

FAMILY ABUSE INTERVENTION ACT

CONSOLIDATION OF FAMILY ABUSE INTERVENTION REGULATIONS

R-006-2008

In force March 1, 2008

(Current to: March 4, 2008)

AS AMENDED BY:

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of regulations can be ascertained from the *Revised Regulations of the Northwest Territories, 1990* and the monthly publication of Part II of the *Northwest Territories Gazette* (for regulations made before April 1, 1999) and Part II of the *Nunavut Gazette* (for regulations made on or after April 1, 1999).

A copy of a regulation of Nunavut can be obtained from the Territorial Printer at the address below. The *Nunavut Gazette* and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any registered regulations not yet published in the *Nunavut Gazette* can be obtained through the Registrar of Regulations at the address below.

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

c.	means "chapter".
CIF	means "comes into force".
NIF	means "not in force".
s.	means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
Sch.	means "schedule".

Citation of Acts

R.S.N.W.T. 1988,c.D-22	means Chapter D-22 of the <i>Revised Statutes of the Northwest Territories, 1988</i> .
R.S.N.W.T. 1988,c.10(Supp.)	means Chapter 10 of the Supplement to the <i>Revised Statutes of the Northwest Territories, 1988</i> . (Note: The Supplement is in three volumes.)
S.N.W.T. 1996,c.26	means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
S.Nu. 2002,c.14	means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

Citation of Regulations and other Statutory Instruments

R.R.N.W.T. 1990,c.A-1	means Chapter A-1 of the <i>Revised Regulations of the Northwest Territories, 1990</i> .
R-005-98	means the regulation registered as R-005-98 in 1998. (Note: This is a Northwest Territories regulation if it is made before April 1, 1999, and a Nunavut regulation if it is made on or after April 1, 1999 and before January 1, 2000.)
R-012-2003	means the regulation registered as R-012-2003 in 2003. (Note: This is a Nunavut regulation made on or after January 1, 2000.)
SI-005-98	means the instrument registered as SI-005-98 in 1998. (Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.)
SI-012-2003	means the instrument registered as SI-012-2003 in 2003. (Note: This is a Nunavut statutory instrument made on or after January 1, 2000.)

FAMILY ABUSE INTERVENTION REGULATIONS

Applications

Prescribed persons

1. (1) The following categories of persons are prescribed for the purpose of submitting an application for an emergency protection order under paragraph 26(1)(b) of the Act:

- (a) employees of the Government of Nunavut, a municipal corporation or community justice committee occupying the position of community justice outreach worker or similar position;
- (b) persons directly engaged in providing support to victims of family abuse at a safe house or shelter.

(2) Agents acting under a lawyer's direct supervision are a prescribed category of persons for the purpose of submitting an application for an assistance order or compensation order under paragraph 26(1)(b) of the Act.

(3) The following categories of persons are prescribed for the purpose of submitting an application for a community intervention order under paragraph 27(b) of the Act:

- (a) employees of the Government of Nunavut, a municipal corporation or community justice committee occupying the position of community justice outreach worker or a similar position;
- (b) members of a community justice committee;
- (c) lawyers;
- (d) members of the Royal Canadian Mounted Police.

Content of application

2. (1) An application for an emergency protection order or community intervention order must be made in writing and must contain the following information:

- (a) the name of the applicant;
- (b) the name of the respondent;
- (c) the name and contact information of any person who assisted with the completion of the application;
- (d) the nature of the remedy applied for;
- (e) the duration of the remedy applied for.

(2) A person making an application must provide any information he or she has that could assist in serving documents on or giving notice of the order to the respondent.

(3) A person making an application may specify that another person may receive documents on behalf of the applicant so that service on the specified person is deemed to be service on the applicant.

Form of application

3. (1) An application for an emergency protection order or community intervention order must be made in Form 1 set out in the Schedule.

(2) An application to vary or revoke an emergency protection order or community intervention order must be made in Form 2 set out in the Schedule.

(3) An application for an assistance order or compensation order must be made by originating notice in accordance with the Rules of the Nunavut Court of Justice.

(4) An application to vary or revoke an assistance order or compensation order must be made in accordance with the Rules of the Nunavut Court of Justice.

Application on behalf of applicant

4. A person submitting an application on behalf of an applicant under subsection 26(1) or section 27 of the Act shall give the applicant a copy of the order immediately after the application is granted.

Telecommunication application for emergency protection order

5. (1) An application for an emergency protection order may be made in person or by telecommunication.

(2) A person submitting an application by telecommunication shall

- (a) provide any supporting documents to the designated justice of the peace by fax; and
- (b) deliver, whether or not the application is granted and as quickly as practicable, the original copy of the supporting documents to the Clerk of the Nunavut Court of Justice.

Hearings

Evidence at hearing

6. Oral evidence presented at the hearing of an application must, unless exceptional circumstances exist,

- (a) be sworn or affirmed; and
- (b) be recorded.

Order granted

7. Immediately after granting an emergency protection order or community intervention order, a designated justice of the peace shall

- (a) give a copy of the order to the applicant or to the person who made the application on behalf of the applicant, depending on the circumstances; and
- (b) forward a copy of the order to the Royal Canadian Mounted Police so that they can give notice to the respondent.

Notice

Oral notice of order

8. For the purpose of section 36 of the Act, notice of an order may be given to the respondent orally by a designated justice of the peace or judge if the respondent is present in the court.

Notice of order on respondent

9. (1) A member of the Royal Canadian Mounted Police may give notice of an emergency protection order to the respondent by

- (a) personally serving the respondent; or
- (b) indicating the terms of the order to the respondent or reading verbatim the provisions of the order to the respondent.

(2) Notice that an emergency protection order was granted against the respondent must be accompanied by the following:

- (a) information respecting the right of the respondent to apply to the Nunavut Court of Justice under subsection 13(1) of the Act to apply to have the emergency protection order revoked and the time limit for doing so;
- (b) general information about the penalties for failing to comply with the order.

Proving notice given

10. The fact that notice of an order was given to the respondent may be proved by the oral testimony or affidavit of the person who gave it.

Annual report

Annual report

11. The annual report to be tabled by the Minister under section 49 of the Act must contain the following information:

- (a) the number of applications for orders under the Act, classified by type of order, community and region;
- (b) the percentage of applications for orders granted or refused under the Act, classified by type of order, community and region;
- (c) the number of recommendations and directions for counselling, classified by type of counselling and indicating whether or not the recommendation was followed;
- (d) a summary of reports by program staff assisting in the administration of the Act on progress in addressing and preventing family abuse;
- (e) a list of outstanding needs on part of communities to help implement the Act;
- (f) the number of contraventions of orders made under the Act.

Coming into Force

Coming into force

- 12.** These regulations come into force on the day on which the Act comes into force.

SCHEDULE

FORM 1

(Subsection 3(1))

**APPLICATION FOR
AN EMERGENCY PROTECTION ORDER OR
A COMMUNITY INTERVENTION ORDER**
(Under sections 7 and 17 of the Family Abuse Intervention Act)

(Name of Applicant)

AND

(Name of Respondent)

I, _____, am applying for a:
(name of Applicant)

Emergency Protection Order OR Community Intervention Order

I and the Respondent are in the following relationship: _____

I am applying for an Order because of the following facts/events:

_____ (If necessary, attach additional paper)

I need/want the Order to include the following remedies:

_____ (If necessary, attach additional paper)

I need/want the Order to last for the following period: _____.

This application is being made on behalf of the Applicant by: _____
(name, title)

for the following reason: _____

The Respondent may likely be found at the following location: _____

or by contacting the following person(s): _____

at the following location: _____

An affidavit or other document is attached to support this application.

I authorize the following person to accept service on my behalf:

(name, title, contact information)

The following person assisted with the completion of this application:

(name, title, contact information)

Dated at _____, Nunavut }
(community)

On: _____ } _____
(month, day, year) (signature of Applicant)

FORM 2

(Subsection 3(2))

**APPLICATION TO VARY OR REVOKE
AN EMERGENCY PROTECTION ORDER
OR A COMMUNITY INTERVENTION ORDER**
(Under sections 7 and 17 of the Family Abuse Intervention Act)

(Name of Applicant in Order)

AND

(Name of Respondent in Order)

I, _____, am applying to VARY/REVOKE a:
(Name of Applicant) *(mark as appropriate)*

Emergency Protection Order **OR** Community Intervention Order

Issued in _____, Nunavut on _____, 20__ by
(community) *(date)*

(name of designated Justice of the Peace or Judge)

The following changes have happened since the Order was made and support this Application:
(An Order will only be varied or revoked if there has been a "material change in circumstances")

Dated at _____, Nunavut }
(community)

On: _____ } _____
(month, day, year) *(Signature of Applicant)*

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