



DOMESTIC
Violence
IS A CRIME

Intimate Relationship Definition:

Intimate Relationship Includes those between opposite sex and same sex partners. These relationships vary in duration and legal formality and include current and former dating, common-law, and married couples.

Intimate Relationship Abuse:

Intimate relationship abuse strikes at the very heart of our community and threatens the stability of our families. If ignored, it leaves an imprint that abusive behavior is acceptable. If untreated, it is spread by our children, through our schoolyards, through adolescence and dating, through our workplaces, and finally back into their new families, generation after generation.

Abuse is All About Power and Control:

Intimate relationship abuse involves intentionally violent or controlling behavior. It can include, but is not limited to, offences such as homicide, assault, sexual assault, threatening death or bodily harm, forcible confinement, criminal harassment/stalking, break & enter, forcible entry, breaches of court orders and property related offences. It may also involve such abusive behaviors as psychological and/or emotional abuse, economic control and/or progressive social isolation.

What Happens When You Call the Police:

Police will respond to the call for service.

Police will conduct a thorough investigation.

If the officer finds there are reasonable grounds to believe that an offence has been committed in an intimate relationship, the offender will be arrested and a charge will be laid.

Victim Services Niagara will be called at your request and they will offer their assistance at the scene. They will bring you information on domestic violence issues and resources within our community that may be accessed to help you and your children.

For reasons of Public Safety, the offender will generally be held for Judicial Intervention. Possible conditions of bail will be discussed with you to ensure your concerns are addressed. After evidence is heard, the offender may be held, or released on terms or conditions of bail, all with the safety of the victim and children paramount in everyone's mind.

If you require a place of safety, i.e. a friend's, a relative's, or one of the area shelters, the Police, the NVCSS, or the shelters themselves will provide transportation.

The Police will ask you to provide a video-taped statement.

If you received injuries, the Police will request, after medical treatment if required, that photographs be taken.

When charges are laid, you will be required to give evidence if the matter proceeds to trial. The Crown Attorney will represent your interests in the Court process and you will be assisted step by step by the Victim Witness Assistance Program (VWAP) worker. The Crown Attorney has charge of the prosecution and ONLY he can alter its course.

The Victim Witness Assistance Program, (VWAP) will become involved soon after the Police lay the charge. Staff will contact and advise you of the outcome of the bail hearing, the criminal court process, and future dates in relation to your specific case.

Victim Impact Statement:

A victim has the right to make a representation to the Court, describing the impact that the crime has had on them. This is generally done by way of a statement that is prepared by the victim, with the assistance of others if required. This assistance may be by family, a shelter advocate, or the Victim Witness Assistance Program (VWAP) staff at the courthouse. The Police will give you the form and its completion plays a major role in the Court deciding on an appropriate sentence for the accused.

Private Complaint:

When the Police have been unable to form the reasonable grounds necessary to lay a charge, the complainant may go before a Justice of the Peace to make a private complaint under oath and request that a charge be laid.

Peace Bond (Recognizance to Keep the Peace):

If the conduct of a person causes you to fear for your children's or your own safety, or that your personal property may be damaged, you may apply for a 'Peace Bond'. There is no requirement to prove that a specific criminal offence has been committed. You must see a Justice of the Peace and swear to Information which outlines your fear. The Justice will then issue a summons for the other party to attend court. When that is accomplished, a hearing date will ultimately be set and the other party will have to 'show cause' why he/she should not be placed on a Peace Bond. In most cases, you will be required to give evidence. If the application is successful, the other party will be required to 'Keep the Peace and be of Good Behavior' for a period up to one year. BE AWARE: These applications can take several months to complete.

Family Court Issues:

CHILD CUSTODY DISPUTES

Custody of children and access for visitation purposes by the non-custodial parent are matters that are determined by the Family Court. PARENTS MUST REMEMBER that it is the right of any child to have a meaningful, healthy relationship with both parents.

The custodial parent must ensure that visitation is accomplished with as little upset for the child as possible. The accessing parent must ensure that the visitation times are maintained as closely as is reasonably possible. Both parents should engage in healthy, supportive dialogue with the child, in matters regarding the other parent. These behaviors will result in children having positive relationships with both parents after the upset of the initial breakup is over. If there is non-compliance with a visitation order at this stage, the Police are not empowered to intervene. If an application under Sec 36 of the Children's Law Reform Act is made and the Family Court directs that the Police will LOCATE, APPREHEND, AND DELIVER the child in question to the person named in the order; then the Police are so empowered. The Police will attempt to negotiate compliance and help to preserve the mental well-being of the involved child. They will make notes regarding the parent's behavior, language, and demeanor during the encounter to enable them to give evidence at future custody hearings if required to do so, and they will keep the peace. Finally, if reason fails, they may enter your home, apprehend the child in question and deliver the child to the other parent, if the child's personal safety is not in question. This is their DUTY, and since it is their DUTY, obstructing them in the execution of their DUTY could constitute a criminal offence. None of these events does anything but traumatize a child who loves both parents, regardless of their personal discord.

PLEASE THINK OF YOUR CHILD

RESTRAINING ORDERS

These are orders created in the Family Court to stop someone from "molesting, annoying, harassing, or communicating with another person. Depending on who it is that needs to be restrained, the provisions of the Family Law Act, the Children's Law Reform Act, or the Child and Family Services Act may be invoked. The Police are not able to assist you in obtaining an order of this kind and a Family Law lawyer should be consulted.

Once a restraining order has been obtained and you believe the terms of the order have been breached, the Police may enforce the order. The powers conferred upon the Police under these orders are limited, so please inquire through your lawyer or advocate in that regard.

THE INFORMATION CONTAINED HERE IS NOT INTENDED TO BE AN EXCLUSIVE OR COMPLETE STATEMENT OF THE LAW. IT IS NOT INTENDED TO BE RELIED UPON BY ANY INDIVIDUAL AND IS FOR INFORMATION PURPOSES ONLY. YOU SHOULD BE AWARE OF ALL LEGAL CONSIDERATIONS AND IMPLICATIONS AND ARE ENCOURAGED TO SEEK LEGAL ADVICE