

Application for Emergency Intervention Order on behalf of the Applicant 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 the applicant. The applicant 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 am applying for an Emergency Intervention Order on behalf of
_____ (name of applicant),

_____ (name of applicant)
has consented to me making this application on their behalf as indicated below:

I, _____ (name of applicant),
consent to _____ (name of person applying on applying on behalf of applicant)
making this application on my behalf.

Applicant's signature

Date (dd/mm/yyyy)

I, (full legal name of person applying on behalf of the applicant), _____
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 can make an application on behalf of _____ (full legal name of applicant)
pursuant to Section 3(1)(b) of the Intimate Partner Violence Intervention Act. I have no conflict of interest
in this application to that of _____ (full legal name of applicant).
I acknowledge that I may be personally liable for any costs awarded against me.

- 3 The applicant is 19 years of age or older and is mentally competent.
- 4 4. The respondent, _____ (full legal name of respondent)
and applicant 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.
- 5 The current status of their 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.

- 6 The applicant left their home due to intimate partner violence. ☐ Yes ☐ No

For safety reasons, the applicant does not wish to share their current address with the respondent.

☐ Yes ☐ No

First Nations

The applicant wishes to apply for exclusive occupation of a family home located on a First Nations Reserve. ☐ Yes ☐ No ☐ Not Applicable

If yes, the applicant 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*.

7 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) | Applicant's relationship to the child (i.e. mother, father) | Respondent's relationship to the child (e.g. mother, father) | Child currently resides with |
|---|------------------------------------|---|--|------------------------------|
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(add a separate sheet of paper if necessary)

Legal proceedings

8 There is a Family Court proceeding between the Respondent and Applicant, 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) |
|--------------------------------|------------------------------------|-----------------------|----------------------------------|
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9 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 this proceeding | Child(ren) named in Order | Type of order or proceeding (include dates) |
|--------------------------------|-------------------------------------|---------------------------|---|
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- 10 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) |
|--------------------------------|------------------------------------|-----------------------|---|
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- 11 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 recognizance (include dates) |
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What Happened?

- 12 The applicant needs 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 the Applicant believes that an emergency intervention order should be made immediately).

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History of Intimate Partner Violence

13 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.

b.

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

☐ physical

Frequency of Intimate Partner Violence

14 Is this intimate partner violence likely to continue and if so, why does the Applicant think it will? :

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

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

17 Is this intimate partner violence affecting the Applicant's children and if so, how? (i.e. *physical, emotional and mental impacts*).

18 Does the Applicant need a temporary custody order for the protection of the child(ren) and themselves?
☐ Yes ☐ No (If yes, include reasons for belief).

21 Are there any mental health concerns involving the respondent?

☐ Yes ☐ No (If yes, explain the reasons for the applicant's concerns)

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

☐ Substance abuse; _____

☐ Employment or financial difficulties; _____

☐ Access to firearms or other weapons; _____☐ Release from incarceration or; _____☐ Other _____

Explain the situation regarding the factors listed above:

23 Does the applicant have a circumstance that may increase their 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 listed above:

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Provisions

24 I am making this application for an Emergency Intervention Order on behalf of

_____ (name of applicant)

for the following provisions to be included in the order:

No Contact

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

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- b. ☐ a provision restraining the respondent from going to or near a specified place(s) namely:

☐ Applicant's 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, the applicant and/or a specified person namely:

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Property

- d. ☐ a provision granting the applicant 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 the applicant 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 |
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- h. ☐ a provision granting **the applicant** temporary possession and exclusive use of personal property namely;

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

- l. ☐ 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) |
|-------------------|-------------------------------|
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- m. ☐ a provision prohibiting the publication of the name and address of the applicant or other information that may identify the applicant or a child(ren) namely;

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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:

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Duration of Emergency Intervention Order

25 The applicant requests the Emergency Intervention Order to be in effect for a period of;

- a. _____ (up to 180 days/6 months):
- b. The applicant needs the full amount of time requested in (a) because: *(explain the reasons for the length of time)*

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

Signature of person applying on behalf of the applicant

Printed name of person applying on behalf of the applicant

Signature of witness

Printed name of witness