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Under section 21 of the *Intimate Partner Violence Intervention Act*, the Lieutenant-Governor in Council makes the following Regulation:

Citation

1 This Regulation may be cited as the *General Regulation – Intimate Partner Violence Intervention Act*.

Definitions

2 The following definitions apply in this Regulation.

“Act” means the *Intimate Partner Violence Intervention Act. (Loi)*

“supporting documentation” includes any document or record that is filed in support of, or otherwise in connection with, an application for an emergency intervention order, any notes made by a designated authority during the hearing of an application and any audio recordings of the hearing. (*documents à l’appui*)

“transition house” means a community placement residential facility that is designated by the Minister of Families and Children to be a community placement resource under section 24 of the *Family Services Act* and provides accommodations for 30 days or less and support services to abused women and their children. (*maison de transition*)

Application on behalf of applicant

3(1) Before hearing an application for an emergency intervention order that is made by a person acting on the applicant’s behalf, the designated authority shall satisfy himself or herself that

- (a) the person applying is a person referred to in subsection (2), and
- (b) the person is acting with the applicant’s consent.

3(2) The following persons may apply on the applicant’s behalf for an emergency intervention order:

- (a) a peace officer;

- (b) a victim services coordinator employed by the Department of Justice and Public Safety;
- (c) a victim services coordinator employed by a police force;
- (d) an outreach worker employed by an organization that receives funding from the Women's Equality Branch of the Executive Council Office for the administration or delivery of the Domestic Violence Outreach Program;
- (e) an outreach worker, crisis intervener or support worker employed by a transition house or second stage housing; and
- (f) a social worker employed by the Department of Social Development.

Documents in support of application

- 4** When making an application for an emergency intervention order, an applicant or a person acting on the applicant's behalf shall
 - (a) at the time possess any document that is to be used in support of the application,
 - (b) communicate the content of the document to the designated authority in a manner satisfactory to the designated authority, and
 - (c) transmit the document to the designated authority as soon as practicable in a manner satisfactory to the designated authority.

Evidence

- 5(1)** At a hearing of an application for an emergency intervention order, a designated authority shall

- (a) take the evidence under oath or solemn affirmation, and
 - (b) ensure that a record of the evidence of each person is made by an audio recording of the proceedings.
- 5(2) For the purposes of subsection (1), an oath or affirmation may be administered by telecommunication.

Application by telecommunication

- 6(1) If an application for an emergency intervention order is made by telecommunication, the applicant or the person acting on the applicant's behalf shall be available to speak to the designated authority by telephone or other means of telecommunication that permits the designated authority and the applicant or the person acting on the applicant's behalf to speak directly to one another.
- 6(2) Subject to subsection 4(2) of the Act, if hearing evidence by telecommunication proves unsatisfactory, the designated authority may adjourn the hearing.

Continuation of hearing by another designated authority

- 7 If a designated authority begins to hear an application for an emergency intervention order but is unable to continue, another designated authority may
- (a) continue the hearing if the record of the evidence received by the first designated authority is available for review; or
 - (b) begin a new hearing if the record is not available.

Transfer documents to Court

8 A designated authority who makes an emergency intervention order shall forward the order and all supporting documentation to the administrator of the Court in the judicial district where the applicant resides as follows:

- (a) by personal delivery;
- (b) by courier delivery; or
- (c) by telecommunication that produces a written record.

Notice of order

9 Within 24 hours after making an emergency intervention order, a designated authority shall send a copy of the order as follows:

- (a) to the applicant
 - (i) by registered mail,
 - (ii) by courier delivery, or
 - (iii) by telecommunication that produces a written record;
- (b) to the chief firearms officer for the Province by telecommunication that produces a written record; and
- (c) to the police force
 - (i) by registered mail,
 - (ii) by courier delivery, or

- (iii) by telecommunication that produces a written record.

Service of order on respondent

10(1) Subject to subsection (2), a peace officer or a deputy sheriff shall serve an emergency intervention order and the information sheet referred to in section 11 on the respondent personally.

10(2) A peace officer shall serve an emergency intervention order on the respondent personally if the order contains a provision under paragraph 4(5)(f) or (i) of the Act.

10(3) Proof of service may be made by a certificate or an affidavit purporting to be signed by the peace officer or the deputy sheriff, as the case may be, naming the person on whom service was made and specifying the time, place and manner of the service, and the certificate or affidavit shall be filed as soon as practicable with the administrator of the Court in the judicial district where the applicant resides.

10(4) If the respondent is evading service, the Court may order that the emergency intervention order be served in the manner in which substituted service may be made under the Rules of Court.

Content of information sheet

11 An information sheet shall set out the following:

(a) information respecting the right of the respondent to apply to the Court under subsection 9(1) of the Act and the time limit for doing so;

(b) a statement that an application by the respondent to set aside the emergency intervention order does not stay the operation of the order;

- (c) information as to how the respondent can gain access to the evidence that was given in support of the application;
- (d) general information about the penalties for failing to comply with the emergency intervention order.

Notice of variation or setting aside of order

12(1) The administrator of the Court in the judicial district where a proceeding was held shall send a copy of an emergency intervention order that has been varied under section 9 of the Act or give notice that an emergency intervention order has been set aside under section 9 of the Act as follows:

- (a) as soon as practicable, but no later than 24 hours after a judge makes a decision under section 9 of the Act, to the chief firearms officer for the Province by telecommunication that produces a written record;
- (b) as soon as practicable, but no later than 24 hours after a judge makes a decision under section 9 of the Act, to the police force
 - (i) by registered mail,
 - (ii) by courier delivery, or
 - (iii) by telecommunication that produces a written record;
- (c) if the applicant is not present in Court, as soon as practicable, by serving the order or the notice, as the case may be, on the applicant personally by a deputy sheriff; and

(d) if the respondent is not present in Court, as soon as practicable, by serving the order or the notice, as the case may be, on the respondent personally by a peace officer or deputy sheriff.

12(2) Proof of service may be made by a certificate or an affidavit purporting to be signed by the peace officer or the deputy sheriff, as the case may be, naming the person on whom service was made and specifying the time, place and manner of the service, and the certificate or affidavit shall be filed as soon as practicable with the administrator of the Court in the judicial district where the applicant resides.

12(3) If the respondent or the applicant, as the case may be, is evading service, the Court may order that the emergency intervention order be served in the manner in which substituted service may be made under the Rules of Court.

Order written in plain language

13 An emergency intervention order shall be written in plain language, to the fullest extent possible.

Content of order

14(1) An emergency intervention order that contains a provision referred to in paragraph 4(5)(d) of the Act shall identify as specifically as possible the personal belongings.

14(2) An emergency intervention order that contains a provision referred to in paragraph 4(5)(i) of the Act shall identify as specifically as possible the weapons and documents and, if known, their location.

Effect of order based on an application made by telecommunication

15 An emergency intervention order based on an application made by telecommunication has the same effect as an order based on an application made in person.

Effect of order transmitted by telecommunication

16 An emergency intervention order transmitted by telecommunication that produces a written record is as effective as the original document signed by the designated authority.

Commencement

17 *This Regulation comes into force on XXXXX, 2018.*

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