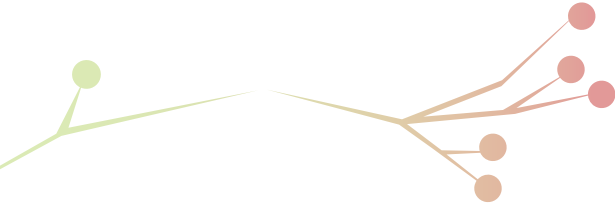


Emergencies



What to do in an emergency



If you are in danger, you should call 911 immediately.

All 911 calls are recorded and kept as evidence.

It may be a good idea for you to get legal and other advice now, even before there is an emergency.

Safety plan

A **safety plan** is a plan for increasing safety and preparing in advance for the possibility of abuse in the future. It is good to be prepared with a safety plan.

A safety plan can be a short-term strategy such as what to do during a violent act, or a long-term strategy such as how to stay safe when the relationship has ended.

It can be helpful to memorize your safety plan because it can be difficult to remember everything in an emergency. If you write down your safety plan, it is important that you keep the safety plan where your partner will not find it.

For a list of programs and services that may be helpful, see the Directory on page 129.

These are some things you should do as part of your **safety plan**:

- Establish an escape route. Know a safe place to go, even if only to make a phone call.
- If there has been previous abuse, make sure the police are fully aware of the situation.
- Have emergency numbers (a shelter, neighbours, those who will help, and 911) programmed into a safe phone.
- Call a transition house and talk to the staff. Work out a code word with them so they know who is calling if there is a crisis: 1-855-225-0220.
- Speak with your neighbours and other trusted people. Let them know what's going on so they can pay attention and call police if they become concerned.
- Talk to your children. They need to know which neighbour to run to in an emergency and how to use the telephone to call police.
- If possible, put some money aside for things such as emergency taxi fare as well as a spare set of car keys in order to leave quickly.

EMERGENCY BAG CHECKLIST

You may want to pack an **emergency bag** in case you need to leave quickly. You should pack what you would need for a few days. You may want to leave the bag with a friend.

If you don't feel safe packing an emergency bag, you may want to make a list of things to take and make sure you know where they are kept.

Some items you may want to bring are:

- money, financial statements, credit cards
- clothes for yourself and the children for a few days
- house keys, car keys
- a cell phone and charger cable
- copies of your lease, mortgage, or other deeds, mortgage statements
- car registration, driver's license, car insurance
- identification
- important papers – birth certificates, marriage certificates, social insurance numbers, divorce papers, custody documents, court orders, restraining orders, income tax returns, work permits
- health cards for yourself and the children
- medical and vaccination records
- any medicine you or the children may need
- First Nations status card
- immigration/citizenship papers, passports for you and the children
- the children's favourite toys, books, and special blanket
- picture of your partner (for identification)
- your address book and list of important phone numbers
- your favourite possessions, or other things that will bring you comfort.



Leaving in an emergency

If you want to leave your home, you can ask the police to wait while you get your things. You can ask the police to take you to a safe place like a transition house. If you have children, you have the right to take your children with you.

LEGAL INFO

If you take your children with you, you will need to apply for custody of the children as soon as possible. Do not take the children out of the province without talking to a lawyer first.

The police will not help you remove your children later without a court order.

If you have to leave in an emergency and decide not to go back for a while, the police can return with you to get the rest of your personal belongings. They will protect you, but they're not allowed to help you carry things. You may want to bring a friend to help.

If you decide not to leave and your partner is not arrested, you should write down the names of the police officers who responded in case you need to contact them later.

It is important that you are prepared in case you have to act quickly. Here are some things you might consider:

- Where can you go in an emergency?
- How will you get there? Is there someone who can come and get you? Can you take a car, taxi, or bus?
- Is there someone you can call to let them know what is happening and where you are going?
- Is there someone you can leave your pets with?
- If you need to go to a transition house, do you know how to get there?

What happens when the police are called?

When the police come, their **first priority is to stop any abuse and make sure everyone is safe**. The police will ask you and your partner questions.

The police will arrest your partner if you've been hurt, or if it is likely that the assault will continue or happen again.

The police will need to know who might have seen or heard anything. They may ask other people about what happened. They may interview your neighbours, friends, or anyone else who might have seen or heard something. If anyone has physical injuries or must go to a clinic or hospital, the police may want to talk to the medical staff who treated them.

The police may take pictures of injuries, people involved, or damage to property where the abuse happened. They may ask you to go to the police station to have pictures taken.

For safety reasons, the police will ask you and your partner questions separately rather than in the same room.

You can decide whether or not to talk to the police about what happened. If you decide to talk to the police, you should give as much detail as you can. You should let them know about any injuries to people, and/or any damage to belongings or the home.

The police will arrest and remove the person who has been charged with an offence.

LEGAL INFO

Assault and uttering threats are criminal offences. If there is evidence that a criminal offence has occurred, the police must lay charges.

Police Priorities



Priority 1

Stop the abuse and make sure everyone is safe.

Priority 2

Gather information by interviewing and taking pictures.

Priority 3

Arrest and remove the person who is being charged.

The police's main concern is for everyone's safety.

What happens if the police lay charges?

If the police lay charges, they may need help collecting evidence of the abuse. There are things you can do to be prepared to share your story, including:

- identifying and securing torn or bloody clothing and any weapons used (bottles, ropes, scarves, sticks, knives, etc.)
- taking photos of injuries, broken furniture, or other damage.
- saving any threatening answering machine, text, or voicemail messages, letters, emails, Facebook posts, etc.
- keeping a record of times and dates, what happened, and any injuries. You should also keep a record of the names and badge numbers of any police officers involved.

LEGAL INFO

If the police do not take pictures, you can ask a friend to do so. The person who takes the pictures should sign and date the photos because they may be important evidence in a trial. Typically, however, the police take photos as appropriate and gather evidence. It is the job of the police to collect evidence. You can assist the police by letting them know about any potential evidence of a crime.

If the police lay charges, they will remove the accused person (the abusive partner) from the home and will typically hold them at the police station, usually for under 24 hours. In some situations, an accused person is not released by the police and is brought before a Judge within 24 hours to decide on their release.

Whether your partner is released by police or brought before a Judge depends on a number of factors. These factors can include the nature of the charges, the level of force your partner used, and whether your partner has a previous criminal record.

In cases of domestic assault, an accused person will have to **sign an undertaking or recognizance with a no contact order**.

By signing an **undertaking with a no contact order** an accused person is agreeing not to contact the victim in any way, directly or indirectly, until a Court allows. If an accused person violates a condition in an undertaking, they could face further criminal charges for violating the conditions.

A **recognizance** is similar, but is entered into before a Judge.

The undertaking or recognizance may require that your partner:

- have no direct or indirect contact or communication with you, your children, or others
- stay away from your home, workplace, or other locations
- not drink alcohol or use non-prescription drugs
- not have and/or use firearms
- follow any other conditions that the police or Judge feel are needed to keep you safe.

Undertakings and recognizances can also contain other conditions that the police, Crown Attorney, or Judge feel are appropriate.

The undertaking or recognizance remains in effect until the criminal case is concluded in Court.

For more information on no contact orders, see pg 59.

direct contact

Direct contact occurs if your partner speaks to you in person or on the phone, writes to you, leaves a telephone, voice mail, emails, texts, or comes into your presence.

indirect contact

Indirect contact occurs when your partner communicates, or tries to communicate, a message to you through another person, or by leaving something for you where they know you will find it.

LEGAL INFO

You might want the **no contact order changed** because you want to have continued contact with your partner, but only the accused person can apply to Court to have an undertaking changed. The Court will consider whether you would like contact with your partner, but the bigger concern of the Court is protecting public safety.

If your partner does not follow the release conditions in the undertaking or recognizance, they can be held in jail until the charges are dealt with by the Court.

SAFETY

If you feel that your partner may violate a no-contact order, you may want to prepare a safety plan before your partner is released. *For more information on safety planning see pages 31-32, and the section starting on page 48.*

If charges are laid, the police may refer you to services such as a transition house or provincial victim services. You do not have to leave your home or stay in a transition house to get help from a transition house or victim services. These agencies can give you emotional or practical support, as well as information about community resources and police procedures.

Under Nova Scotia law, the police must keep you informed about what happens to your abusive partner if your partner is arrested for assault.

If you have been the victim of a domestic assault, you can talk to the police in order to find out the conditions of your partner's release.

You can also ask for a copy of the undertaking if the police or the Court did not give you one. You should keep the undertaking with you at all times.

You can get information from the police who made the arrest, police victim services, or a provincial Victim Services office. *For more contact information see page 157 of the Directory.*

If criminal charges are laid against your partner, you may be required to go to Court to testify.

The provincial Victims' Services Program and some police victim services departments provide court preparation support if you have to testify in criminal court. Transition houses also offer information and support.

RESOURCES

To find the provincial **Victim Services office** nearest you, call their toll-free number (1-888-470-0773), or visit novascotia.ca/just/victim_services/contact.asp

The Judge may refer or order your abusive partner to go to a men's intervention program. These programs work to help people change their behavior. They encourage people to accept responsibility for their behavior and to create respectful, non-abusive relationships with their partners.

If English is not your first language, you may need a translator or interpreter when you speak with the police, the Court, or transition house staff. Most of these agencies provide this kind of support. *For a list of services and contact information see page 145 of the Directory.*

You should ask for an interpreter as early as possible, so that there is time to get an appropriate interpreter. For some languages, it can take time to get an interpreter.

LEGAL INFO

In small communities, people are likely to know one another. If you are worried about confidentiality and privacy, you can ask for the interpreter's name before the interpreter is given your name, and before you meet. You can refuse an interpreter who is known to you and your family.

RESOURCES

For more information about going to Court to testify, you can read the following brochure, *Being a Witness in a Family Violence Case*: www.legalinfo.org/criminal-law/being-a-witnessagir-comme-temoin

If you are seeking help or are looking for information about abuse, call the **Transition House Association of Nova Scotia's** 24-hour toll-free line: 1 855 225 0220

You can also contact the local transition house (women's shelter) in your area. See pages 155-156 of this book for a complete list.

Domestic Violence Court Program

Persons in Cape Breton and the Halifax Regional Municipality who are charged with a criminal offence that occurred in the context of an intimate partner relationship may access the Domestic Violence Court Program. This program supports partners who have been harmed by domestic violence, children of those involved in the program, and those accused of using violence against their intimate partner.

The purpose of the Domestic Violence Court Program (DVCP) is to respond to the needs of people affected by domestic violence. The program offers meaningful interventions that lead to safer families and communities.

This program is a different approach than regular criminal court. The DVCP tries to ensure that supports are in place to stop the harm of domestic violence.

The Domestic Violence Court Program is a post-charge program. Only individuals who have been charged with an offence that occurred in the context of an intimate partner relationship may be considered for participation. In order to participate, the person charged must:

- be 18 years of age or older
- live in, or be substantially connected to, the Cape Breton Regional Municipality or Halifax Regional Municipality (HRM), or the offense must have occurred in Cape Breton or the HRM
- be willing to plead guilty to the charge(s) against them and accept responsibility for the harm caused
- undergo an assessment by the Program Team to see if they are a good fit for the program
- be accepted for participation in the DVCP by the Program Team
- have the consent of the Crown Attorney to participate in the DVCP

When the person charged has finished their participation in the DVCP, they will be sentenced in court. The sentence is decided by the Judge, who will take into consideration the person’s participation in the program.

RESOURCES

For more information on the
Domestic Violence Court Program:

Sydney (902) 563-3510

Halifax..... (902) 424-7404

or email HfxDVCP@novascotia.ca

Web: courts.ns.ca/Provincial_Court/NSPC_domestic_violence_court.htm

What happens if child protection gets involved?

If a report is made, Child Protection Services will contact the child's parents. Child Protection Services will suggest services and resources to help the family. If Child Protection Services suspects that a child is experiencing abuse and/or neglect, or may be in need of protection, they will conduct an investigation. They can remove a child from the home if they believe it is necessary in order to keep the child safe.

LEGAL INFO

If you are asked to sign anything, or if your child is removed from your home, you should contact a lawyer immediately. Domestic abuse outreach services or a transition house can give you information and support, including information about how to get legal advice. *See the Legal Matters section of this book starting on page 93 or call 1 855 225 0220 any time of day for services.*

Child Protection matters can be very complicated and can have a serious, potentially long-term impact on your family. In some cases, children are removed permanently from their parents. If Child Protection Services becomes involved with your family, it is very important that you speak to a lawyer as soon as possible.

For more information, see the "Your Children" section of this book starting on page 105.

RESOURCES

Sometimes Child Protection will ask parents to sign a **Memorandum of Understanding**. This is an agreement to allow services to be put in place while the children stay in your care.

If Child Protection Services wants you to enter into a Memorandum of Understanding, you should call Nova Scotia Legal Aid. Nova Scotia Legal Aid will sometimes provide appointments to parents who need legal advice.

RESOURCES

Find the **Legal Aid** office nearest you at:
nslegalaid.ca/contact-us/

For more information about **Child Protection**, visit the **Family Law Nova Scotia** website:
nsfamilylaw.ca/child-protection/faqs

Child protection offices are listed on pages 132–134.

Mi'kmaq Family and Children's Services are listed on page 151.

For more information about domestic abuse and the law visit the **Family Law Nova Scotia**: nsfamilylaw.ca/family-violence

Factsheet on **Family Violence/Domestic Abuse**
What You Need To Know: bit.ly/2RW2X55

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