

Emergency Protection Order Presentation Template

Use this guide to prepare for making an **Emergency Protection Order (EPO)** application under the *Domestic Violence Intervention Act*. You can customize it and use it as a guide when you call a Justice of the Peace to apply for an EPO. To apply for an EPO call the Justice of the Peace Centre at 1-866-816-6555.

Your Honour, I would like to request an Emergency Protection Order against _____ as I am a victim of domestic violence.

1. WHAT IS A VICTIM OF DOMESTIC VIOLENCE?

I am a victim of domestic violence because....

I am 16 years of age or older

AND

I have experienced domestic violence by someone who I live with or have lived with in an intimate relationship with **OR**

I have experienced domestic violence by someone who I have a child with

2. WHAT IS DOMESTIC VIOLENCE?

The type of domestic violence that I have experienced is (select all that apply):

An **assault** that cause me to fear for my safety (ex. being hit or pushed) (note: this could be a single assault and does not have to be a pattern)

Physical **confinement**

An act, omission or **threat** that caused reasonable fear of bodily harm or damage to property (note: property may include pets)

Sexual assault, sexual exploitation or molestation, or a threat of these

A **series of acts** such as contacting, following, communicating with, observing, or recording, that causes me to fear for my safety

NOTE: If you haven't experienced physical violence you may want to explain that in the case of *EMG v GRW*, 2007 NSSC 356 the judge said: "physical violence does not have to have occurred in order for there to be a finding that domestic violence has occurred. For example, a series of acts such as contacting, communicating with, observing or recording a person that collectively causes the person to fear for his or her safety constitutes domestic violence..."

3. WHY DO YOU NEED THE ORDER MADE RIGHT AWAY?

I need the order made right away because (select all that apply):

I need immediate relief from a **serious and urgent** situation

There is a realistic **threat of immediate harm** to me (or my child)

There is a **real likelihood of violence** occurring or being repeated if this order is not made

What are the facts that show that why you need an order **right away**?

[Explain why the situation is **serious and urgent**, why there is a realistic threat of harm or why there is a real likelihood of violence occurring or being repeated]

[Share information about the **nature of the domestic violence** you experienced]

If you have experienced coercive and controlling violence, you may want to explain that here. For more information see www.lukesplace.ca/coercive-control

[Share information about any **history of domestic violence**]

[Share information about any **immediate dangers** to people or property (including pets)]

[Explain how this order is in **your best interests** and/or your **child's best interest?**]

4. WHAT IS THE 30-DAY ORDER YOU ARE ASKING FOR?

I require the following to protect me from this serious and urgent situation (select any that apply):

I am requesting that the person who harmed me (the respondent):

- Be removed from the home by a police officer
- Be escorted by police to remove their belongings from the home
- Stay away from a specific location (ex. your workplace or your children's school)
- Not contact me (or another person close to me, such as a relative)
- Not take, sell or damage certain property (ex. the house or the car)
- Stop committing any further acts of violence against me
- Have no contact with the child(ren)
- Have their firearms and/or firearms license seized

I am requesting that I can have:

- Exclusive occupation of the home (i.e. only you and your children can stay in the home)
- Temporary possession of specific items:
 - A car or keys
 - Chequebook, bank cards, credit cards
 - Control of household utility accounts (ex. power, heat, phone, internet)
 - Documents like health cards, medical insurance cards, IDs, passports
 - Clothing, medication or other personal items
- A police officer accompany me or another person to get my belongings
- Temporary care and decision-making responsibility for my child(ren)

Publication Ban

- A publication ban of any identifying information (such as your name or address)

Anything else: (note: must be necessary for your immediate protection or that of a child)

5. HOW WILL A 30-DAY EMERGENCY PROTECTION ORDER KEEP YOU SAFE?

[Explain here why you need the conditions you are asking for above in #4 on the previous page. I.e., How will they keep you and/or your children safe and why are they necessary?]

Note: Do not provide your new address

Example: If you were asking for guns to be taken away from the respondent, you may want to explain WHY (i.e. if they have threatened to harm you or themselves with a gun recently or in the past).

ADDITIONAL NOTES OR INFORMATION

IMPORTANT THINGS TO KNOW

Note: If a child may be in need of protection, the Justice of the Peace must report this to the Department of Community Services.

Important! Be cautious not to share very specific information such as a new intended address as the person who has harmed you [the respondent] may be able to access this information if the emergency protection order is issued.

TIPS WHEN APPLYING

Have detailed notes in front of you: Include recent, specific examples of (1) domestic violence and (2) how the situation is urgent and serious. Include what specific things you are seeking, such as for the other party not to return to the home or contact you.

Set aside time and find a quiet spot with good phone reception: Applications for EPOs occur by phone. Try to find a spot with privacy with full reception, as opposed to a busy area where it is difficult to be heard or you may lose connection. EPO applications can take several hours, so do your best to make sure you have the time and space.

Talk with a friend, family member, transition house worker, counsellor, or victim services worker: Opening up to someone about the domestic violence you have experienced can provide support and allow you to articulate what you have experienced. Being honest with a support person can also help you practice telling your story so when you speak with the Justice of the Peace, it will be less nerve wracking.

Consult a lawyer: This guide is not a replacement for legal advice. If possible, seek legal advice from a lawyer. See if you qualify for legal aid, or if you can speak with a lawyer through employment assistance programs. A lawyer can review examples of domestic violence with you and assist in directing you to discuss what is most urgent and serious.

Treat it like court: Although an EPO application happens over the phone, treat it like you are attending any other formal court process or hearing. The Justice of the Peace will likely ask you many questions about your experience and give you opportunities to speak. Support people like transition house workers will not likely be able to be in the room with you. You may want to set up a follow-up meeting with a trusted support person afterwards to de-brief.

Safety Planning: Although EPOs may be a helpful way to get a short-term order (30 days) to enhance safety, it is also important to create a safety plan. A transition house or victim services worker can help with this. See also <https://women.novascotia.ca/> for more information about safety planning.

DID YOU KNOW?

Some of the most common protections ordered are:

- No contact, No further violence, Remain away from a specific location

Some of the less common protections ordered are:

- Temporary care and decision-making responsibility for a child, Seize weapons