



Police File # _____

Court Location: _____

PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR

BETWEEN

Applicant _____ D.O.B (YY/MM/DD) _____

AND

Respondent _____ D.O.B (YY/MM/DD) _____

EVIDENCE IN SUPPORT OF APPLICATION FOR EMERGENCY PROTECTION ORDER

I, _____, of _____ (City, Town, etc.), in the Province of Newfoundland and Labrador, make oath and say, or solemnly affirm, as follows:

1. I am the Applicant who: (Please check appropriate situation)

- (a) resides with or has resided with the respondent in a conjugal relationship, whether within or outside marriage;
- (b) is, together with the respondent, a parent of one or more children, regardless of the person's and the respondent's marital status or whether the person and the respondent have resided together;
- (c) is related by blood, marriage or adoption to the respondent, regardless of whether the person resides with or has resided with the respondent;
- (d) is or was in a care relationship with the respondent.
- (e) a police officer or lawyer making this application on behalf of a person identified in subsection 4(1) of the *Family Violence Protection Act*;

What is family violence?

What is family violence? Pursuant to subsection 3(1) of the Family Violence Protection Act, "family violence" means one or more of the following acts or omissions committed against an Applicant or a child by a Respondent:

- (a) an assault that consists of the intentional application of force that causes the Applicant to fear for his or her safety but does not include an act committed in self-defence;
- (b) an intentional, reckless or threatened act or omission that causes bodily harm or damage to property;
- (c) an intentional, reckless or threatened act or omission that causes a reasonable fear of bodily harm or damage to property;
- (d) forcible physical confinement without lawful authority;
- (e) sexual assault, sexual exploitation or sexual molestation, or the threat of sexual assault, sexual exploitation or sexual molestation;
- (f) conduct that causes the applicant to reasonably fear for his or her safety, including following, contacting, communicating with, observing or recording a person;
- (f.1) conduct that causes psychological or emotional harm or a reasonable fear of that harm, including a pattern of behaviour the purpose of which is to undermine the psychological or emotional well-being of the applicant or a child;
- (f.2) conduct that controls, exploits or limits the Applicant's access to financial resources for the purpose of ensuring the Applicant's financial dependency; and
- (g) the deprivation of food, clothing, medical attention, shelter, transportation or other necessities of life.

[Please answer the following questions and attach additional information on a separate sheet if necessary]

2(a). Describe the most recent time you or your child(ren) have experienced family violence from the Respondent.

2(b). What date did this happen? _____
Day Month Year

2(c). Where did this happen (be specific)?

3. Was there a weapon involved? Yes No

If yes, what kind of weapon? _____

4. Do you have concerns about the Respondent accessing or using firearms? Yes No

If yes, is there a firearm in your residence? Yes No

State the reason(s) for your concerns:

5. Describe any past incidents of family violence by the Respondent, other than the one described in Section 2(a) above, and when and where these incidents occurred:

6. Were these incidents witnessed by a child(ren)? Yes No

If yes, please name the child(ren):

7. Have the police ever been contacted in relation to family violence? Yes No

If yes, please state when the contact with the police happened:

Were charges laid? Yes No

What was the outcome?

8. Have you had to seek medical care because of family violence by the Respondent? Yes No

If yes, describe your injuries and when the incident(s) occurred:

9(a). I believe that family violence by the Respondent will continue or resume because:

9(b). I fear for my own safety and/or the safety of the child(ren) because:

9(c). I need protection from the Respondent on an urgent basis because:

10. Please note that Emergency Protection Orders can be granted for a maximum of 90 days. Are you seeking the maximum length, and if so, why?

11. Have you ever applied for an Emergency Protection Order? Yes No

If yes, when? _____

Was the Emergency Protection Order granted by the court? Yes No

If yes, was there a court hearing after the Emergency Protection Order was granted? Yes No

If so, what was the result? Order Set Aside Order Varied Order Terminated

12. List all court matters and orders involving you, your child(ren) or the Respondent, as well as any separation agreement(s) between you and the Respondent:

13. Is a lawyer representing you with respect to family law matters (e.g. custody, access, support)?
 Yes No

If yes, please state lawyer's name: _____

14. I am requesting that as part of the Application for an Emergency Protection Order that the minor children (listed in Section 1 of the Application for Emergency Protection Order) be placed in:

- my care and custody; or
- in the care and custody of _____.

I provide this information conscientiously and in good faith, in support of this Application for an Emergency Protection Order. I understand that it is an offence to knowingly make a false statement under oath.

SWORN TO (OR AFFIRMED) before me
at _____, in the Province
of Newfoundland and Labrador, this _____
day of _____, 20__:

**Signature of Person authorized to
Administer Oaths**

Signature of Applicant

or

**Signature of Police Officer or Lawyer who is
making the Application on behalf of the
Applicant***

***NOTE: In the event this Application is not signed by the Applicant, this statement is of the same force and effect as if made under oath by the Applicant.**