



SUPREME COURT OF NEWFOUNDLAND AND LABRADOR

SURETY HANDOUT

What Sureties Need to Know

Acting as a Surety is a Serious Matter

A surety is someone who agrees to take responsibility for ensuring that a person accused of a crime complies with the conditions of their release. Those conditions are set out in a court order that is called a 'Release Order'.

Before you accept this responsibility, there are a number of things you should think about:

- Before signing a Release Order, you can get independent legal advice to make sure you understand what this responsibility means.
- If the accused person does not obey the terms and/or conditions of the Release Order, you could lose the money that you deposited or promised.
- You should not agree to be a surety if you are not sure that you can supervise the accused person in the community.
- Your responsibility as a surety continues until the case is completely over. In some cases, this may take a long time.
- It is against the law to get paid or accept a fee for acting as a surety.

Responsibilities of a Surety

As a surety, you are responsible for:

- Making sure the accused person comes to court on time and on the right dates.
- Making sure you understand all of the conditions of the Release Order.

- Making sure that the accused person obeys all conditions of the Release Order.
- Reporting to the police or a crown prosecutor if the accused person does not obey one or more conditions of the Release Order.

There may be many conditions in a Release Order. For example, the accused person may be: required to report to the police at specified times and obey a curfew; prohibited from possessing weapons; prohibited from possessing or consuming alcohol and/or drugs; or prohibited from communicating (directly or indirectly) with the victim or the victim's family (This also means that you as the surety cannot communicate with the victim or victim's family on behalf of the accused person).

If you are accepted as a surety, you must sign a Surety Declaration and the Release Order. This means that you agree to pay a specified amount of money if the accused person fails to obey the Release Order.

Qualifications of a Surety

The Judge will decide whether you are suitable to act as a surety. Qualifications of a surety will depend on the allegations or charges against the accused person. The Judge will consider your finances, personal character, and background.

You may have to give evidence in court and be cross-examined about your qualifications.

Ending Your Obligations as a Surety

If you decide that you are no longer willing, or able, to supervise the accused person, you must go to the Court that issued the Release Order and make an application to be removed as a surety. The Court will then schedule the matter to be heard before a Judge.

The Court will then issue an order to arrest the accused person. Once the order is issued, your obligations as a surety will be over.

Failure to Obey a Court Order

If the accused person breaches the conditions of their Release Order while you were acting as a surety, the Crown may ask the Court to make you pay the money that you deposited or promised. A hearing may be scheduled in the Supreme Court. You and the accused person will be given at least 10 days notice of the date and place of the hearing. At the hearing, you will have an opportunity to explain why you should not lose your money. The judge may order that you pay all, part, or none of your money.