

Family Violence Intervention Court St. John's



Victim Handbook

If your partner or ex-partner has been charged with a family violence offence, you should know about the option for that person to participate in a specialized criminal court called the Family Violence Intervention Court. A family violence offence is any criminal offence arising from an intimate relationship with a significant partner. If your partner or ex-partner qualifies, the Family Violence Intervention Court can offer programming to help them deal with their abusive behaviour. To participate in this Court, your partner or ex-partner (now known as the accused) 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 their participation in programming. If your partner or ex-partner successfully completes the programming, the Judge will take this into consideration during sentencing.

Who Is Eligible?

In order for the accused to participate in the Family Violence Intervention Court:

- The accused must be an adult (18 years +);
- The accused must be charged with a family violence offence(s) which includes any criminal offence involving their partner;
- The accused 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 the accused is charged with an offence that is subject to a mandatory period of imprisonment, then they are not eligible;
- The accused must participate in a risk assessment and the results of the assessment must show that their risk level is appropriate for the family violence programming being offered;
- The accused must accept responsibility for their actions by entering a guilty plea and this will be done in consultation with their lawyer;
- The accused must participate in the family violence programming;
- The accused must agree to information sharing among the team; and
- The accused must agree to be supervised by the Bail Supervisor with Adult Corrections and to follow the conditions placed upon them by the Judge.

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.

Family Violence Intervention Court operates differently than regular criminal court. After the family violence incident, the accused 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, the accused may be identified as a potential candidate for Family Violence Intervention Court.



If a matter is transferred to another criminal court and the accused later decides that they would like to participate in the Family Violence Intervention Court, they may make an application for their 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 the accused previously declined an opportunity to be referred to the Family Violence Intervention Court.

After the accused has been identified as a potential candidate or after an application to transfer their case has been granted, and the accused wants to participate in the Family Violence Intervention Court, then the accused will be referred for a risk assessment.

The Court Process *(continued)*

The case will be adjourned pending the results of the risk assessment. The results of the assessment must show that their risk level is appropriate for the family violence programming being offered. If the accused decides that they are no longer interested or if the risk assessment indicates that they are not a suitable candidate, then their case will be referred back to regular criminal court.

If the accused is assessed as eligible for the Court, they will appear in the Family Violence Intervention Court and enter a guilty plea. The Judge will then hear what the accused did through an agreed statement of facts.

Following the guilty plea and a finding of guilt by the Judge, the case will be adjourned for sentencing. The accused will have conditions that they have to follow, including a condition that they 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.

While waiting to be sentenced, the accused will be required to meet with the Bail Supervisor who will let the Court know how they are addressing their family violence issues. The accused will also be required to return to the Family Violence Intervention Court for periodic updates as the Judge will want to know if they are keeping the conditions to which they agreed. If they do not comply with their conditions, they may be

The Court Process (continued)

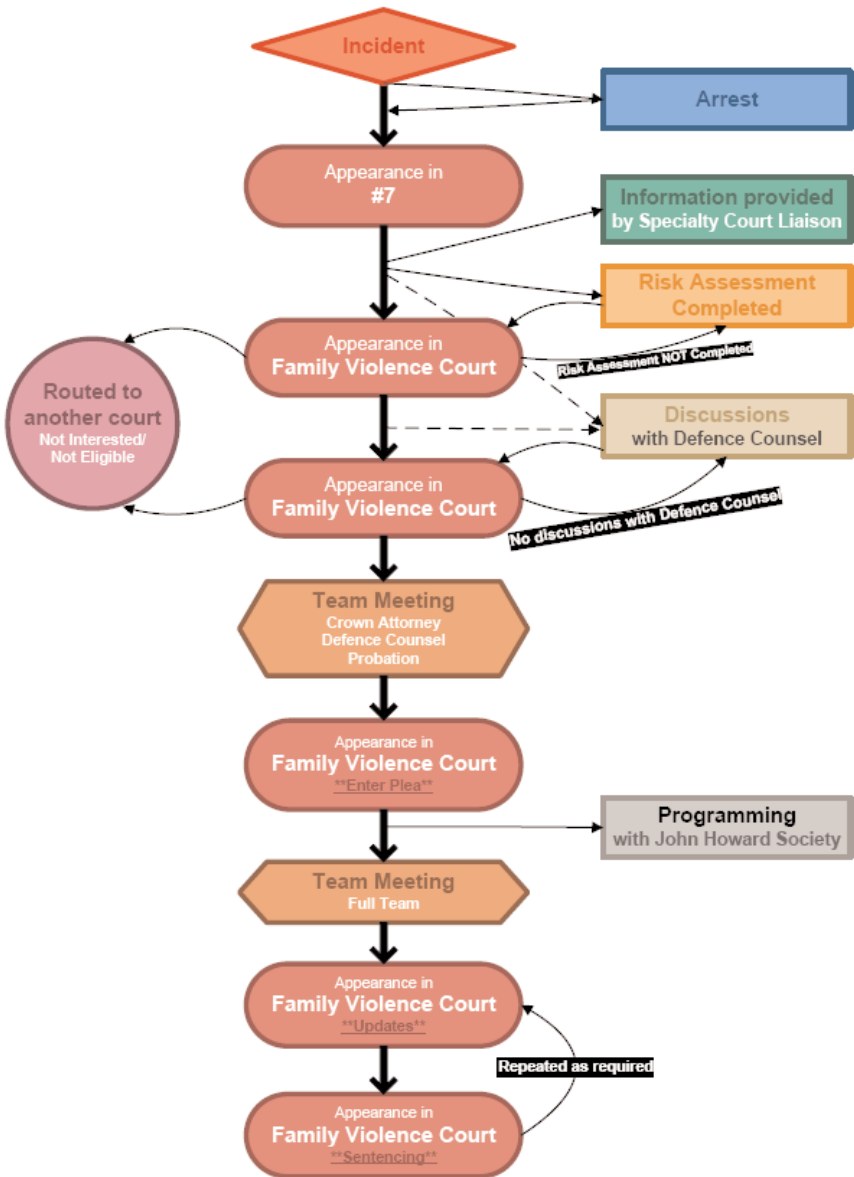
charged with an additional offence. If they do not actively participate in the counseling, they may be returned to Court and sentenced immediately. Upon completion of the family violence programming, they will return to the Court for sentencing. The Judge will consider their efforts and successful completion of the programming when deciding the sentence. However, a community disposition is not guaranteed. The Judge may still order a period of time in prison if it is warranted. Please refer to the flowchart on the next page for a visual representation of the court process.

A Victim Impact Statement is a written statement prepared in the victim's own words describing the impact of a criminal offence on his/her life. Completion of a Victim Impact Statement by a victim is voluntary. By helping you to explore the potential risks and benefits, the Victim Services Regional Coordinator can assist you in determining whether you wish to complete a Victim



Impact Statement. If you decide to do so, the Victim Impact Statement can be submitted at any point after the accused enters a guilty plea and is found guilty by the Judge up to the sentencing hearing.

The Court Process Flow Chart



How Can This Court Help The Victim?

When your partner or ex-partner has been identified as a potential candidate for Family Violence Intervention Court, a referral will be sent on your behalf by the Crown Attorney to the Victim Services Regional Coordinator for the Family Violence Intervention Court. If the accused is eligible and decides to participate in the Court, then you will be contacted, advised of the Family Violence Intervention Court and the services available through Victim Services, and asked if you also wish to participate in the Family Violence Intervention Court. If you wish to participate, you will be asked to sign a release of consent form allowing certain information to be shared with other members of the Family Violence Intervention Court team. The Victim Services Regional Coordinator will inform you of the information that will be shared. The purpose of this information sharing is to ensure meaningful prosecution, supervision and education of the accused and to ensure the safety of you, the victim. If you do not consent to this level of information sharing and involvement, but still require services such as case updates, support, and/or counseling, then these services can be provided through the Victim Services Program. Victim participation with the Victim Services Regional Coordinator, and consenting to the open sharing of information with the Family Violence Intervention Court team, is voluntary.

How Can This Court Help The Victim? (continued)

Services offered through Victim Services include:

- General information about the Family Violence Intervention Court and the criminal justice system and how they work;
- Updated information on what is happening with your case;
- Updated information on the status of the accused's participation in the process;
- Assistance with preparing Victim Impact Statements;
- Assistance with preparing Safety Plans;
- Access to counseling services for victims and their children within the Victim Services Program or, if needed, referrals to specialized community resources such as Child, Youth and Family Services and Eastern Health;
- Facilitation of access to community supports and resources as required; and
- Provision of emotional support.

How Will This Court Impact Emergency Protection Orders (EPOs)?

An EPO is a Court Order that a Judge of the Provincial Court can grant in urgent situations to provide immediate protection when family violence has occurred. In this EPO, the Judge may place various restrictions on your partner or ex-partner. The EPO is temporary with a maximum duration of 90 days. Judges will consider each application individually, so the actual duration of the EPO will vary from case to case (within this 90 day maximum time limit). The EPO is meant to offer an immediate response and to provide time to put longer term plans in place. Because it is a short-term emergency response, an EPO cannot be extended or renewed. The Family Violence Intervention Court will not have any impact on the EPO process. For more information on applying for EPOs, please refer to the following website:
www.court.nl.ca/provincial/epo.htm.

For More Information, Please Contact:

Victim Services

**709.729.1188 or
709.729.0900**

Child, Youth and Family Services

709.752.4619

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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