

**Family Violence Intervention Court  
St. John's**



**Participant Handbook**



If you have been charged with a family violence offence, you should know about the option to participate in a specialized criminal court called the Family Violence Intervention Court. A family violence offence is any criminal offence arising from your intimate relationship with a significant partner. If you qualify, the Family Violence Intervention Court can offer programming to help you deal with your abusive behaviour. To participate in this Court, you must agree to plead guilty, to attend and complete family violence programming and to be supervised by a Bail Supervisor with Adult Corrections. The Family Violence Intervention Court will keep track of your participation in programming. If you successfully complete the programming, the Judge will take this into consideration during sentencing.

Participating in family violence programming takes hard work and commitment from you. The benefits of the program include helping you make changes in your life for the better.

## Who Is Eligible?

To participate in the Family Violence Intervention Court:

- You must be an adult (18 years +);
- You must be charged with a family violence offence(s) which includes any criminal offence involving your partner;
- You must be charged with an offence(s) where the sentence could legally be a community disposition. A community disposition is a sentence that does not include time served in prison. If you are charged with an offence that is subject to a mandatory period of imprisonment, then you are not eligible;
- You must participate in a risk assessment and the results of the assessment must show that your risk level is appropriate for the family violence programming being offered;
- You must accept responsibility for your actions by entering a guilty plea and this will be done in consultation with your lawyer;
- You must participate in the family violence programming;
- You must agree to information sharing among the team; and
- You must agree to be supervised by the Bail Supervisor with Adult Corrections and to follow the conditions placed upon you by the Judge.

## Why Choose This Option?

If you decide to participate in the Family Violence Intervention Court, you may find some advantages from regular criminal court:

- You will have early access to programming to help address your issues;
- You will learn new skills to help you with current and future relationships; and
- The Judge will consider your efforts and successful completion of the programming when deciding your sentence. However, a community disposition is not guaranteed. The Judge may still order a period of time in prison if warranted.



## How Is This Court Different?

- Judges, Crown Prosecutors and Legal Aid counsel have been specifically assigned to the Family Violence Intervention Court.
- The Risk Assessment Officer will assess all potential candidates for the Court.
- Family violence programming will be offered by the Learning Resources Program of the John Howard Society. You must complete this programming prior to sentencing.
- While you are on bail, you will be supervised by the Bail Supervisor with Adult Corrections.
- The Family Violence Intervention Court team, which includes the Crown Prosecutor, your lawyer, Victim Services, Child, Youth and Family Services and Adult Corrections, will meet regularly to discuss your progress as well as the safety of the victim and any children involved.



## The Court Process

The Family Violence Intervention Court is held in courtroom #8 at the Provincial Court in St. John's and sits at 2:00 p.m. every second Wednesday.

This Court will look the same as all other courts; there will be a Judge and lawyers. You can still have a lawyer represent you. This may be a lawyer of your own choosing or you may make an application for Legal Aid. If you choose to apply for Legal Aid, it is important that you do so as early as possible. If you participate in the Family Violence Intervention Court, you will qualify for Legal Aid regardless of your current income.

Family Violence Intervention Court operates differently than regular criminal court. After the family violence incident, you will first appear in courtroom #7 (first appearance court). If a bail hearing is required, it will proceed in this court in the usual manner. At this time, you may be identified as a potential candidate for Family Violence Intervention Court.

If your matter is transferred to another criminal court and you later decide that you would like to participate in the Family Violence Intervention Court, you may make an application for your case to be transferred from the regular criminal court to the Family Violence Intervention Court. However, this application must be made within a reasonable time. The Judge will decide whether or not the application is granted and it may not be granted if you previously declined an opportunity to be referred to the Family Violence Intervention Court.

## The Court Process *(continued)*

After you have been identified as a potential candidate or after an application to transfer your case has been granted, and you want to participate in the Family Violence Intervention Court, then you will be referred for a risk assessment. The case will be adjourned pending the results of the risk assessment. The results of the assessment must show that your risk level is appropriate for the family violence programming being offered. If you decide that you are no longer interested or if the risk assessment indicates that you are not a suitable candidate, then your case will be referred back to regular criminal court.

Once you have been assessed as eligible for the Court and you have had an opportunity to speak with your lawyer, you will appear in Family Violence Intervention Court and enter a guilty plea. The Judge will then hear what you did through an agreed statement of facts. You will have an opportunity to review the agreed statement of facts before entering your guilty plea to ensure that you do not dispute the facts as alleged.

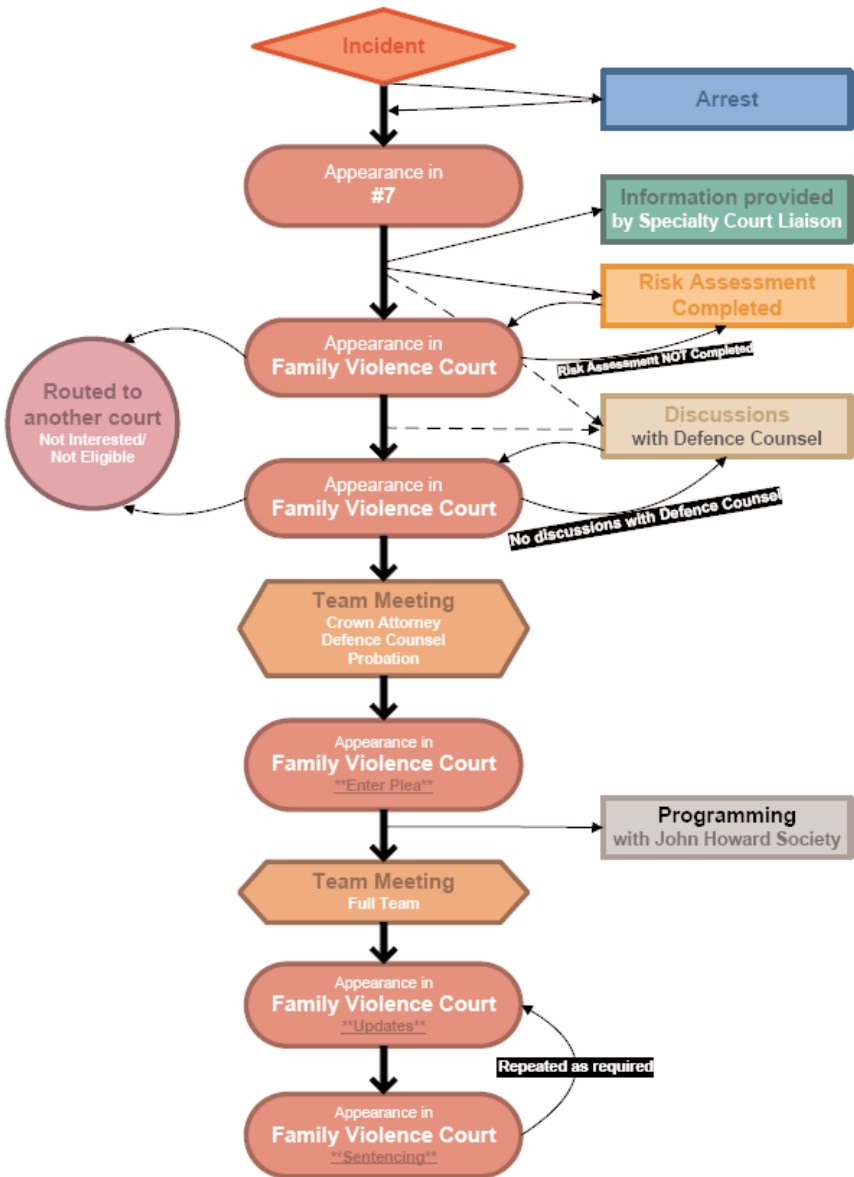
Following your guilty plea and a finding of guilt by the Judge, your case will be adjourned for sentencing. You will have conditions that you have to follow, including a condition that you participate in family violence programming offered by the Learning Resources Program of the John Howard Society. This programming will include both individual and group counseling, and the group counseling will be held twice a week for a period of 8 weeks.

## The Court Process (continued)

While waiting to be sentenced, you will be required to meet with the Bail Supervisor who will report on your progress to the Court. You will also be required to return to the Family Violence Intervention Court for periodic updates as the Judge will want to know if you are keeping the conditions to which you agreed. If you do not comply with your conditions, you may be charged with an additional offence. If you do not actively participate in the counseling, you may be returned to Court and sentenced immediately. Upon completion of the family violence programming, you will return to the Court for sentencing. Please refer to the flowchart on the next page for a visual representation of the court process.

To conclude, the Family Violence Intervention Court operates differently than regular criminal court in that you, as the accused, accept responsibility for your actions by pleading guilty and agree to participate in family violence programming and to comply with other conditions prior to the Judge deciding your sentence.

# The Court Process Flow Chart



Sentencing in the Family Violence Intervention Court will not take place until you have completed the family violence programming. Many factors can determine your sentence but your participation in this programming will be considered by the Judge. It is still important to remember that sentences can range from a discharge to time served in prison. Your lawyer is in the best position to advise you of possible sentence outcomes.

**For More Information, Please Contact:**

**Specialty Court Liaison**

**709.729.0020**



***This handbook is meant to give general information only. It is not intended as, nor should it be taken or understood as, legal advice. Please consult with a lawyer to obtain legal advice.***



**Provincial Court of Newfoundland and Labrador**

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