



<p>Police File # (if known):</p> <p>Court Location:</p>

PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR

BETWEEN _____ *Applicant* _____ **D.O.B. (YYYY/MM/DD)**

AND _____ *Respondent* _____ **D.O.B. (YYYY/MM/DD)**

EMERGENCY PROTECTION ORDER

WHEREAS application having been made by the Applicant for an Emergency Protection Order pursuant to Section 4 of the *Family Violence Protection Act*;

AND WHEREAS this application was this day heard without notice to the Respondent;

NOW THEREFORE upon reading the documents filed in support of the application;

AND UPON hearing and duly considering any evidence adduced *viva voce* pertaining to the application;

IT IS HEREBY ORDERED that the Respondent shall comply with the conditions indicated in Appendix “A” attached to this Order.

This Order shall remain in force for _____ days unless earlier varied, set aside, or terminated pursuant to the *Family Violence Protection Act*.

The *Family Violence Protection Act* provides that:

(Section 10)

- a Respondent has a right to apply to a Judge within 10 days after being served with, or receiving notice of, an Emergency Protection Order to have that Order set aside;
- an application to set aside an Emergency Protection Order shall be made in the Court in which the Order is filed in accordance with Section 20 of the *Provincial Court Family Violence Protection Rules*; and
- the filing of an application to set aside does not operate as a stay of the Order.

(Section 12)

- an Applicant or a Respondent has a right to apply to a Judge after an Emergency Protection Order is made, prior to expiration of that Order, to have that Order varied or terminated in whole or in part;
- an application to vary or terminate an Emergency Protection Order shall be made in the Court in which the Order is filed in accordance with Section 21 of the *Provincial Court Family Violence Protection Rules*; and
- unless the Court orders otherwise, the filing of an application to vary or terminate does not operate as a stay of the Order.

(Section 12.1)

- with leave of a Judge of the Court of Appeal, an Applicant or a Respondent has a right to file an appeal of an Emergency Protection Order with the Court of Appeal on a question of law or jurisdiction; and
- unless a Judge of the Court of Appeal orders otherwise, the filing of an appeal does not operate as a stay of the Order.

DATED at _____ in the Province of Newfoundland and Labrador this _____ day of _____, 20_____.

Judge/Clerk of the Court

Note: Failure to comply with this Order is an offence under Section 18 of the *Family Violence Protection Act* punishable by fine, imprisonment or both.

APPENDIX “A”

(To accompany Form 004, Emergency Protection Order)

CONDITIONS OF ORDER

- The Applicant shall have exclusive occupation of the residence located at _____ for _____ days from the date of this Order;
- Where the Respondent fails to voluntarily vacate the residence immediately, a police officer shall remove the Respondent from the residence and may use as much force as is reasonably necessary to effect such removal;
- A police officer shall accompany _____ to the residence within _____ hours for the purpose of supervising the removal of personal belongings of the Respondent;
- The Respondent shall refrain from communicating, either directly or indirectly, with the Applicant or _____;
- The Respondent shall refrain from attending at or near, or entering a place that is attended regularly by the Applicant or _____, including a residence, property, business, school or place of employment;
- For the duration of this Order, or until _____, the Applicant shall have possession or control of the following personal property _____

- The Respondent shall not take, convert, damage or otherwise deal with property in which the Applicant has an interest;
- The Respondent shall refrain from committing any further acts of family violence, as defined by Section 3 of the *Family Violence Protection Act*;
- The name or address of the Applicant or a child named in this Order, or other information that may identify the Applicant or child, shall not be published in any manner;
- The Respondent is directed to deliver up to a police officer, subject to any further Order being made under the *Criminal Code of Canada*, the *Firearms Act* (Canada) or another Act,
 - (i) any weapon that the Respondent owns, possesses or controls; and
 - (ii) any document that authorizes the Respondent to own, possess or control a weapon referred to above.

The weapons shall be delivered forthwith or within _____ and upon failure to comply with this Order a police officer may, for the purpose of seizing the items, enter and search a place where the police officer has reason to believe the items are located with the assistance and force that are reasonable in the circumstances;

- The Respondent is directed to make the rent or mortgage payments arising in respect of the residence;
- The Respondent shall refrain from terminating the basic services of utilities servicing the residence;
- For the duration of this Order, or until it is terminated or set aside, the care and custody of the child(ren) named in this Order is awarded to the Applicant or to _____.
- (Any other provisions that the Court considers necessary to ensure the immediate protection of the Applicant or another person or property that is at risk of harm or damage.)*

