply for a peace bond

You can also talk to a family lawyer about starting proceeding to deal with separation, divorce, custody and access, child support, spousal support, and property. Even if you have an EMO, you may need to take further steps to ensure your safety. You can call a Transition house for help and information, even if you do not plan to seek shelter.

What about our children?

Emergency Protection Orders override any court order regarding child custody and access, but not any order made as part of a Child Protection case. This means that if an Emergency Protection Order directs your spouse or partner not to have contact with the children, he or she cannot see the children.