

Application for Emergency Intervention Order

In the matter of the *Intimate Partner Violence Intervention Act*

 **You must provide an address on the confidential information sheet at which legal documents can be served on you. You should be aware that the respondent is entitled to a copy of this application and any evidence, "including the recording of the hearing", used in support of this application.**

If you need more space to complete any of the questions in the application, please write on a separate sheet of paper and indicate the question number you are answering.



Between _____
(full legal name of Applicant)

AND _____
(full legal name of Respondent)

I **(full legal name)**, _____
of the Province of New Brunswick say that;

- 1 I have personal knowledge of the following information in this application, except where I say that what is stated is based on information from another person, in which case, I believe that information to be true.
- 2 I am the applicant, I am 19 years of age or older and I am mentally competent.
- 3 The respondent, _____ **(full legal name of respondent)**
and I are/or were in an intimate personal relationship and
 are or have been married to each other;
 are or have been in a conjugal/common law relationship, or;
 are or have been in a dating or romantic relationship.
- 4 The current status of our relationship is: _____.
 recent separation;
 pending separation, or;
 currently living together.

Definition - Intimate partner violence, Intimate Partner Violence Intervention Act:

2(1) The following definition applies in this Act:

"intimate partner violence" means violence committed against a person by another person who is or has been in an intimate personal relationship with the person and includes the following:

- a. abusive, threatening, harassing or violent behaviour used as a means to psychologically, physically, sexually or financially coerce, dominate and control the other member of the relationship; and
- b. deprivation of food, clothing, medical attention, shelter, transportation or other necessities of life.

2(2) A respondent who encourages or solicits another person to do an act which, if done by the respondent, would constitute intimate partner violence, is deemed to have done the act personally.

A designated authority may make an Emergency Intervention Order if:

4(1) (a) intimate partner violence has occurred or is likely to occur, and

(b) the seriousness and urgency of the situation warrant the making of the order.

5 I left my home due to intimate partner violence. Yes No

For safety reasons, I do not wish to share my current address with the respondent. Yes No

First Nations

I wish to apply for exclusive occupation of a family home located on a First Nations Reserve.

Yes No Not applicable

If yes, you must file an application with the Court of King's Bench to apply for exclusive occupation of a family home located on a First Nations Reserve pursuant to the *Family Homes on Reserves and Matrimonial Interests or Rights Act*.

6 The child(ren), under the age of 19 who are affected in this matter are as follows:

Child's full legal name First Middle Last	Child's date of birth (dd/mm/yyyy)	My relationship to the child (i.e. mother, father)	Respondent's relationship to the child (e.g. mother, father)	Child currently resides with

(add a separate sheet of paper if necessary)



Legal proceedings

7 There is a Family Court proceeding between the Respondent and me, regarding custody or a parenting order, time sharing with a child(ren) or financial support. *(Include the child(ren) in the proceeding and any other child(ren). Do not include child protection court proceedings in this section.)*

Yes No Unknown

Court location and file number	Names of parties in the proceeding	Name(s) of child(ren)	Court order made (include dates) (dd/mm/yyyy)

8 There was a previous Civil Protection order or proceeding involving a party to this application:

Yes No Unknown

Court location and file number	Names of parties in the proceeding	Name(s) of child(ren)	Court order made (include dates) (dd/mm/yyyy)

9 There is a Child Protection proceeding, agreement or measure **pending or in effect** involving a party to this application that I am aware of: Yes No Unknown

Court location and file number	Names of parties in the proceeding	Name(s) of child(ren)	Type of order, proceeding or agreement; or describe measure taken (include dates) (dd/mm/yyyy)

10 There is an order, proceeding, undertaking or recognizance **pending or in effect**, in relation to a Criminal matter involving a party to this application: Yes No Unknown

Court location and file number	Names of parties in the proceeding	Name(s) of child(ren) involved if any	Type of order, proceeding, undertaking or recognition (include dates)

What Happened?

11 I need an Emergency Intervention Order because: (describe the **most recent incident of violence**, in particular, the seriousness and urgency of the circumstances or other reasons that you believe that an emergency intervention order should be made immediately).

History of Intimate Partner Violence

12 Is there a history of intimate partner violence? Yes No

a. If yes, describe the intimate partner violence, how long it has been going on, how often did it happen, include dates of recent incidents, etc.

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b.

i. If yes, describe the nature and effect of the intimate partner violence committed by the respondent toward you (check appropriate boxes to indicate and describe the type of violence and injuries; impact on physical and emotional well-being, etc).

physical

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sexual

emotional/psychological/coercion and control

financial

deprivation of food, clothing, medical attention, shelter, transportation or other necessities of life.

Frequency of Intimate Partner Violence

13 Is this intimate partner violence likely to continue and if so, why do you think it will?

14 Is this intimate partner violence getting worse or happening more often? If so, how? and how often?

15 Does this intimate partner violence have a pattern of manipulation or controlling behaviours and if so, how?

16 Is this intimate partner violence affecting your children and if so, how? (i.e. physical, emotional and mental impacts).

17 Do you need temporary custody for the protection of the child(ren) and yourself?

Yes No (If yes, include reasons for belief).

18 Are there threats against your family members or other people in your life and if so, what are they?

19 Are there any other violent behaviours by the respondent towards other people or other intimate partners or against animals and if so, what are they?

20 Are there any mental health concerns involving the respondent?

Yes No (If yes, explain the reasons for your concerns)

21 -Is there a recent change in the respondent's situation or anything that may increase the risk to you, including, but not limited to the following?: *(if so, explain how this is a risk to you)*

- Substance abuse; _____
- Employment or financial difficulties; _____
- Access to firearms or other weapons; _____
- Release from incarceration or; _____
- Other _____

Explain the situation regarding the factors you selected above:

22 Do you have a circumstance that may increase your vulnerability, including but not limited to any of the following factors?

- Pregnancy, _____
- Age, _____
- Family circumstances _____
- Disability, _____
- Health _____
- Economic dependence or _____
- Other _____

Explain the situation regarding the factors you selected above:

Provisions

23 I request the following provisions to be included in this Emergency Intervention Order:

No Contact

a. provision restraining the respondent from going to or near me and/or a specified person namely:
List person(s)

b. a provision restraining the respondent from going to or near a specified place(s) namely:
 My place of employment
 Other (specify type of place and **do not** include the address) _____

c. a provision restraining the respondent from communicating with or contacting, either directly or indirectly, me and/or a specified person namely:

Property

d. a provision granting me temporary exclusive occupation of the residence located at;

e. a provision directing a peace officer to remove the respondent from the residence;

f. a provision restraining the respondent from terminating basic utilities for the residence specifically:
 electricity telephone water sewage gas oil other special circumstances

g. a provision restraining the respondent from taking, converting, damaging or otherwise dealing with property that I may have an interest in, including but not limited to namely:

List of property (add details such as serial and model numbers/size/colour etc.)	Location

h. a provision granting me temporary possession and exclusive use of personal property namely;

List of property (add details such as serial and model numbers/size/colour etc.)	Location

i. a provision granting the **respondent** temporary possession and exclusive use of personal property namely;

List of property (add details such as serial and model numbers/size/colour etc.)	Location

j. a provision directing a peace officer or a deputy sheriff to accompany a specified person namely;

to the residence to supervise the removal of specified personal belongings namely:

List of property (add details such as serial and model numbers/size/colour etc.)	Location

k. a provision directing a peace officer to seize weapons, including firearms and ammunition, and any documents related to the right to possess or purchase firearms namely;

Identify details of weapons, firearms and ammunition (e.g. 12 gauge shot gun)	Location (e.g. 551 King St., basement den)

Temporary Custody of Children

I. a provision granting temporary care and custody of a child/children to the applicant namely:

Child(ren)'s name	Date(s) of birth (dd/mm/yyyy)

m. a provision prohibiting the publication of the name and address of myself or other information that may identify myself or a child(ren) namely;

Other

n. a provision restraining the respondent from further acts of intimate partner violence;
o. and any specific circumstances that the Adjudicator should be aware of:

Duration of Emergency Intervention Order

24 I request the Emergency Intervention Order to be in effect for a period of;

a. _____ (up to 180 days/6 months):

b. I need the full amount of time requested in (a) because: (explain the reasons for the length of time)

Dated at New Brunswick, this _____ day of _____, 20_____.

Signature of applicant

Printed name of applicant

Signature of witness

Printed name of witness