

# WOMAN ABUSE




New Brunswick  
Nouveau Brunswick  
CANADA

# PROTOCOLS

# Woman Abuse Protocols



New  Nouveau  
**Brunswick**  
C A N A D A

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**Woman Abuse Protocols**

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# 1.0 Interdepartmental Statement

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In recognition of the widespread and pervasive nature of woman abuse, the Government of New Brunswick adopted a three-year action plan entitled “A Better World for Women” to address violence prevention. Through implementation of the plan a working group was established to update the Woman Abuse Protocols. These protocols reflect government’s commitment and vision that “All New Brunswick families must live in a secure, nurturing environment free of abuse and violence.”

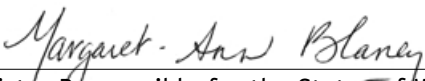
## The Following Principles Serve As the Foundation For the Protocols:


- Violence against women is a serious health, social and economic issue with short and long term implications to the victims, their families and society as a whole.
- Belief that families must live in a secure, nurturing environment free of abuse and violence.
- Belief in the equality of women and men.
- Many forms of violence against women are criminal acts and should be treated as such by society.
- Acknowledgment that male violence is a societal problem as well as an individual problem.
- Interventions dealing with incidences of violence against women are long-term, systemic in nature and address the individual service needs of survivors, children and perpetrators.
- Women must have access to information and options to support them in decision-making.
- Poverty or the threat of poverty should not be a barrier for a woman seeking to leave an abusive situation.


- There must be respect for the survivor’s autonomy and right to self-determination and privacy.
- Formal and informal caregivers must be helpful and do no further harm.
- The importance of the family unit should not supersede the respect for the well-being of the individual members that comprise it.
- Survivors are not responsible for the violence.

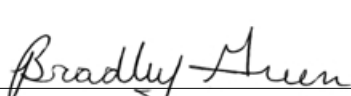
The undersigned endorse these protocols and consider it essential that professionals who operate under the authority of the Departments of Public Safety, Family and Community Services, Health and Wellness, Education, Justice, and Training and Employment Development adopt them as an essential part of their regular procedures.


### Signed:


  
 Minister Responsible for the Status of Women and Training and Employment Development

  
 Minister of Family and Community Services

  
 Minister of Health and Wellness

  
 Minister of Justice

  
 Minister of Public Safety

  
 Minister of Education



## **1.1 Preamble**

The Government of New Brunswick recognizes abuse of women as an ongoing, complex, and serious health, social and economic issue which cuts across all socio-economic levels, and all ethnic, cultural, rural and urban populations. Most aspects of such abuse are of a criminal nature, falling under the Criminal Code (including physical and sexual assault, life threats, stalking and the destruction of personal property and pets).

These protocols guide the way in which the Province of New Brunswick responds to situations of violence against women in personal relationships. Government service providers and governmental agencies such as, police and medical institutions are the primary users of the protocols. Some private and community agencies have also been included because of the important role they play and the contributions they make to women who come to them for the supports and services they require. In addition, individuals, organizations and professionals who have not been specifically identified in these protocols may, from time to time, be sought out to assist someone living with violence in their personal relationships. It is anticipated that the protocols will assist them as well.

These protocols are a tool to facilitate a more formal working relationship among all agencies of government and community to effectively support women.

## **1.2 Background**

In 1990, the Province of New Brunswick launched its first Woman Abuse Protocols. The Woman Abuse Protocols created momentum within government, communities, and individuals to become more aware of the impact of violence against women and its far-reaching consequences and outline in protocols the approaches being used in each department.

The launching of the protocols led to the establishment of regional committees comprised of front line service providers and provincially through the Inter-departmental Committee on Family Violence. A shifting of priorities in subsequent years drew attention in other

directions. Although individual services continued to be offered the efforts towards the organized and integrated committees struggled.

Today, protocols are still considered to be a relevant and useful tool. This updated version of the Woman Abuse Protocols is reflective of today's realities, and re-affirms government's commitment to alleviate violence against women.

This edition of the protocols has been developed with a desire to renew the focus on a better coordination of services between all partners.

The process of updating the protocols began with community and government partners coming together in consultation to lay the foundation for a "**Collective Response**". Partners essentially agreed that there was a need to solidify crucial partnerships and to refine how we orchestrate our support in providing essential programs and services to women who are experiencing violence in their personal relationships.

Many of the suggestions made during the consultation session have been integrated. Other suggestions will be implemented or integrated over time. The Woman Abuse Protocols are essentially a work in progress. The development of tools to support service delivery and inform various audiences will continue to be developed over time.

## **1.3 Influences and Significant Events**

Much has been learned in the last decade about the issue of violence against women. New paths have been carved. Tragedies have continued to occur and remind us that we have a long way to go before all New Brunswick families live in a secure, nurturing environment free of abuse and violence. Every tragedy has been followed by public outcry and the undying energy of those who year after year, support and assist women through the journey to free themselves from violence in their personal relationships.

Research continues to inform us and to evaluate new or existing approaches. We are becoming better at understanding what women in these situations need and responding to those needs. It is more and more evident that strategies must be developed to

address some of the factors (i.e. poverty) that leave women more vulnerable and at risk of abuse, as we also need to continue addressing the immediate needs of women living with violence in their personal relationships. Following are a few of the recent events and initiatives that have helped re-focus attention on the current reality of violence against women.

- The “World March of Women 2000” mobilized women across the world as a means of highlighting issues relating to women and poverty and violence against women. The movement continues today with a view to strengthen and maintain a vast solidarity of grass-roots women’s groups so that the March constitutes a gesture of affirmation by women of the world.
- In October 2000 the Honorable Margaret-Ann Blaney, Minister responsible for the Status of Women, established a working group comprised of community and government representatives to discuss the issue of violence against women and to bring forth recommendations to government on some of the most pressing issues that needed to be addressed.
- A strategic framework was presented to government in December 2001. Government’s response to that framework, entitled “A Better World for Women”, constitutes government’s commitment to address most of the recommendations of the working group through a three- year action plan. One of those recommendations called for the creation of a coordinating position within the Executive Council Office. This position serves as a center of responsibility for the coordination of violence prevention while also coordinating and advancing the implementation of the action plan.
- In May 2002, the Executive Council Office created the Women’s Issues Branch to bring together a number of related projects and initiatives focused on or touching very closely the lives of women in New Brunswick.

- In May 2002 Minister Blaney, announced the establishment of a roundtable to study the wage gap between men and women. Its mandate is to create an understanding among key stakeholders of the main issues underlying the wage gap between men’s earnings and women’s earnings and how these can be practically addressed in the New Brunswick context.

All these events/initiatives combined have opened the door to bring community and government to the same table and seek solutions on common issues of concern. This momentum continues to provide opportunities for dialogue in order to gain a common understanding of each other’s realities.

In the context of violence against women, the same messages continue to be expressed by women, community partners and government service providers. It is the recognition, need and desire for all partners, community and government, to work in concert to provide integrated and coordinated supports and services women need to achieve a life free of violence. No one partner has all the solutions or resources to deal with this issue alone. Many tools are available, both at the community and government levels, to assist women in making a transition. As we continue to work towards mobilizing these resources more effectively, we continue to evolve our response to achieve the greatest positive impact.

#### ***1.4 Moving forward: An Opportunity To Re-focus***

The process of updating these protocols has provided the opportunity to re-focus on the issue of women living in abusive intimate relationships and how to increase the opportunity to work effectively with those seeking help. Looking at how and where women access services, it becomes very clear that the action takes place in the community where she lives with the service providers who work there. It is with this recognition that these protocols outline the foundation of a “Collective Response” which goes further than any single point of service or single provider.

These protocols emphasize the need for a community based, holistic approach to working in the area of violence against women in personal relationships. The establishment of **Regional Resource Planning and Action Networks** throughout the province will be initiated as a result of the implementation of these protocols. These networks will invite community and government to come together to map out existing service needs and resources in their community with a view to enhancing their regional service delivery approach if needed. Where similar networks currently exist the effort is not to be duplicated but united. See Appendix C in Section 13.2 for suggested terms of reference for Regional Resource Planning and Action Networks.

### ***1.5 Evolving Role For Protocols:***

If protocols are to be a useful tool, efforts must be sustained to keep them current and responsive to the needs of front line workers. These protocols outline the core approach and are the basis for the development of tools for those who work with women. Over time tools will be developed to support and complement the protocols, such as:

- Information for the general public on the Woman Abuse Protocols and the Collective Response promoted within the protocols. This would assist individuals who encounter abuse in their own lives, or for those who assist a family member, friend, or neighbour.
- Training modules based on the information contained in the protocols and the service delivery philosophy.
- A visual chart (roadmap) that outlines the service/support possibilities to be used as a guide for referrals.
- Resource templates to assist the service providers such as a risk assessment tool, development of a safety plan, and other useful tools.

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### 2.1 Defining Woman Abuse

These protocols focus on physical and sexual abuse in intimate relationships. However, given that it is important to recognize the existence of all forms of abuse, a definition of each type has been included in the following section. It should

be noted that sexual assault, physical abuse, or intimidation such as stalking are criminal offences.

### Woman Abuse

Woman abuse causes the loss of safety, dignity and control experienced by women who are either the direct victims of physical, psychological, verbal, financial and/or sexual assault/violence, or who are subjected to threats of such by their boyfriends, husbands, live-in lovers, ex-husbands or ex-lovers (including same sex partners), or their children or step-children.

Woman abuse is not necessarily a single physical attack or threat. It is a pattern of behaviour meant to exert power and control over the woman. The longer that abuse continues, the more devastating it becomes and the more serious is the injury to the woman.

Abuse takes shape in many different ways. The following is a list of some examples of harm done to women:

#### 2.1.1 Physical Abuse:

Physical abuse refers to various types of physical assault including slapping, kicking, punching, burning, choking, stabbing and/or shooting, such as:

- Slapping or biting a woman, or pulling her hair.
- Abusing her loved ones.
- “Caring” for her in an abusive way. This can include things like giving her too much medication or keeping her confined.
- Using a weapon or other objects to threaten, hurt or kill her.

#### 2.1.2 Sexual Abuse

Sexual abuse includes unwanted or forcible sexual touching, activity, such as

- Sexual actions or touching in any way that she doesn’t want.
- Forcing or pressuring her into sexual acts.
- Forcing her to be a prostitute.

- Not letting her have information and education about sexuality.
- Forcing her to get pregnant, have an abortion, or have surgery to prevent pregnancy.
- Infecting her with HIV or other sexually transmitted diseases.

### **2.1.3 Psychological or Emotional Abuse**

Psychological abuse is a means of controlling women by threatening them, the people who are dear to them, or their property. It can take various forms, such as harassment, threats of suicide, verbal attacks that humiliate them or make them feel insecure, constant criticism, unfair accusations, isolation from friends, or forcible participation in degrading acts. Research shows that emotional abuse is a strong risk factor for future physical abuse. Threats of violence are included in the definition of assault in the Criminal Code.

#### **2.1.4 Threats**

- Threatening to take the children away from her.
- Threatening to put her in an institution.
- Threatening to tell her friends, family and her employer devastating lies about her.
- Threatening to commit suicide.
- Threatening to withdraw immigration sponsorship, or have her deported.
- Threatening to harm pets.
- Stalking or harassing her.

#### **2.1.5 Control**

- Controlling her time, what she does, how she dresses and wears her hair.
- Putting limits on who she can visit or talk to on the phone.
- Isolating her by keeping her away from friends and relatives.
- Not respecting her privacy.
- Destroying her property.
- Denying sex, affection or personal care.

### **2.1.6 Verbal Abuse**

- Putting her down and calling her names.
- Describing her as stupid, crazy or irrational.
- Accusing her of cheating.
- Humiliating her.
- Attacking her self-esteem in other ways.

### **2.1.7 Neglect and Isolation**

- Not letting a woman see a doctor or dentist.
- Taking away communication/mobility devices, such as hearing aids, wheel chair or guide dog.
- Locking a woman in the house without a phone.
- Not allowing her to work or take courses to prepare her for employment.

### **2.1.8 Economic Abuse or Exploitation**

Economic abuse implies that the male partner maintains control of the family finances, deciding without regard for the other person how the money is to be spent or saved, thereby reducing the woman to complete dependence to meet her personal needs. This type of abuse occurs at all socioeconomic levels. Examples are:

- Controlling how she spends her money, where she works and what property she buys.
- Spending all family income including her money or savings.
- Using her credit cards without permission; destroying her credit rating.
- Forcing her to turn over her benefit payments/pay cheques to the abuser.

### **2.1.9 Spiritual Abuse**

- Putting down or attacking a woman's spiritual beliefs.
- Not allowing her to attend the church, synagogue or temple of her choice.
- Forcing her to join or stay in a cult.

## ***2.2 Reporting Cases of Woman Abuse***

Reporting cases of woman abuse is not mandatory. Helping a woman free herself from violence in her personal relationship is very much a journey that she must decide to embark upon. We, as helpers in the system, must recognize the complexity of the decisions before her and support her through that journey. The fact that she is seeking help or assistance is a major step. We hold the privileged position to help her continue through the ups and downs to a life free from violence. Our role is critical and must be regarded as such.

## ***2.3 Why Does Abuse Happen?***

Various factors are recognized as causative elements in the majority of woman abuse cases. These include:

- power imbalances within married, common-law or dating relationships;
- traditional attitudes which view women in married, common law or dating relationships as male property to be controlled, dominated or disciplined;
- widespread attitudes which view violence as a legitimate and acceptable way for men to release frustrations, anger or disappointments or to resolve personal problems;
- societal norms which encourage women to be passive; and
- exposure to violent behaviour in family of origin.

### **2.3.1 Why Do Men Abuse?**

It is recognized that some perpetrators may suffer from alcohol abuse and/or the stresses of poverty and unemployment. However, there is considerable evidence to suggest that these factors are not the cause of abusive behaviour, but rather risk factors.

Further, as in the general population, psychiatric disorders are present in a small minority of abusers, and therefore, it is possible that organic disorders may, in a small number of cases, contribute to the abusive behaviour.

There is no easy answer to why men abuse women. Women were not always considered equal citizens. In the past, women's roles have differed greatly than those of men. There were many things women were not allowed to do. In families, they were often treated like property, belonging first to the father or other male relatives and later to the husband. The man was the legal head of the household and ruled the family. It was considered okay for a man to use force to control his wife or solve family problems. Experts argue that men still learn to be aggressive and to express frustration in more violent ways than women. One result of this history is that women are still not equal to men in many ways, especially economically. This makes women more vulnerable when violence occurs, and it makes them less able to leave an abusive relationship.

Healthy relationships are based on equality and trust. Abuse of women is about power and control, the betrayal of trust, and lack of respect. It's about using force or threats to make women afraid or compliant.

It's about using fear to control. The following diagram shows how power and control are at the center of abusive behaviour.

### 2.3.2 Power and Control Theory

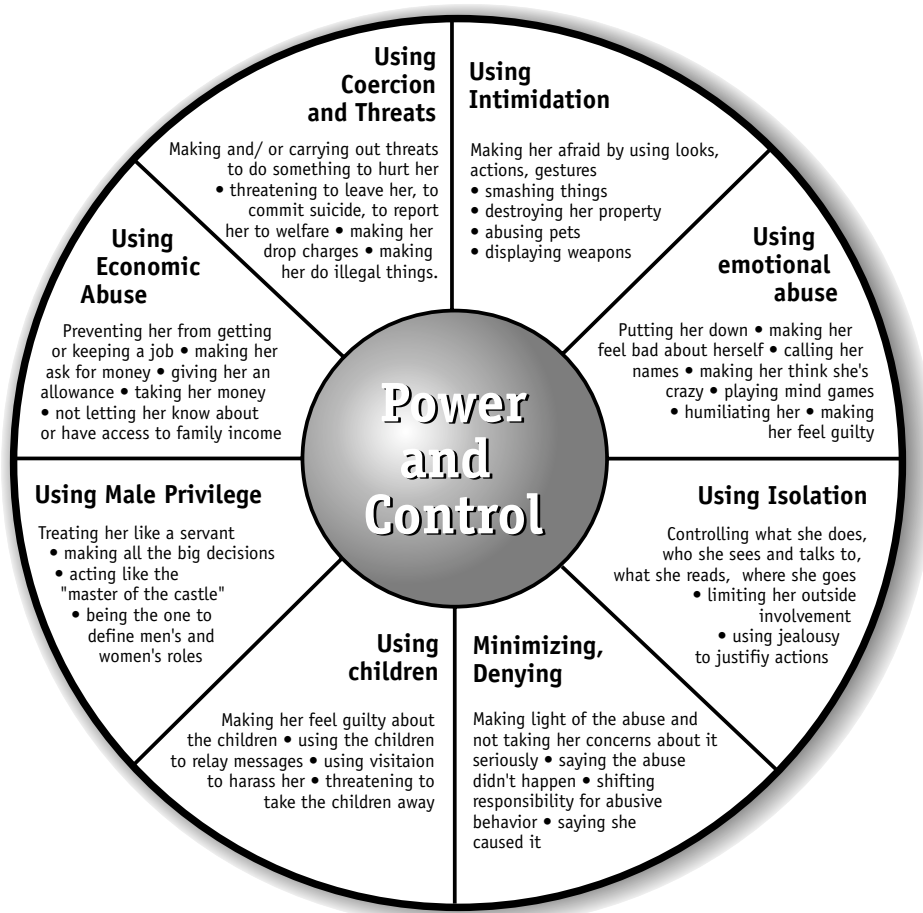
A man might abuse a women because he...

- has learned this behaviour in his own family;
- feels it is an acceptable male role to control women;
- is influenced by the way women are shown in the media;
- wants to maintain a tough macho image;
- believes violence is a way to show male power;

- has low self-esteem and wants his partner to be dependent on him; and/or
- thinks that there are few, if any, consequences to his violent acts.

No matter why men abuse women, it is not the survivor’s fault. Every man who is abusive must take responsibility for his behaviour. No one has the right to hit or hurt another. No matter what has transpired, no one deserves to be abused. Women do not “ask for it”.

### Power and Control Theory



Source: *Domestic Abuse Intervention Project*, 206 West Fourth Street, Duluth, Minnesota 55806 218-722-4134

### 2.3.3 Is There a Pattern To Abuse?

For many women, abuse and violence starts early in the relationship. For others it may start later, quite often during pregnancy. Whatever the type of abuse or the pattern, violent and abusive actions and behaviours are his way of maintaining control.

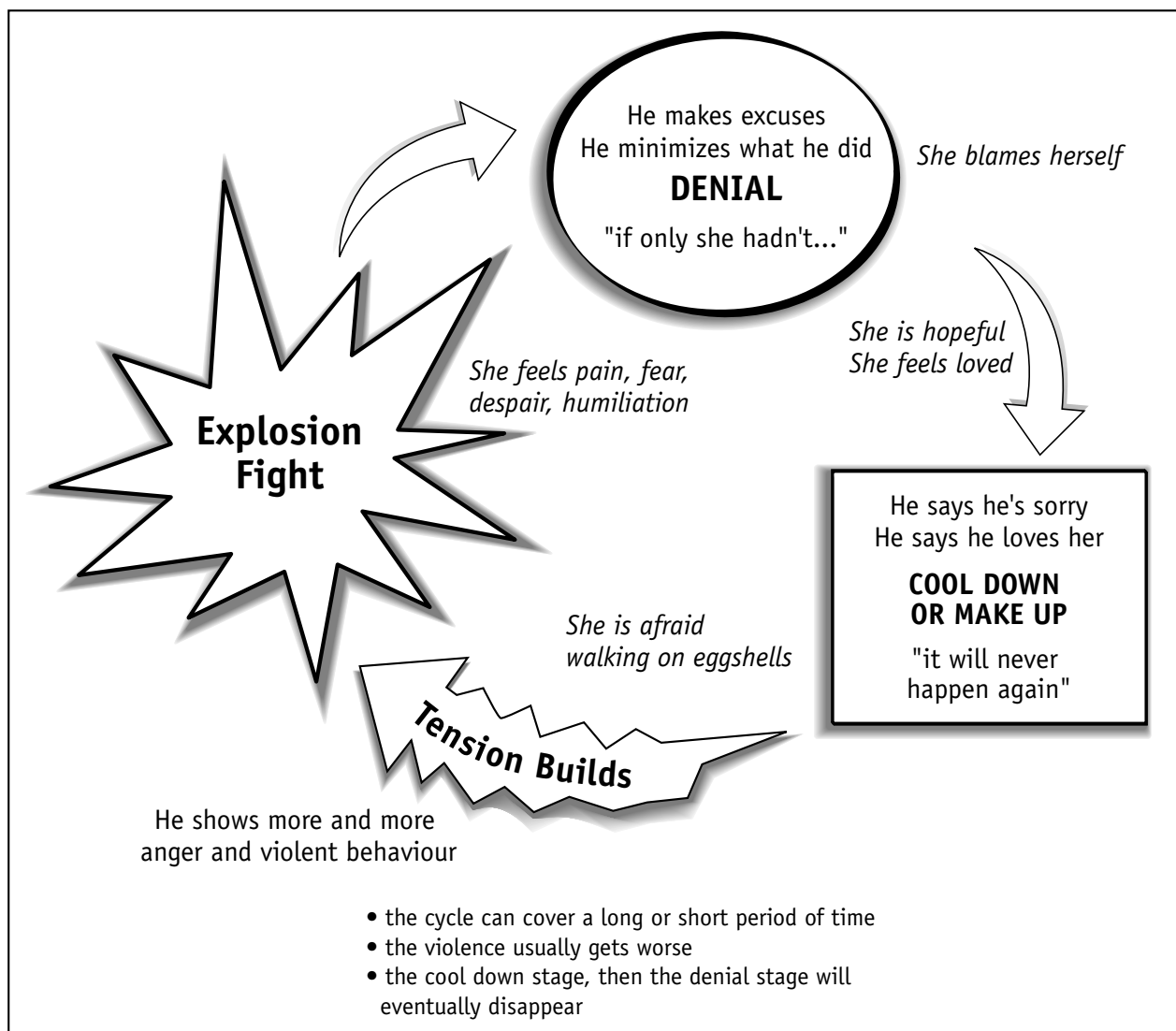
There are no predictable patterns of violence, but generally there is a cycle of violence that many women recognize. It may look like this...

### 2.3.4 Cycle of violence

- First, the tension and anger build up. Sometimes there’s an argument. She may try to keep the peace.

- The abuser explodes and becomes violent or makes threats about becoming violent. He hits her, threatens her (or something/someone she loves), verbally abuses her, or abuses her in some other way.
- Then there’s a cool-down, make-up, or calm stage. The abuser may say he’s sorry or he may deny it ever happened. The abuser may promise it will never happen again and may reinforce this by doing something nice (buy gifts, dinner, flowers).
- There is a time of peace, which is usually temporary. It may be a control tactic to keep her in the relationship.
- Sooner or later, the tension builds up again, his need to control increases, and the abuse starts over.

### Cycle of violence





### 2.3.5 Indicators/Effects

The observations listed below should be considered clues to the possibility of woman abuse:

#### Man:

- a history of woman abuse or child abuse in his family of origin
- a suspicion that he may have abused or sexually abused his children
- abuse of drugs or alcohol
- a history of suicidal thoughts or suicide attempts
- characteristics such as impulsiveness, temper tantrums, jealousy, possessiveness, excessive dependence on his wife or immaturity
- rigid views of the roles of men and women

#### Woman:

- chronic complaints of poor health
- frequent visits to a doctor
- use of tranquilizers and/or abuse of alcohol
- a history of suicidal thoughts or actions
- a suspicion of child abuse in her role as a mother
- sleeping difficulties (i.e. insomnia, violent nightmares)
- severe agitation, anxiety or obvious nervousness
- confused thinking, inability to make decisions, lack of eye contact
- rigid views of the roles of men and women

#### Children:

- aggressive behaviour (particularly in boys), withdrawn, passive, clinging behaviour (particularly in girls and young children)
- victims of child abuse/sexual abuse
- suspicion of parent abuse or sibling abuse

- night-time difficulties, such as insomnia, nightmares, bedwetting, problems with bedtime
- somatic complaints, such as headaches, stomach-aches, chronic colds, allergies
- self-destructive, accident-prone behaviour
- acting-out escapist behaviour (particularly in teenagers) such as running away, drug/ alcohol abuse, prostitution, pregnancy, early marriage

## 2.4 The Impacts of Violence

### 2.4.1 How does abuse affect women?

A woman who is abused often lives with constant fear, worry, guilt, and self-blame. She may begin to feel worthless, helpless, or ashamed. She may feel like a failure. She will almost certainly feel degraded.

The symptoms of physical abuse can be black eyes, broken bones, bruises, concussions, cuts, scratches, even death. If a woman is beaten while she is pregnant, she may lose the baby or require medical attention. The effects of emotional or psychological abuse cannot be seen but can be just as harmful.

A woman experiencing abuse of any kind may feel that no one could ever love her. She may feel stupid or ugly and all alone. This is what the abuser wants. It makes it easier for him to have control over her.

After a while, she may begin to lose her self-respect. She may begin to use alcohol or drugs to dull the pain.

For some women, the hardest thing is feeling the loss of:

- Self-respect
- Respect for him
- Someone to be with
- Hope
- Happiness
- Love
- Companionship
- Safety

- Family and friends
- Independence
- Future goals and dreams
- Her own identity

A woman experiencing abuse in her personal relationship may feel unhappy or tired all the time. She may feel depressed, trapped, or afraid. She may also feel isolated from family and friends.

#### **2.4.2 Societal Costs**

The social costs of violence against women are far greater than what can be tabulated in terms of financial costs. The impact on our society can be seen across generations, cultures and socio-economic backgrounds. It has a rippling effect that can be detected in the early years of our children. Violence against women is a serious social, economic, and public health issue that goes far beyond the walls where the abuse occurs. To turn our back on this problem is to turn our backs on the health of our communities.

### ***2.5 Particular Challenges of Special Needs Groups and Minority Groups***

#### **2.5.1 Abuse of Women In Lesbian Relationships**

There is a common misconception that abuse occurs only in relationships between men and women. This is untrue. Abuse can happen in lesbian relationships. Commonly held stereotypes and prejudice about lesbians are factors that have contributed to lesbians' reluctance to speak about violence in their relationships.

There are some similarities to male violence against women:

- It is difficult for women to leave abusive relationships.
- Lesbians may learn, as men do, that in our society violence is a means to gain power and maintain control.
- The pattern of abuse and the forms of abuse are the same: physical, sexual, emotional/psychological, verbal, social, and financial.

- The woman who is abused feels responsible for her partner's violence and emotional state.
- Abuse is always the responsibility of the abuser and is always a choice.

There are also differences from male violence against women:

- There are few services specifically for lesbians in abusive relationships.
- The woman who is abused fears that she will not be believed due to lack of exposure to lesbian violence.
- The woman who is abused fears losing friends and support within the lesbian community.
- Homophobia in society denies the reality of lesbians, including their relationships. When abuse exists, attitudes often range from a lack of interest to generalizations about relationships being unstable or unhealthy.

Some common misconceptions about abuse in lesbian relationship include:

- "Lesbians are always equal in relationships. It's not abuse, it's a relationship struggle."  
False: Two women in a relationship do not automatically guarantee equality. Relationship struggles are never equal if abuse is involved.
- "Lesbian relationships are never abusive"  
False: There is a false assumption that all lesbians are caring and supportive of one another. Violence does exist in some lesbian relationships.

#### **2.5.2 Abuse of Women In Aboriginal Communities**

Although woman abuse occurs in all cultural, racial, and religious groups, women in Aboriginal communities face a number of additional difficulties when they want to get support or leave an abusive situation. Women who must leave their community often experience the distress of having to abandon their support systems, kinship, and cultural roots. The following are some barriers to leaving:

- Limited access to information (e.g. legal rights) and support services (e.g. transition houses, crisis centers) for women in isolated and minority communities.
- Lack of transportation services.
- Loss of kinship ties, support network, cultural community, and sense of identity.
- Isolation and distress.
- Fear of keeping stereotypes alive and negative images of Aboriginal people.

If services are accessible, women often face other barriers and concerns, including:

- Fear of being misunderstood, judged.
- Lack of resources for treatment and support.
- Feeling that services are not suited to their culture.
- Misunderstanding and/or fear of the justice system and law enforcement officials.
- Lack of anonymity in seeking services on reserves, which are usually very small communities.
- Reluctance to involve a justice system that is seen as racist.

### 2.5.3 Abuse of Women With Disabilities

Women with disabilities are often more vulnerable to abuse and face additional barriers because of the limitations they may have due to their disabilities. Society's negative images and myths about women with disabilities increase the risk of abuse.

What makes women with disabilities more vulnerable to abuse?

- The disability often gets used as the basis for the inequity in the relationship.
- Destruction of property can often be more dangerous if an assistive device or a helping dog is harmed.
- They may not know how to access support services.
- Women who have difficulty walking, understanding, hearing, or speaking may be unable to flee, get help, or report their abuse or may not be believed when they do.
- They are often not considered to be capable parents if parenting support is needed.
- Some women may not be aware they are experiencing abuse.
- The abuser may have blamed them for their illness or disability or have told them they are making it up or seeking attention.
- They have been made to feel worthless by the abuser: "Who will want you? You are damaged goods."

The law protects people living at home who are unable to protect themselves because of mental or physical ability. Under the New Brunswick Family Services Act, anyone who suspects that an adult may be in need of protection must report this to the Department of Family and Community Services adult protection staff. (See **Adult Victims of Abuse Protocols**)

### 2.5.4 Abuse of Immigrant Women

Family violence exists in all communities and cuts across all ethnic, racial, class, economic, and religious groups. Immigrant women suffering abuse often face additional challenges and barriers in escaping violence.

Some issues abused immigrant women face include:

- Fear of losing immigrant status and fear of being deported.
- Culture shock.
- Lack of information about Canadian laws and their rights as women living in Canada.
- Fear of losing their children.
- Fear of being turned away from their community.
- Fear and distrust of the police.
- Fear of being without male protection.
- Experiences of prejudice, discrimination, and racism.

- Lack of English or French language skills.
- Isolation.
- Fear of bringing shame to their family.
- Lack of information about social services.
- Lack of services that meet their needs.
- Difficulties living within a shelter environment.
- In many cases, low income and job insecurity.

## ***2.6 The Links Between Child Abuse and Woman Abuse***

### **2.6.1 Links**

One of the biggest fears of disclosure for a woman experiencing violence in her personal relationship is the fear of losing her children. Conversely, one of the most complex situations for a child protection worker is balancing the best interests of the child against the strengths and ills of its family. Children witnessing violence in their home is a form of child abuse and the law stipulates that these occurrences must be reported to the Child Protection unit within Family and Community Services.

In New Brunswick, child and family legislation, policy and programs recognize that the family is the basic unit of society and should be supported and maintained whenever possible.

Under the authority of the Family Services Act, the Department of Family and Community Services coordinates and, with the assistance of various groups and agencies, delivers a wide spectrum of programs for children and their families. These programs include education, prevention and support, protection, adoption, as well as assistance to families while ensuring that the fundamental rights and freedoms of children are upheld.

The Family Services Act, proclaimed in 1981, provides the legislative framework for the development and delivery of services to New Brunswick's children and families. The Act opens with a preface which:

- affirms that the family is the basic unit of society and its well-being is essential;

- acknowledges the fundamental rights and freedoms of children;
- recognizes that parents are responsible for their children and that intervention and removal of a child from parental care must be considered in accordance with the Act.

### **2.6.2 Children Who Witness Abuse**

If there are children in the family and the woman is being abused, she may have decided to stay and put up with the abuse for their sake. But children living in violent homes, either as witnesses of such aggressions or by simply being present in the house are also experiencing abuse themselves. Children often see and hear more than we think. They have probably seen or heard the violence and it will likely have affected them.

Children who witness parental violence can be as severely affected as those who are direct victims of physical or sexual abuse.

Effects of violence for child witnesses. They may:

- be scared, confused and unhappy;
- have physical complaints such as headaches or stomach aches;
- blame themselves;
- have night-time difficulties such as insomnia, nightmares, or bed-wetting;
- behave aggressively or become withdrawn;
- cling to their mother or try to take care of her;
- exhibit disrespectful/abusive behaviour towards their mother;
- feel responsible for the violence;
- seek punishment by lying or stealing (believing punishment means love); and/or
- be abused too.

Children who witness abuse often learn that it's all right to hurt people they love. They learn that it's normal for someone who loves them to hurt them.

Children from violent homes may end up believing that:

- it's okay for men to hit, boss or control partners;
- it's okay for men to bully and control women;
- this is the way families behave;
- violence is a way to win arguments and get your own way;
- big people have power they often misuse;
- all men are bullies who push women and children around;
- punishment means love;
- women are weak and can be pushed around;
- men are strong and should be in control;
- women can't take care of themselves or their children;
- you can only express anger through aggression and abuse;
- "real men" don't feel or show weakness, fear, sadness, or confusion;
- women are naturally inferior to men; and/or
- to be in a relationship, women have to put up with abuse.

### 3.0 Vision For a Collective Response

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#### 3.1 Collective Response

The following Collective Response is based on work done through a consultation session of government and community partners. The discussions were centered around what is valued as an approach to help women who reach out to the system for assistance. What follows are some of the basic premises that were thought to be important, and a good direction to build upon.

##### 3.1.1 Our Collective Approach To Women Who Experience Violence In Personal Relationships

The vision of the Minister’s Working Group on Violence Against Women and of the government of New Brunswick is **“That all New Brunswick families must live in a secure, nurturing environment free of abuse and violence”**. How we achieve this is highly dependent on how we approach the problem as a whole.

The following is a Vision for a woman-centered “Collective Response”.

#### 3.1.2 Understanding and Compassionate Helpers

- She accesses services in her community. Service providers know what is available in the community and offer many options. She discovers a range of professional helpers who all work together. The Regional Resource and Action Network has developed a fine-tuned community response so that it is easy to refer to and access services.
- She understands that she has control over how much help she decides to access and how she wishes to manage it.
- She is not judged by anyone, and senses that those that assist her are honest and trustworthy.
- She feels supported, realizing that it will not be easy, but that help is available.
- She is linked to numerous helpers in government and in her community. She knows their names, how to reach them and they know her. They respect her right to privacy and confidentiality.
- She is never left to seek out her own contacts or help. A “roadmap to empowerment” is used by all the helpers she encounters to ensure she gets connected to other supports or services she needs.
- Her self-esteem is improving. They believe in her. They motivate and encourage her.

### 3.1.3 Ensuring Her Safety

- She seeks help in times of crisis. Efficient, sensitized and compassionate helpers ensure that her safety and that of her children is primary. When the risk to her is such that the offender has to be removed from the premises, she is informed of the limitations of those measures and is provided with the options available to her. She is supported in her decision.
- She can make decisions and changes in her situation based on findings from her risk assessment. She understands the risk to her safety and is assisted to pursue options to stay safe.
- She is assisted in developing a safety plan in case the abuser senses a loss of control and retaliates. She discusses this profoundly with the helper assisting her and understands how critical her escape plan can become.
- While she takes residence at a local transition house, her personal safety and that of her children is assured. Service providers come to her for appointments. They keep her apprised of any situations or changes that may put her at risk, such as legal documents being delivered to the offender.

### 3.1.4 Helping Her Take Control

- She is provided with options and given time to think about the pros and cons of her decisions. She is supported in making her own decisions.
- She feels well prepared. Knowing that the situation could flare up at any time, she has prepared herself. She has her safety plan.
- She gets all the necessary information and sees that there is hope, that she is not alone, and that she can turn her life around.
- She knows it won't be easy, but she knows it is possible.

### 3.1.5 Meeting Her Basic Needs

- She is eligible for very basic supports through income assistance. This support comes quickly while at the shelter. She is informed of other supports she can access once she makes other decisions about her future.
- She is eligible for subsidized housing. She is hopeful.

### 3.1.6 Making Critical Decisions

- She explores the option of reuniting with her abuser. She understands what needs to change in the relationship and how to go about getting that change.
- She manages to work with the abuser and a counselling service. He wants to change and she believes him. She is helped in determining an arrangement with him so that they get help while she stays safe. They work together on reuniting when the abuse can stop.
- She understands that if she makes a mistake and needs help again, the door is always open. She knows that the helpers understand that it is a journey and they will help her through it.

### 3.1.7 Crisis and Counselling Support

- She is offered crisis counselling. She is seen quickly and receives on-going support. She is offered linkages to other types of support. She is also given a crisis telephone number should she need to talk to someone day or night.
- She is offered help talking to the children. They access counselling as well.
- She is helped in discovering and understanding how the violence has affected her and her children. They are provided the opportunity to work it through together.

### 3.1.8 Planning For Her Future

- She is encouraged to think about her future without violence, to describe what it is she wants for herself and her children. She is helped in defining her plans and how to get there.
- She begins to understand that there are options available to her, and that her own self-determination will get her there, one step at a time. She is informed about what she can access, and what she has to do. She wants to succeed, to have a better life, and they will help her get there.
- She is supported to act on her goals to get training/education so that she can get a good job and support herself and her family.

### 3.1.9 Ongoing Support

- She knows whom to call when she gets lonely, sad or full of self-doubt. The lines of communication have remained open and she is always able to connect with someone.
- She has made new friends who understand; they keep an eye out for her.
- She is helped to explore and identify her existing support systems such as family and friends who she may be able to depend upon in certain situations.
- She knows that if times get tough she can call her counsellor and together they will assess her needs at the time and access the needed support. There is also the support group she has worked with. She can always go back.
- She sees that she is building a new life and this will take time. There is always someone to encourage her and help her recognize how much she has accomplished so far.

### 3.1.10 On-going prevention and education

- Prevention and education initiatives are consistently a primary focus throughout the system.
- Violence in many of its forms is considered to be a criminal act and government and communities address it collectively.





## 4.0 The Regional Resource Planning and Action Network

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- 4.5 Success factors for Regional Resource Planning and Action Networks include . . . . .26
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### 4.1 Introduction

The concept of a regional network is not new and is being used successfully in different communities across the province. This approach is used to work creatively and address the numerous challenges in the area of violence against women in personal relationships. The integrated service delivery model proposed in these protocols is rooted in a concept of having highly functioning regional networks.

### 4.2 What is a Regional Resource Planning and Action Network

Regional networks regroup service providers from both the community and government. They come together to determine how to maximize on the use and effectiveness of existing resources within their region/community while working with women seeking support and assistance to eliminate violence in their lives.

Community-based networks are critical because:

- They are close and connected to both the community and its citizens, and the unique blend of services that are offered within that community.
- They can be instrumental in guiding service delivery in their regions.

- They can be instrumental in identifying gaps in service and plan strategies to fill those gaps.
- They can inform central government on regional training needs.
- And they can participate and provide input in regional and provincial strategic planning exercises.

### 4.3 Why Regional Networks?

The concept of Regional Resource Planning and Action Networks promoted here is based on the recognition that meeting the needs of women experiencing violence in personal relationships requires collaboration and information sharing between all partners. Each partner offers a part of the overall solution. Each partner can be made stronger by actively participating in a network where the provision of supports and services can be looked at holistically.

Regional networks provide an effective mechanism where communities and government can come together to address common issues on the service delivery approach within their region/community. Regional diversity provides a landscape that cannot be replicated elsewhere due to variables such as community involvement and energy, champions and leadership, personalities and availability of resources. When all these come together to provide integrated woman-centered services and supports, the outcome is ultimately better. The roles of both government and community are complementary and when delivered in concert, allow for community directed and unique approaches that evolve over time. One sector cannot do it alone.

#### **4.4 What Constitutes a Region?**

The term “regional” is used for lack of a better all encompassing term. It is not meant to limit participation or to set boundaries. Networks can be established in urban areas and extend/connect to the rural communities they service. Some rural communities may want to establish their own network and connect with other communities with whom they share services and/or clients. All that is needed is interest, leadership, and a willingness to rally around providing integrated and coordinated services to the women who come to them for services.

In regions where there are no existing similar organizations, a representative of the Family and Community Services regional office will initiate forming the regional network. Subsequently, the functioning of the network, i.e. selecting the chair, the frequency and location of meetings, etc. will be decided by the members of the network.

#### **4.5 Success Factors for Regional Resource Planning and Action Networks Include:**

- A membership that reflects all aspects of the service and support network, including government services, community agencies, and members of the community (including survivors).
- A clearly defined purpose and mandate with realistic goals and objectives.
- A commitment to work together to address barriers and overcome challenges.

#### **4.6 Desired Outcomes For the Regional Network Concept**

- The network will grow to develop a fine-tuned approach to working with survivors in their respective region.
- The network will provide the opportunity to share in its successes as well as understand and learn from outcomes and situations that failed to achieve the desired results.
- The network will, in time, mobilize resources to fill identified gaps in services and to expand its reach.
- The network will be instrumental in providing input on the need for and design of educational opportunities for providers and the community.
- The network will serve as a nucleus for public education, information, and creation of a better understanding of the issue and the remedies within the community.
- The network will develop community leadership and become well engrained and respected in the community.
- The network will be united and present a collective voice in advocating for the development of new services or enhancing existing ones to better meet the needs in its community.

#### **4.7 Setting Up the Regional Networks**

- Initially, the lead department for establishing the regional networks, where none exists, will be the Department of Family and Community Services. In regions where a team is already operational, a review of the membership and mandate to incorporate all or parts of the suggested approach would suffice.
- Support for networks will be available through Family and Community Services and the Provincial Violence Prevention Coordinator in the Executive Council Office.
- See Appendix C Section 13.3 for a sample “Terms of Reference”.

#### ***4.8 Community and Government Provide Complimentary Supports and Services***

It is important to recognize and understand the interaction between the roles of government and community-based agencies as each works to meet the needs of women who have incurred abuse in their personal relationships by bringing different programs and services to the table.

Government services are broad based, and designed for consistent delivery throughout the province. Governments provide structure for developing policies and guidelines that define the parameters of services and programs. These include eligibility criteria, limits of benefits and other specific details to ensure accountability at all levels, within the provincial government, to the federal government and especially to the taxpayers. Governments also designate legislative authority to arms length agencies such as the police and medical professionals who are mandated to provide a wide range of services, and also have a role as a direct provider or as a contractor of services.

Communities, be it through formally organized agencies or through individual friendships or acquaintances, provide care and support of a more personal nature. Communities provide the survivor with a safe place to turn, the support and understanding during crisis and accompaniment through the difficult journeys. Communities also work diligently at filling the gaps in the provision of services. They apply creative approaches to meet needs that would not otherwise be met. Both community and government are needed to adequately address the problems arising from violence against women, and the many survivors' lives it impacts.

#### ***4.9 The Holistic and Community-Based Approach***

In what way should we be working with women, survivors of abuse in personal relationships? Theory based in research supports better practices of working from a holistic and community-based approach, which is grounded in the following principles:

- All women who experience violence in a personal relationship need a safe place to turn when they make the decision to leave temporarily or permanently.
- Interventions must be tailored to the particular needs of each woman, respecting and supporting her decisions, and increasing her understanding of options, and her sense of control.
- Survivors enter the system through different points, and access to all services must be ensured regardless of the point of entry.
- The full range of services and options may not need to be accessed. Women may access only the services they need or want and be supported in those decisions.
- Supports and services must reach marginalized and underserved women and communities. Outreach services must be in place to provide needed services to those women.
- Communities should be encouraged and supported in creating services and programs that are developed by and for their members.
- Communities and government must work together to mobilize available resources effectively.



## **5.0 The Road Map to Empowerment**

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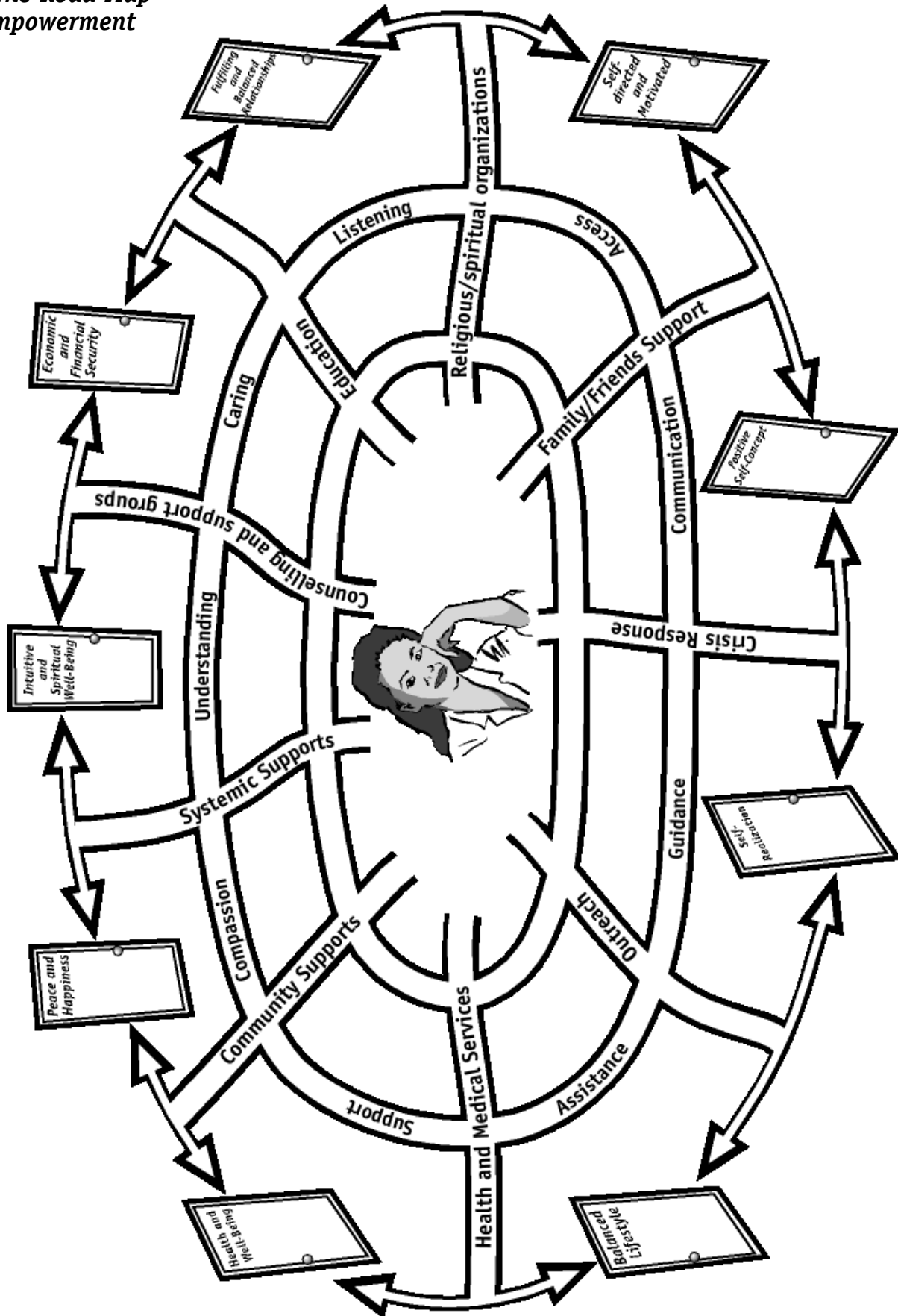
### **5.1 The concept**

The concept of the road map is to identify as many of the services that a woman experiencing violence in her personal relationship may need and should be able to access as she tries to free herself from the abuse. The purpose of the road map is to assist front line service providers by providing a comprehensive guide to the support and services network in their area.

This first level is a general list of services that may or may not be available in each community. Each Regional Network will need to refine the list to identify their respective regional landscape of services. Once clearly identified, regional front line service providers can use the road map as a guide to find services in their area and to make appropriate referrals. The completed list will also help regions/communities identify gaps in services in their respective region/community.

The list that follows is typically what might be available, or what supports and/or services a woman may need throughout her journey. The helper’s job is to provide enough information on what is available so that she can make an informed decision about the services she wants to access.

### 5.2 The Road Map to Empowerment



<b>Support or Service</b>	<b>Providers</b>	<b>Actions Taken</b>
Crisis Response	<ul style="list-style-type: none"> <li>• First response: removing danger, such as police, ambulance</li> <li>• Transition House or Emergency Shelter</li> <li>• Emergency medical Treatment</li> <li>• Victim Services</li> <li>• Probation Services</li> </ul>	<ul style="list-style-type: none"> <li>• Gaining an understanding of what happened</li> <li>• Removing from danger</li> <li>• Evaluating Risk</li> <li>• Developing a safety plan</li> <li>• Referrals to other supports</li> </ul>
Health and medical services	<ul style="list-style-type: none"> <li>• Emergency room personnel</li> <li>• Doctor's office</li> <li>• Community Health Centres</li> <li>• Mental health professional</li> <li>• Public health</li> <li>• Other health care practitioners</li> </ul>	<ul style="list-style-type: none"> <li>• Treating injuries</li> <li>• Treatment from depression</li> <li>• Referrals to other needed supports</li> <li>• Counselling</li> </ul>
Systemic Supports	<ul style="list-style-type: none"> <li>• Social Housing</li> <li>• Income Assistance</li> <li>• Training and Employment Programs</li> <li>• Educational Programs</li> <li>• Family Mediation</li> <li>• Court Order Enforcement</li> <li>• Prosecutions</li> <li>• Probation Services</li> <li>• Correctional Facilities</li> <li>• Victim Services</li> </ul>	<ul style="list-style-type: none"> <li>• Case coordination: access to programs and services</li> <li>• Referrals to other needed supports</li> <li>• Information and guidance to make informed decisions</li> <li>• Court preparation and support</li> <li>• Linking to second-stage housing options</li> <li>• Supporting long-term goals to self-determination and self-realization</li> </ul>
Counselling and support groups	<ul style="list-style-type: none"> <li>• Mental Health Professionals</li> <li>• Private Counselling Service</li> <li>• Group Work Session</li> <li>• Victim Services</li> <li>• Probation Services</li> <li>• Correctional Facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Counselling services to the woman, to children exposed to the violence and the offender</li> <li>• Services to the family as a unit</li> <li>• Counselling to assist in court preparation</li> <li>• Providing opportunities to connect with other women with similar challenges</li> </ul>
Family and Friends Support	<ul style="list-style-type: none"> <li>• Family</li> <li>• Extended family</li> <li>• New acquaintances</li> </ul>	<ul style="list-style-type: none"> <li>• Caring</li> <li>• Listening</li> <li>• Validating</li> </ul>
Community Supports	<ul style="list-style-type: none"> <li>• Food banks</li> <li>• Churches</li> <li>• Transition Houses</li> <li>• Second Stage Housing groups</li> </ul>	<ul style="list-style-type: none"> <li>• Moms and Tots Programs</li> <li>• Relief/care options</li> <li>• Caring support</li> <li>• Traditional supports</li> <li>• Emergency/crisis housing</li> <li>• Meeting basic needs on emergency/crisis situations</li> </ul>

\* This is not meant to be a comprehensive list of resources and services that may be needed or that exist. It is meant to provide examples of the possible range of supports and services that make up what a woman might need throughout her journey to become free from violence. What is available in your area and what is missing?



Support or Service	Providers	Actions Taken
Education	<ul style="list-style-type: none"> <li>• Government agencies</li> <li>• Violence Prevention Centers</li> <li>• Community Health Centers</li> <li>• Universities</li> <li>• Community Access Centers</li> <li>• Non-profit community agencies</li> <li>• Family Resource Centers</li> <li>• Red Cross</li> <li>• V.O.N.</li> <li>• Research Community</li> </ul>	<ul style="list-style-type: none"> <li>• Public education about healthy relationships</li> <li>• Survivor educational programs to better understand violence dynamics and impact</li> <li>• Job training and re-training programs</li> <li>• Basic life skills and literacy</li> <li>• Outreach</li> <li>• Evidence-based options</li> </ul>
Outreach	<ul style="list-style-type: none"> <li>• Transition House or Emergency Shelter</li> <li>• Community Health Centers</li> <li>• Community Crisis Centers</li> </ul>	<ul style="list-style-type: none"> <li>• Workshops</li> <li>• One on one support</li> <li>• Information</li> <li>• Transportation</li> <li>• Referrals</li> </ul>
Religious and Spiritual Organizations	<ul style="list-style-type: none"> <li>• Churches</li> <li>• Spiritual leaders</li> <li>• Holistic Health Centers (meditation, sweat lodges, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Religious support and counselling (individual and family)</li> <li>• Support groups</li> <li>• Social groups</li> <li>• youth and children’s groups</li> <li>• Individual self-help supports (resources and practices)</li> </ul>

**Road Map to Empowerment - Legend**

- The inner road depicts the qualities necessary to create a helping environment.
- The off-ramps represent the service or individual’s situation that occurred to get her to seek help. This is the “helper’s” opportunity to inquire, to lend support and assistance.
- The outer circle represents the high goals that lead to the “re-claiming of self” for an abused woman. There is a constant revisiting of these goals throughout the woman’s journey as she seeks to refine outcomes and strengthen weak spots. This circular process continues throughout the life span to achieve life-long learning and well-being.

### “Your Community Profile” Work Sheet

Discover where the supports are lodged in your community:

- Who will you call to make a referral?
- Who is the contact person within a government office charged with working on these situations?
- What services does your local transition house provide?

This page can assist you in keeping track of who’s who and who does what in your service delivery network. It can be used for overall contacts or to outline case specific contacts.

Support or Service	Contacts	Services
Crisis Response		
Health and Medical Services		
Systemic Supports		
Counselling and Support		
Community Supports		
Education		
Outreach		
Religious and Spiritual		
Family and Friends		

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### 5.3 References

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## 6.0 Department of Justice and Office of the Attorney General Intervention Guidelines

### Introduction

The department of Justice and the Office of the Attorney General play a critical role in responding effectively to violence against women in personal relationships. In recognition of the criminal nature of this behaviour crown prosecutors and courts are central to an appropriate response. To guide the delivery of these services the Department of Justice has developed the following protocols. The protocols apply to Public Prosecutions and Family Court Services.

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### 6.1 Role of Public Prosecution

#### 6.1.1 Introduction

For the purpose of this section, «woman abuse» is defined as physical assault or the threat of physical assault of women by men with whom they have, or have had an intimate relationship, whether or not they are legally married or living together at the time of the assault or threat.

Under this section, woman abuse will be treated as any other serious criminal matter.

Since many complex social factors arise in a decision to prosecute or to continue a prosecution where the accused and the victim live or have lived together in an intimate relationship, some underlying principles are specifically stated as guidelines for Crown Prosecutors.

- Every individual has inherent worth and dignity and should be treated with respect.
- Violence against women is depriving many women of their ability to achieve equality.
- Violence against women is a crime and is punishable under the law.
- Offenders must be held accountable for their behaviour.
- The elimination of violence against women requires a strong response by officials responsible for enforcement of the law.

#### 6.1.2 Police investigation report to Crown

Since woman assault is a crime and will be treated as any other serious criminal matter, the onus is on the police and not the victim to initiate the criminal process.

Once an investigation is completed by the police, the investigating officer will prepare a fully detailed report to be submitted to the Crown prosecutor. The report will contain a summary of the officer’s own investigation; a copy of the complainant’s statement; a copy of all witnesses’ statements; a copy of the accused’s statement, if any; any drawings, maps or photographs and a list of any exhibits which will be needed at a trial.

In circumstances where a charge is warranted on the evidence (which will include a written statement of the victim), the police will lay the charge and advise the victim that a summons will be issued from the court requiring the victim’s attendance as a Crown witness. In this way the victim-witness will be in a position to indicate to the accused if she is pressured to halt proceedings, that she has no choice as she is under summons. The victim should also be advised that the matter will be determined one way or the other in a court of law.

## **6.2 Role of the Crown Prosecutor**

### **6.2.1 Initiating prosecutions**

The police are responsible for investigations and Crown Prosecutors, as agents of the Attorney General, have no authority or right to exercise control over investigations. However, at the prosecution's stage, the police officer is subject to the direction of the Attorney General through Crown prosecutors who must evaluate the evidence and decide whether to authorize charges against any citizen.

The decision as to what evidence is legally admissible, whether the evidence is sufficient to prove a case and what, if any, Charter matter is involved, are all legal issues requiring a decision by a lawyer prior to the laying of a charge.

Thus, Crown prosecutors are to scrutinize and give their consent to all charges before they are laid by the police. In this regard, the major role of the Crown prosecutor is to determine whether a criminal offence is disclosed by the police investigation, whether a sufficient case is made out and whether a prosecution is justified in the circumstances. In order to make this decision, the Crown prosecutor will be provided with a full police report on the case.

It is the Crown prosecutor's role to make the decision as to whether a charge is to be laid but if there is strong disagreement with the investigating officer regarding the matter the Crown prosecutor should consult with the regional Crown prosecutor before a decision is made on the file. If the circumstances warrant, further consultation will take place with the Director of Public Prosecutions. However, it must be born in mind that the peace officer (or indeed a private citizen) has an absolute right in law to lay a charge and actually may do so. Whenever such an information is laid, the Crown prosecutor, as the Attorney General's representative, should be prepared to either proceed with the charge, allow a private prosecution to continue or halt further proceedings. If a charge is laid contrary to the advice of the prosecutor, the Director of Public Prosecutions is to be immediately advised and a decision will be made by the Director as to whether to stay proceedings (this must be agreed

to by the Deputy Attorney General or Attorney General), to allow the proceedings to continue, or to withdraw the charge. Before any of these actions are taken, the Crown prosecutor will be called upon by the Director to explain the reasons for the recommendation not to charge.

### **6.2.2 Charging Decision**

The prosecutor is charged with the responsibility for the conduct of the case. One of the first and most important decisions he or she must make is whether or not a charge should be laid. This decision is particularly difficult in a domestic situation.

Every effort must be made to ensure that the decision to charge or not to charge is reached dispassionately after as much deliberation as circumstances permit.

The factors which a prosecutor must consider in deciding if a charge should be laid are as follows:

#### ***Sufficiency of Evidence***

The test to be applied here is whether the evidence is strong enough to allow a reasonable prospect of a conviction (i.e. whether a conviction is more likely than an acquittal before an impartial trier of fact properly directed in accordance with the law).

In making this assessment, the prosecutor will need to draw on his or her legal training and experience in Court to determine the admissibility of the available evidence, the credibility of witnesses as well as the admissibility of any confessions, the reliability and admissibility of any identification and physical evidence.

#### ***Public Interest Factors***

If an acquittal would or might produce consequences contrary to the public interest, the Crown prosecutor should take that fact into account before commencing a prosecution and should be satisfied that the prospects of conviction based on the evidence are sufficiently high to justify the possible harm to the public interest that might result in an acquittal.

For example, an unsuccessful prosecution involving woman abuse could send the undesirable message to the community, if the trial attracts

publicity, that it is not criminal conduct to assault a woman in a domestic relationship.

Having been satisfied that the evidence itself can justify proceedings, the Crown prosecutor must then consider whether the public interest requires a prosecution. Regard must be had to the effect of a prosecution on public morale and order. In this context, it is important for a prosecutor to consider that violence in a domestic setting is not simply a private matter between individual citizens but a matter of public concern as well.

### ***Seriousness of the Offence***

The factors which can properly lead to a decision not to prosecute will vary from case to case, but broadly speaking, the graver the offence, the less likelihood there will be that the public interest will permit a disposal other than prosecution.

### ***Complainant's Attitude***

Normally, where the evidence is available, a prosecution should be commenced or continued notwithstanding that a complainant later expresses a wish that no further action be taken. This is especially so if the offence is of some gravity or there is suspicion that the change of heart is motivated by fear. However, there may be some legitimate cases where it is not contrary to the public interest to comply with the complainant's wishes.

In many cases, either before or after a charge is laid, pressure may be brought to bear by the victim on the prosecutor to prevent the laying of charges or to have proceedings discontinued. In all such cases, the prosecutor will refer the complainant to a regional victim services coordinator. In addition, the prosecutor should consult personally with the complainant. The Victim Services Program of the Department of Public Safety is available in all regions of the province.

As part of this consultation, both the victim services coordinator and the prosecutor should consider the views of the victim. However, it is also important for them to impress upon the victim the public interest factors surrounding the commission of criminal offences as well as the deterrent effect of a public prosecution and its

role in breaking the cycle of abuse within the individual relationship and within the community at large. Every effort should be made to ensure the victim of the continuing support of the victim services coordinator up to and during the trial process, including the accompanying of the victim by the victim services coordinator at all court appearances.

At the end of this consultation, if the victim refuses to take part in the criminal justice process, in deciding whether or not to initiate or discontinue proceedings against the accused, the Crown Prosecutor will consider the following factors:

- a) The message that will be sent to the public if a prosecution does not take place that woman abuse is not a punishable crime and that the decision not to prosecute is in the hands of the victim. Since the victim is subject to pressure tactics directly or indirectly by the accused, the message sent to the community may be that the prosecutorial process is in the hands of the accused himself.
- b) Sufficiency of Evidence: The test to be applied continues to be whether the evidence is strong enough to allow a reasonable prospect of a conviction (i.e. whether a conviction is more likely than an acquittal before an impartial trier of fact properly directed in accordance with the law).
- c) The wishes of the victim are a consideration but not the sole consideration. If the final decision to proceed rests with the prosecutor, the victim does not bear responsibility and thus blame for the prosecution, this will free many women to testify by conveying a message to the accused that the witness had no choice but to participate in the criminal justice system.
- d) The degree of seriousness of the offence; the validity of any defences; the degree of provocation, if any; the remorse of the offender; the history of previous similar conduct; whether or not there is direct evidence that the victim is being pressed to resist the process out of fear or threat; etc. (In the more serious cases of assault, the discretion not to lay a charge or to withdraw a charge once laid

is extremely limited. This is a category where the wishes of an individual are overwhelmed by a duty owed to all of society. Even though the assault may be viewed by the individuals involved as a private matter, the conduct is a public concern. The graver the offence, the less likelihood there will be that the public interest will permit a disposal other than prosecution.)

A complainant's wish not to have a matter proceeded with should be supported by a written statement to that effect. In cases where charges have been laid, the accused has pleaded "not guilty" and the victim wishes to discontinue proceedings, the Crown Prosecutor should consult personally with the victim and may consider the views of the victim but this shall not necessarily be determinative of the issue.

Where a charge is warranted on the evidence, the police will lay the charge and the victim will be served with a summons from the Court requiring the victim's attendance as a Crown witness. In this way, the victim-witness will be in a position to indicate to the accused, if she is pressured to halt proceedings, that she has no choice since she is under summons to attend Court. The victim should also be advised that the matter will be determined one way or the other in a Court of law. If the charge is to be withdrawn, it will be done in open court, in the presence of the victim, with a written statement to the Crown or an oral statement on the record of the victim's wish not to proceed. This will provide a public record of the reason for the withdrawal in the event there is a future incident.

If the victim refuses to attend court to testify, a warrant will be requested to compel her appearance.

If a victim persists in evading a summons, a warrant will be requested to compel her attendance. If pre-trial detention of the witness is a requirement to ensure her attendance at court, the Director of Public Prosecutions will be consulted in advance of such a request.

If a victim refuses to testify, before any contempt order is sought or executed, if issued by the court on its own motion, the prosecutor will consult with the Director of Public Prosecutions.

If a victim testifies but is inconsistent with a prior written statement, Crown Prosecutors are reminded of the procedure contained in sections 9 and 10 of the Canada Evidence Act in relation to adverse witnesses. In determining whether or not to proceed in this fashion, prosecutors should consider the possibility that the witness might accept the original statement as the true version of events if this procedure is instituted. They should also consider the message that will be sent to the witness, the accused and the community, even if the witness must be cross-examined on the previous statement in writing, that these complaints will be treated seriously in the public interest.

### **6.2.3 Private Prosecution**

Crown prosecutors are reminded that the right of any citizen to commence a private prosecution where law enforcement authorities decline to prosecute is a valuable safeguard against police and government in-action. Where such a private prosecution is well motivated and justified, continuation of the case should be permitted, either by the citizen or by the Crown assuming its conduct.

When it comes to a Crown prosecutor's attention that a private citizen has laid a criminal or quasi-criminal charge in court, the Director of Public Prosecutions should be immediately notified. A determination will then be made whether the charge is well-founded (i.e., not based on improper motive or otherwise unjustified). Where the charge is well-founded, the Crown will either assume the conduct of the prosecution or allow it to continue as a private prosecution. Where, in the Crown's opinion, the charge should not proceed, it will either be stayed or withdrawn.

### **6.2.4 Peace Bond**

Where there is insufficient evidence to lay a criminal charge, Crown Prosecutors should, if the evidence permits, advise the woman to proceed under Section 810 of the Criminal Code of Canada (application for a "peace bond") and should take all steps necessary to assist in that regard. A peace bond application should only be pursued where the evidence does not support or is insufficient for a criminal charge.

A peace bond is appropriate only in situations where there is fear of personal injury or damage to property. Unless it is of a minor nature, an assault should not be dealt with under this section. This provision was intended as a means of preventing an assault from happening, not as a means of punishing an assault that has already occurred.

### **6.2.5 Accused Pending Trial**

In cases where serious violence is involved and the police have detained the accused in order to prevent the continuation of the offence, the Crown Prosecutor should request a “show cause” hearing and present all relevant evidence to enable the Court to make an informed decision on the issue of the accused’s detention or release with appropriate conditions including a no-contact order.

The detention of an accused in custody pending his trial is justified only on either of the following grounds:

- on the primary ground that his detention is necessary to ensure his attendance in Court; and
- on the secondary ground (which shall be addressed only after it is determined that his detention is not justified on the primary ground) that his detention is necessary in the public interest or for the protection or safety of the public having regard to all the circumstances including any substantial likelihood that the accused will, if he is released from custody, commit a criminal offence or interfere with the administration of justice.

In cases where the violence is less serious, and the police have detained the accused in order to prevent the continuation of the offence, the Crown Prosecutor in most cases will agree to the release of the accused with appropriate no-contact conditions requiring the accused to refrain from any contact or association with the complainant at her place of residence or place of employment. A violation of this release condition will result in future arrest and detention of the accused pending his trial.

### **6.2.6 Sentencing**

At the time of sentencing of the accused, sentences should be sought that are comparable to those rendered in cases of assault where the parties are not related. Also, Crown Prosecutors, when speaking to sentence should refer to the impact of the crime on the victim and to any victim impact statements. The Crown Prosecutor should also advise the court of any offender treatment programs that are available in the community and advocate mandatory treatment and counselling as part of the court’s disposition where such programs are available. At the time of sentencing of the accused, sentences should be sought which do not allow the domestic nature of the relationship between the victim and the offender to mitigate the penalty to be imposed. At the same time, sentences should be sought which will address with some degree of creativity the personal aspects and the rehabilitative prospects, if any, of the relationship between the victim and the offender.

A decision to appeal will be based on any existing errors of law and/or on the inadequacy of the sentence in light of the facts.

Where a Crown prosecutor believes that an appeal should be considered, the matter will be discussed with the Regional Prosecutor and the Director of Public Prosecutions before a decision is made.

## **6.3 Role of Family Court Services**

### **6.3.1 Introduction**

Family Court Services comprise Court Social Workers, Family Support Officers, and Enforcement Officers. Court Social Workers are primarily responsible for delivering services in connection with the Domestic Legal Aid (DLA) program, and Family Support Officers and Enforcement Officers provide services in relation to the Family Support Orders Service (FSOS).

Court Social Workers provide information, counselling, mediation, and settlement services to women and men who have decided to separate or divorce. They offer general information on separation, divorce and domestic violence and the related services. They help clients to create good



parenting and time-sharing plans and to establish proper financial responsibility. Court Social Workers help clients consider their options, and encourage the use of non-adversarial, conciliatory approaches to resolving difficulties arising from separation or divorce. They may assist in mediating or negotiating agreements between them to avoid having to go before a judge in Family Court. It is the duty of a Court Social Worker to provide appropriate supports and services.

As a result of their exposure to troubled relationships, Court Social Workers often come into contact with women who are experiencing or have experienced partner abuse.

Court Social Workers carefully assess all clients to determine if there has been partner abuse and thus whether or not to offer mediation services. The Court Social Worker will not offer mediation in cases where it is determined there has been partner abuse that contraindicates mediation. Instead, such persons are eligible to be referred to Legal Aid New Brunswick (LANB) for the services of a Family Solicitor. In some cases, those who have experienced partner abuse may be offered a safe settlement service; this settlement service is voluntary and is offered only if there is no imminent risk to the partner who has experienced the abuse and only with the client's consent. When providing settlement services, the Court Social Worker does not act as a mediator, but serves to convey the client's proposals to the other party. There are no joint meetings. If an agreement is reached, the Court Social Worker can draft the necessary documents to give effect to the agreement (as is done with mediation).

In suspected or confirmed cases of abuse, Court Social Workers may also provide general information about peace bonds, restraining orders and criminal charges as well as referrals to other agencies who assist women in abusive relationships.

Court Social Workers also make referrals to connect clients to other government and community resources. Access to Family Court Services is free and available by appointment. Most Family Court Services clients find out about the service through

word of mouth – from friends or family who have used the service - but the service may be accessed by calling Family Support Services Counselling and Mediation, as listed in the phone book. Alternatively, other government service providers – Crown Prosecutors or Enforcement Officers, for example – may make referrals to Family Court Services. All those who come into contact with a woman who may have been abused and who may benefit from Family Court Services, should assist her in making an appointment with a Court Social Worker.

### 6.3.2 Disclosure, Assessment and Intervention

Court Social Workers follow the policies and procedures set out for them in the Domestic Legal Aid Policies and Procedures manual. These include detailed procedures for assessing for abuse in all cases. In the interest of thoroughness and consistency, they check eight different subcategories in each case, asking specific questions and probing for information that will help them in their assessment. The following are excerpts from the manual and abuse assessment checklists used by Court Social Workers:

#### *Objectives of partner abuse assessments:*

- To determine the capacity of former partners to negotiate freely with each other, without coercion or fear, in a negotiation process facilitated by the Court Social Worker;
- To promote the safety of all participants;
- To understand the dynamics of power between the former partners.

Court Social Workers who assess for abuse must look to the nature of the relationship as a whole. **The facts** of each individual case, as well as **the impact** of abusive incidents and behaviours, must be considered in assessing whether or not a person is a victim of partner abuse who should not be offered mediation services.

When assessing for abuse, parties must be interviewed and assessed separately. Allegations of abuse made against one party by the other shall not be disclosed without consent.

***The following eight information categories must be considered when assessing for abuse:***

**1. Relationship history**

- General (social history)
- Incidents/events leading up to separation
- Precipitating reasons for separation decision
- Current situation:
  - Frequency/context of contacts since separation
  - Incidents/events since separation
  - Fears and concerns (if any)?

Note: Even if abuse was not mentioned as the cause of the decision to separate, it should not be assumed that abuse was not a factor in the relationship.

**2. Decision-making**

- Relations with others (family, non-family)
- Sexual relations
- Where to live
- Children (discipline, activities)
  - Include current decision-making re children

Note: Find out whether or not the pattern of decision-making was or was not acceptable to the client.

**3. Conflict and anger management – past and present**

- Methods used to resolve conflicts
- Anger management
- Worst fight

Try to determine if the abusive behaviours - if any - began early in, and occurred throughout the relationship or if they began late in the relationship.

**4. Control and power imbalances – past and present**

- Emotional manipulation:
  - Respect and disrespect
  - Fear

- Impact of control and manipulation
- Verbal/non-verbal forms of manipulation
- Client self-esteem

**Assess for relationship patterns and effects on client, i.e., impact on self-worth, fear of former partner, belief in former partner's power, etc.**

**5. Substance abuse (client and former partner) – past and present**

- Alcohol
- Other (illicit and/or prescribed)
- Frequency and quantity of use
- Impact

Alcohol and other substance abuse are not necessarily indicative of an abusive relationship, but could be contributing or compounding factors **when other indicators of abuse are present.** A substance abuse problem that affects a person's ability to negotiate will usually contraindicate mediation.

**6. Threats of homicide/suicide (client and former partner) – past and present**

- Frequency
- Circumstances
- Impact (fear?)

**7. Community services/agencies involvement (client and former partner) – past and present**

- Transition House services
- Mental Health/Family Services/other
- Police: complaints/charges/convictions (incl. peace bonds)
- Family and Community Services - child protection

**8. Specific abuse factors (client and former partner) – past and present**

- Name-calling
- Telephone harassment
- Pushing and shoving
- Choking, hitting (including slapping), biting, kicking

- Other use of physical force, i.e., grabbing, holding
- Destruction of property
- Cruelty to pets
- Intimidation
- Stalking
- Taking or keeping the children from other parent without consent (or threatening to do so)
- Depression or mental illness
- Child abuse
- Obsessive jealousy
- Threatening with a weapon (including family members or others)
- Physical violence against family and non-family members
- Possession of weapons (if worrisome to the client)

**NOTE: Although the above checklist is the main tool used by Court Social Workers to assess for partner abuse, it is not used in isolation. Court Social Workers use their general training and experience as social workers, as well as their specialized training and expertise in separation and divorce, and the dynamics of family violence, in order to use the abuse assessment tool effectively.**

Court Social Workers should routinely seek to determine if partner abuse has occurred, or is still occurring. It is important to note that when a woman takes steps to leave an abusive relationship, the risk of experiencing dangerous behaviour at the hands of her partner increases significantly. This increased safety risk must be taken seriously and steps should be taken to ensure the woman's safety.

Women may sometimes disclose abuse directly, having already reached a stage where they are perhaps physically removed from the relationship, or may have received some personal counselling and are no longer concealing the experience. In

suspected cases of abuse where disclosure is not forthcoming, Court Social Workers must rely on their knowledge and skills to create a safe environment in which the woman can feel comfortable disclosing and discussing the abuse. This facilitates the provision of assistance by the Court Social Worker and the referral process to other agencies. To ensure this safe and comfortable environment, Court Social Workers are, as stated in the policies and procedures manual, required to meet with each partner separately.

Under the Criminal Code of Canada, certain forms of abuse may be prosecuted - assault, threats, stalking, harassment, for example. However, Court Social Workers do not rely exclusively on the criminal aspects of abuse to make decisions about referring clients to other services and resources. The effects of emotional/psychological, economic and spiritual abuse can be just as devastating as other forms of abuse. For this reason, all forms of abuse are considered when making a referral.

If partner abuse is revealed, Court Social Workers must then assess whether there are any Indicators of Danger. This is another checklist, used to help determine whether settlement services might be offered, or if the client should, instead, be referred immediately to Legal Aid New Brunswick for the services of a Family Solicitor. The Indicators of Danger checklist is as follows:

#### *Indicators of Danger*

No Mediation - No Settlement Services - Refer to Legal Aid New Brunswick as Quickly as Possible

Domestic abuse research has shown that cases with characteristics fitting **ANY ONE** of the following categories indicate appreciable risk of death or injury. Abused clients involved in such cases must be referred as quickly as possible to Legal Aid New Brunswick.

- A partner is repeatedly stalking, harassing or threatening the other, following the other partner around, or has done so in the past, **AND** there are concerns about the safety of any family member;<sup>1</sup>

<sup>1</sup> Workers should check to see if the move was the result of this type of behaviour. Past as well as current behaviour will satisfy this category if it appears that the reason the behaviour is not continuing is because the abusing partner does not know the other partner's whereabouts.

- A partner has murdered or attempted to murder;
- A partner has uttered one or more death threats against the client or one of the children; **OR** a partner has, since separation, uttered threats to physically or sexually harm the client or any other family member **IF** the threats were uttered in an intimidating manner and/or in circumstances suggesting that the words were intended to be taken seriously **AND** the circumstances of the case suggest to the Court Social Worker that a family member's life or well-being<sup>2</sup> could be in danger;
- A partner recently has attempted (threatened and taken one or more steps to carry out) suicide **OR** a partner has threatened suicide as a consequence of the client's decision to leave **AND** there are indications that a family member's life or well-being could be in danger;
- A partner is obsessed<sup>3</sup> with the belief that the family should be reunited **AND** there are other indications that a family member's life or well-being could be in danger;
- A partner's actions indicate an escalating pattern of physical and or sexual violence against the client or another family member **AND** there are indications that a family member's life or well-being continue to be in danger;
- A partner has abused one or more of the children **AND** there are fears about a child or the children's safety;
- A partner has committed an act of extreme physical or sexual violence against another family member leading to hospitalization;
- A partner has been involved in one or more criminal acts of violence against non-family members, **AND** the acts and the circumstances of the case indicate that a family member's life or well-being could be in danger;
- A partner has a history of obsessive jealousy of the other (indications of obsession: a pattern of repeated allegations of infidelity, calling client a whore or a slut, monitoring phone calls, limiting the client's contact with friends, family, employers and colleagues) **AND** the circumstances of the case indicate a continuing risk that a family member's life or well being could be in danger;
- A partner has sexually abused the client with violence **AND** there are indications that a family member's life or well-being could be in danger;
- A partner has repeatedly violated peace bonds, no-contact orders or restraining orders, **AND** there are indications that a family member's life or well-being could be in danger;
- A partner is depressed or mentally ill **AND** the circumstances of the case suggest that a family member's life or well-being could be in danger;
- A partner has killed or maimed a family pet with the intent of intimidating or controlling another family member **AND** the circumstances of the case suggest that a family member's life or well-being could be in danger;
- A partner has, during or after the separation, destroyed family property in an effort to intimidate and control the client **AND** the circumstances of the case suggest that any family member's life or well-being could be in danger;
- A partner has used or threatened use of a weapon or arson to intimidate or control the client or other family members **AND** the circumstances of the case suggest that a family member's life or well-being could be in danger;
- Police have been involved repeatedly with the family in connection with family conflict, violence or abuse **AND** the circumstances of the case indicate that a family member's life or well-being could still be in danger.

<sup>2</sup> Well-being may refer to either emotional/psychological or physical well-being.

<sup>3</sup> Obsession as opposed to a desire that the family should reunite is indicated when the partner being left does not believe that he or she can live or survive alone without the other partner.

This list is not necessarily exhaustive. Court Social Workers **MAY** refer other cases directly to Legal Aid New Brunswick whenever they have concerns about any family member's safety.

### 6.3.3 Post-Disclosure Procedure

Proper use of the Partner Abuse Assessment Checklist should help to draw out disclosure and provide context to the abuse.

If a woman discloses the existence of an abusive relationship, past or ongoing, the Court Social Worker should, in addition to providing the appropriate response under the Domestic Legal Aid program,

#### ***Address the immediate crisis:***

- Be empathetic and clearly acknowledge that you believe her; provide her with the information she needs; explain the options available and give her choices; refer her to the appropriate resource.
- Determine the level of risk with which she is living.

#### ***Identify the needs:***

Women experiencing abuse have emergency, short-term and long-term needs. The following have been identified as the priority needs of those who have experienced abuse:

- Emergency shelter;
- Financial assistance;
- Police intervention;
- Crisis intervention;
- Medical care;
- Child care;
- Supportive counselling services;
- Legal services;
- Court services;
- Transportation;
- Employment services;
- Addiction services.

A woman leaving an abusive relationship may also have a need for resources for her children. Counselling and other resources for children may be accessed through Mental Health Clinics and Family and Community Services.

#### ***Appropriate resources:***

Consider the appropriate resources for immediate referral. The Road Map to Empowerment in these Protocols Section 5.0 may be consulted. Examine the resources with the woman to determine which she feels would be the best ones for her. These resources include:

- Hospitals and other medical care facilities;
- Emergency shelters for women;
- Transition houses;
- Counselling services;
- Family service agencies;
- Crisis centres and hotlines;
- Police and other law enforcement departments;
- Victim services;
- Crown prosecutors, lawyers, and legal aid;
- Legal advice clinics;
- Food banks;
- Addiction services.

#### ***Taking action:***

Based on the identified needs, the Court Social Worker may select the following courses of action (in no particular order):

#### ***Referral***

Included in this document is a Road Map to Empowerment Section 5.0. This should be consulted before referrals are made to determine their potential for helping. The agency, organization or community group to which the woman is being referred should be notified, and an acknowledgement of its willingness and ability to help should be obtained. It should be checked that the client has transportation to the resource, and that she meets the eligibility criteria. There should also be a follow-up to ensure that the family is receiving the necessary support.

### ***Counselling***

Court Social Workers offer brief and supportive counselling services. They provide information-based counselling to educate clients on the various issues surrounding separation and divorce, aimed at providing the client with the tools needed to make informed decisions about the available options. This may include information about specialized parenting plans for situations in which there has been partner abuse. The support provided by Court Social Workers will help a woman access other tools and resources aimed at helping her leave her partner, if she so chooses, and avail herself of community resources, especially when it appears that her abuser refuses to become involved in abuse counselling. The abuser who refuses to take responsibility for abusive behaviour will continue to be abusive.

### ***Advocacy***

As an advocate, the Court Social Worker plays an important and necessary role in providing basic emotional and psychological support, while helping the woman to locate services for herself and her children.

### ***Domestic Legal Aid (DLA)***

Domestic Legal Aid is a program that helps people with family law matters. Those who have experienced partner abuse in their intimate relationships, non-abusive separating and divorcing couples, parents and/or spouses entitled to support, payors of support and parents whose children are the subject of a custody or guardianship application by Family and Community Services may be eligible to receive assistance under the DLA program. Separating partners who want DLA services must make an appointment with a Court Social Worker. The Court Social Worker will assess the needs of the client and help determine the appropriate course of action. After the initial intake interview, services could include mediation, settlement services, or referral to Legal Aid New Brunswick for the services of a lawyer. Mediation will not be offered in cases involving partner abuse. (This is why Court Social Workers always conduct a Partner Abuse Assessment.) Settlement services will only be provided if there is no danger, and the partner who has experienced the abuse consents. Otherwise,

those who have experienced partner abuse will be referred to Legal Aid New Brunswick. Court Social Workers are specially trained as Family Mediators and Family Mediation may be offered in cases where partner abuse is not a factor. If the partner who has experienced the abuse is referred to Legal Aid New Brunswick, a Family Solicitor may provide free legal advice and/or legal representation on matters such as child and spousal support, custody, access, variations of existing court orders, restraining orders and, in some instances, a division of routine marital property (with total equity not greater than \$20,000). The Family Solicitor will try, whenever possible, to assist with a legally binding settlement of the issues without the need for a formal Family Court hearing. All forms of partner abuse – physical, sexual, psychological, emotional, financial and sexual abuse – are considered when the Court Social Worker assesses someone for abuse. Court Social Workers also assist with referrals to other government or community resources. Appointments with the Court Social Worker for Domestic Legal Aid services are free and confidential. Below are brief descriptions of two different settlement services that Court Social Workers provide;

### ***Settlement Service***

The Settlement Service is an option that is available only in cases where there has been partner abuse that contraindicates the use of mediation, and may only be considered when there is no imminent risk of harm, and the client consents. It must be remembered that a person assessed as a survivor of partner abuse is eligible for a referral to Legal Aid New Brunswick for the services of a Family Solicitor. The Settlement Service exists to provide an alternative to litigation for persons assessed as partner abuse survivors. The decision to use the Settlement Service must be an informed decision, and voluntary. Even after a client has chosen to try the Settlement Service, she or he may choose at any time to withdraw and ask to be referred to Legal Aid New Brunswick. If the client chooses the Settlement Service, the Court Social Worker will then help to facilitate the exchange of information and proposals between the client and the former partner. If an agreement is reached, the Court Social Worker will help with any

necessary documentation to give legal effect to the agreement. There are no joint meetings. Instead, each partner is met with separately to resolve Family Law issues such as custody, access child/spousal support, variations, possession of the marital home, restraining orders and some routine marital property issues. The Settlement Service is not offered or continued if it would result in unreasonable delay for the survivor of abuse.

#### **6.3.4 Family Mediation**

Family Mediation is a process where a specially trained neutral third person, a Court Social Worker, facilitates negotiations between two individuals who have ended their relationship, to resolve family law matters. The Mediator guides their discussions without making recommendations and, instead, enables the two parties to make their own decisions about their issues and/or children. This process is not marriage counselling nor therapy and it takes place in a confidential manner. Each party is asked to sign a Mediation Retainer contract before starting the formal mediation process. It is important to note that mediators do not advocate on behalf of either party, but remain neutral throughout the process of assisting the parties to create their own agreements. Before starting joint Mediation sessions, the Family Mediator meets with each partner separately so that she/he can assess the situation to determine that Mediation is an appropriate way for each person to resolve her or his family law issues. Family Mediation is not suitable for all separating partners. The Court Social Worker/Mediator must assess for the possibility of partner abuse, and if partner abuse is a factor, they will not offer Mediation. In Mediation, the Mediator needs to know that decisions relating to family law issues are made voluntarily and free from intimidation by the other partner. Family Mediators do not replace Solicitors and recommend that each party consider

consulting a lawyer for legal advice both before deciding to meet with a Mediator and throughout the Mediation process. Family Mediation is free and people must call to make separate appointments to meet with a Family Court Mediator by calling the phone numbers at each Court of Queen's Bench office.

#### **6.3.5 Family Support Order Services**

Family Support Officers and Enforcement Officers deliver FSOS services consisting primarily of the collection, processing and distribution of support payments and, when necessary, their enforcement. Their clientele – like that of Court Social Workers – consists almost exclusively of persons who have separated or divorced. Separated and divorced persons are considered a higher risk group for partner abuse. Therefore, Support and Enforcement Officers must be sensitive to the needs of those who may have experienced partner abuse, supportive and non-judgemental of the situation and must make themselves aware of the services that Court Social Workers offer.

#### **6.3.6 Commitment of Family Court Services**

All Family Court Services staff are required to be familiar with the contents of the Woman Abuse Protocols. It is imperative that staff know what steps to take when encountering someone who has experienced partner abuse. Referrals must be made quickly, always keeping in mind the needs of the client. Staff must be aware that the issue of partner abuse is a possibility and should always be sensitive to this fact. They must also be able to direct clients to the appropriate person if partner abuse is disclosed. While acknowledging that all staff are not experts, and are not all qualified to perform assessments for abuse, all Family Court Services staff have an obligation to be sensitive, supportive and non-judgemental when assisting any person who may have experienced partner abuse.

## 7.0 Department of Public Safety Intervention Guidelines

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### 7.1 Introduction

The Department of Public Safety contributes to the protection of society by providing leadership in the areas of law enforcement, crime prevention and the delivery of a full range of community-based services and correctional programs, services and interventions to offenders. It also assists victims of crime through the provision of services to support their recovery and to enable their participation in the criminal justice process.

The Department recognizes that no one system can by itself resolve the issues surrounding violence against women in personal relationships. The coordination and use of both social and legal interventions is therefore critical to ensure adequate services to women with a minimum of interference, to help create a safe environment in which the woman can recover and to provide maximum opportunities for the control and treatment of perpetrators of abuse. Service providers shall also be sensitive to the woman’s needs when responding to situations where abuse has taken place.

The integrated service delivery model incorporated in these protocols is also rooted in the concept of Regional Resource Planning and Action Networks. The intent of these networks is to develop a coordinated and integrated response to working with women victims of abuse. Networks will be established in each region and participation by the Department of Public Safety through Police Forces and Community and Correctional Services professionals will be determined by each committee depending on the needs of the community.

Protocols have been developed for all professionals and reference should be made to the various sections of this document to better understand the roles and responsibilities of each profession. The protocols outlined in this section are aimed at assisting Police Forces and Community and Correctional Services professionals in better responding to situations where woman abuse has taken place.

### 7.2 Policing Services

The Criminal Code specifies that Police Forces are responsible for the criminal investigation process, which includes responding to the immediate domestic crisis, gathering sufficient evidence and collaborating with the Crown Prosecutor with respect to charges, where warranted.



Police Forces have written policy regarding procedural sequence of duties relating to complaints of abuse that are taking place, or may have occurred. The following protocols have been developed to further enhance existing policies specifically relating to situations of violence against women.

### 7.2.1 Receiving a Complaint

Upon receipt of the initial complaint that abuse is taking place, preliminary information gathering is critical to further the investigation. Whether the complaint is initially received by a Dispatcher or a Police Officer, the following information should be determined:

- Whether the woman is in immediate danger;
- Whether there are children present;
- The extent of injuries, if any;
- Type of medical assistance that may be needed;
- Whether or not any of the parties are armed and if so, the type of weapon involved;
- Location of the parties within the home and what they are doing;
- Background records check to determine previously reported incidents involving the parties and the probable danger involved;
- Any pertinent information regarding the emotional state of the parties involved.
- In cases where a Dispatcher receives the complaint, all relevant information shall be passed on to the investigating officer. In some cases, the Dispatcher may keep the woman on the line or urge her to leave the residence and meet the responding officers outside. Maintaining contact can also ensure the latest status is known when the officer arrives on the scene.

### 7.2.2 Pre-entry Procedures

Upon arrival at the scene, the responding Police Officer should consider, if possible:

- all known factors provided by the complainant;
- the extent of the danger to all parties present, to decide on a planned approach (i.e.: type of home entry)
- the identity and location of surrounding witnesses, if any;
- if situation permits, conduct preliminary interviews with witnesses;
- the latest emotional state of those involved.

### 7.2.3 Entry Procedures

The responding Police Officer's discretionary approach is dictated by circumstances, considering that:

- When conditions permit, the officer should introduce him/herself, give an explanation of the police presence and request entry into the home;
- If entry is refused, the officer should calmly explain that he/she understands the citizens' feelings, but that he/she is there to help them and must ensure that there is no serious trouble inside;
- The emergency nature of the complaint and the refusal of the citizen to allow the officer into the home may require that a forced entry be made. Determining circumstances for forced entry may include:
  - cries for help;
  - visible weapons;
  - obvious signs that a struggle has occurred;
  - an eye witness account that a crime has occurred, and that the victim is still in the home.

### 7.2.4 Immediate Action

It is critical for any situation to be brought under control and immediate action must therefore be taken, including:

- locating all involved as soon as possible;
- controlling potential and immediate danger;
- rendering first aid if necessary;
- separating children and others not directly involved, for their protection;
- conducting an appropriate investigation.

### 7.2.5 Investigation

The officer(s) have an obligation to investigate to:

- determine the facts/background of the incident;
- assess any imminent danger of the parties involved;
- appropriately divert parties involved away from that danger;
- notify the appropriate authorities relative to the assault (i.e. Department of Family and Community Services if children are at risk);
- provide the victim with an Impact Notification Card as soon as possible;
- refer the victim to the Police-Based Victim Assistance Coordinator (where operational);
- make note of spontaneous statements and take "Warned" statements as required, at the scene or when possible at a later time and place.

To facilitate the task of the front-line officer, the following observations are critical to the complexities of the assault:

### 7.2.6 Injuries

The absence of external visible injury does not mean that the victim has not been assaulted. It is therefore critical that the following be considered:

- Check with the victim for reported injuries and note response;

- Where visible injuries are observed, photographs are appropriate, when possible;
- Ensure safety and recommend medical attention as required;
- Ensure the victim and children are re-located to a safe environment, where necessary;

### 7.2.7 Arrest Considerations

Some determining factors to review when considering an arrest:

- the seriousness of the assault, including the injuries to the victim;
- threats of weapon use;
- history of violence;
- attitude of offender;
- threats of further violence;
- any other pertinent factors that would influence the discretion of the investigator(s).

### 7.2.8 Legal Proceedings

When an investigation is completed and it is determined that an offence has been committed and a charge should be laid, the Police investigator shall present the matter to the Crown Prosecutor. While it is recognized that the police have the right to lay a charge, the decision as to whether or not to proceed to Court with the charge rests with the Crown Prosecutor as the agent of the Attorney General.

The investigating officer will prepare a fully detailed report to be submitted to the Crown Prosecutor, containing the following:

- a summary of the officer's own investigation, including relevant victim information;
- a copy of the complainant's statement;
- a copy of all witness statements;
- a copy of the accused's statement, if any;
- any certificates, medical reports, drawings, maps or photographs;
- a list of any exhibits which will be needed at a trial.

When the decision has been made to refer the matter for criminal proceedings, the police investigator and/or Police-Based Victim Assistance Coordinator (where operational), shall ensure that the Provincial Victim Services Coordinator is notified, for victim access to services including:

- Trauma Counselling;
- Court Preparation and Support Program;
- Victim Impact Statement;
- Compensation for Victims of Crime Program.

Please refer to Victim Services section (7.3) for further detail on the Provincial Victim Services Program.

### **7.2.9 Police-Based Victim Assistance Program**

If a Police Force operates a Police-Based Victim Assistance Program, the following services can be provided in cases of woman abuse:

- support during the immediate crisis and throughout the criminal justice process;
- consultation at the hospital with the woman experiencing abuse;
- discuss the importance of making a safety plan (and assist if requested);
- arrangements for a safe home or shelter as needed;
- statements regarding the alleged offence;
- referrals to appropriate community agencies;
- support and provision of information relating to the court process;
- referrals to the Provincial Victim Services Coordinator for all matters pertaining to Trauma Counselling, Court Preparation and Support, Victim Impact Statements, and Compensation for Victims of Crime;

In all cases of violence against women, the investigating officer shall refer the matter to the Police-Based Victim Assistance Coordinator (where operational). If a Police Force does not operate a Police-Based Victim Assistance Program, the investigating officer shall refer the matter to the Provincial Victim Services Program. Please refer to

Victim Services section (7.3) for further detail on the Provincial Victim Services Program.

The Police-Based Victim Assistance Coordinator may have access to police files for relevant information pertaining to the case which will assist in determining support services required. This includes information relating to the arrest, show cause hearings, conditions of release, plea dates, and sentencing. An important function of the Police-Based Victim Assistance Coordinator is to provide effective communication with Police, Crown Prosecutors and the Provincial Victim Services Coordinator. Linkages with these officials are critical to ensure proper communication throughout the legal process.

In the course of dealing with the woman experiencing abuse, the Police-Based Victim Assistance Coordinator may have direct contact with the alleged abuser and may as a consequence, witness a voluntary admission of guilt. A Court may see the Victim Assistance Coordinator as a “person in authority”. Therefore, when an accused person makes a statement to a “person in authority”, the statement in order to be admissible in Court must be proven to be given voluntarily and the appropriate Warning must have been given.

### **7.2.10 Statistics**

In accordance with Statistics Canada Uniform Crime Reporting (UCR) and Provincial data requirements, Police Forces will keep pertinent information on occurrences involving woman abuse.

## **7.3 Victim Services**

The Department of Public Safety, Community and Correctional Services Division, is responsible for the provision of a range of support services to victims of crime, ensuring that they are adequately and fairly served by the Criminal Justice System and with a minimum of necessary inconvenience. It is also essential that victims be informed of the rights and remedies available to them.

The objectives for Victim Services are:

- To ensure public safety through the provision of quality services for victims of crime;
- To reduce harm done to victims;
- To establish a continuum of services for victims.

The following guidelines have been developed to specifically address the delivery of services to women victims of violence.

### 7.3.1 Intake / Case Assessments

In cases of violence against a woman, where the incident has been reported to the police and subsequently referred to Victim Services, the Coordinator will establish contact with the victim, informing of available services and determining the level of assistance requested.

When interviewing a woman who has experienced abuse, Coordinators will:

- Explain the services available through Victim Services as well as other services available in their local area;
- Review the cycle of violence, providing assurances that nothing she has done justifies the abuse;
- Discuss the importance of making a safety plan (and assist if requested);
- Make referrals for services to community agencies as appropriate;
- Provide information on the effects of family violence on children where appropriate;
- Determine in consultation with the Crown Prosecutor if the victim and her children who have witnessed the violence should participate in the Trauma Counselling program.

### 7.3.2 Trauma Counselling Program

The Trauma Counselling Program is available to assist women and their children who may have witnessed the abuse and are experiencing trauma to the extent that they are unable to cope with daily activities. The purpose of Trauma Counselling is to assist victims who, as a result of their victimization, are traumatized and need assistance to facilitate them testifying in court.

The Department of Public Safety, Victim Services provides for direct payment for Trauma Counselling by a registered therapist of the victim's choice (to a maximum of 10 sessions).

### 7.3.3 Court Support and Court Preparation Programs

The objective of the Court Support and Court Preparation Programs are :

- To provide information concerning court procedures and the rights and responsibilities of victims who are compelled to testify in criminal proceedings;
- To help alleviate fear through the provision of support;
- To promote a safe environment throughout the court process.

In cases of violence against women, upon request or referral, the Victim Services Coordinator will:

- Arrange to meet with the victim prior to the first court appearance to determine the level of direct involvement requested;
- Respond to specific questions;
- Provide relevant information concerning the victim's rights, responsibilities and roles as a court witness;
- Explain the court process, role and responsibilities of court officials;
- Liaise with the Crown Prosecutor's office and identify any special needs or circumstances of the victim prior to or during the court proceedings;

- Ensure that the necessary Court support is in place, including the accompaniment of the victim, prior to required Court appearances;
- Advise the victim of the outcome of the court proceedings, including any court imposed conditions which may be applicable to issues of personal safety and responsibility with respect to any perceived violations (i.e.: no-contact order).
- Advise the author of the right to read the statement aloud at the sentencing hearing or present it in any other manner that the Court considers appropriate (ie: video conference, videotape, audiotape)
- Provide information on the Victim Impact Statement transportation program to assist direct victims or survivors to be able to attend and read their statements in court.

#### 7.3.4 Victim Impact Statement Program

A Victim Impact Statement is a written statement that describes the harm or loss suffered by the victim of a criminal offence. The court considers the statement when determining the sentence of the offender. Providing a Victim Impact Statement is voluntary. However, once filed with the court, the statement becomes a matter of record and the victim may be called upon to defend its content. The victim may read the statement aloud at the sentencing hearing if she chooses.

A **Court Victim Impact Statement** must be completed on an approved form and filed with the Court. The offender's counsel receives a copy of the statement.

For court ordered victim impact statements, Victim Services Coordinators will:

- Notify the victim of the right to prepare a written statement once the offender has been found guilty;
- Provide the Victim Impact Statement Form to the victim;
- Provide guidance in the preparation of the statement, ensuring appropriate content as required by legislation / regulation and assist with any reported limitations and/or disabilities;
- Ensure that the victim fully understands that she may be subject to cross-examination on its contents;
- Once completed and signed by both the author and the Coordinator, the statement will be filed with the Court prior to the sentencing hearing (and in accordance with Court procedure concerning time limitations);

A **Review Board Hearing for a person found Not Criminally Responsible** will consider the written Victim Impact Statement of the victim in accordance with Section 672.5(14) of the *Criminal Code*. Updates of Victim Impact Statements and victims of offenders found not criminally responsible can make appearance at review board hearings. The Department of Public Safety Victim Services Coordinator will advise the victim at the time of sentencing on the procedures for registering to attend review board hearings and will advise of pending hearing dates. Accompaniment to hearings will be done on a victim request basis.

A **Parole Board Victim Impact Statement** must be completed on the approved National Parole Board Form and forwarded to the National Parole Board prior to the Parole Board Hearing. The victim must register for information and must make an application to the Parole Board to present the statement at the parole hearing. Victims may describe the impact of the crime and any changes since sentencing as well as address any concerns they have for their safety or the safety of the community.

Under the *Criminal Code* **Section 745.6 Hearing**, the Court will consider an updated Victim Impact Statement when an offender sentenced to life makes an application for a reduction of his parole eligibility period. The victim is able to read the updated statement in court at the time of the hearing. Financial assistance from Justice Canada is available to attend these hearings. A Victim Services Coordinator will provide information and assistance in applying for the federal funding to attend these hearings.

### 7.3.5 Sentencing Follow-up

The Victim Services Coordinator will:

- Provide debriefing to the woman following any court procedures;
- Advise the victim of the outcome of the sentencing hearing;
- Should the offender be sentenced to a period of incarceration, forward a copy of the Victim Impact Statement to the appropriate correctional facility;
- Provide information to the victim on how to register with Correctional Services Canada or a provincial correctional facility for information on the release of the offender;
- Provide, where applicable, information on the Mental Health Review Board hearings and outcomes.

### 7.3.6 Compensation For Victims of Crime Program

This program is available to victims of a violent crime who have suffered personal injuries or losses as a result of the crime. The intent of the program is to recognize that a crime has occurred and to assist victims with critical expenses that are directly the result of being victimized.

In cases where violence against a woman has taken place, the victim may be eligible for such benefits as: short term counselling, relocation expenses, medical expenses not covered by Medicare and possibly pain and suffering. Compensation must be applied for and there are limits on the benefits. Assessment will be made on a case by case basis.

In cases of violence against women, Victim Services Coordinators will:

- Provide the woman with an application form for Compensation For Victims of Crime and explain the program including maximum benefits prescribed in law;
- Make referrals to registered therapists of the victim's choice for short term counselling and arrange for direct payment (maximum 10 sessions);

- Assist with financial payment for relocation expenses such as moving expenses, damage deposit, first month's rent to a maximum of \$600.

### 7.3.7 Continuum of Care

Victim Services also liaises with transition homes and other community services for violence against women, to provide a continuum of care on a case by case basis. Examples of services include, but are not limited to:

- Upon referral from a transition home, arrange for interpretation services for immigrant women;
- Meet and explain services provided by Victim Services including referral for counselling, court assistance and relocation assistance if the incident has been reported to the police;

## 7.4 Probation Services

The Department of Public Safety, Community and Correctional Services Division, has overall responsibility for the delivery of community-based programs and services to adult offenders, as provided by Probation Services. In cases dealing specifically with violence against women, Probation Officers are responsible for the supervision and treatment of perpetrators of abuse, as well as women experiencing abuse who have also come into conflict with the law.

### 7.4.1 Pre-Sentence Report

In the normal course of their duties, Probation Officers are often called upon to provide background information on the accused person at the sentencing stage of Court proceedings. While the contents and procedural direction with respect to the preparation of Pre-Sentence Reports are strictly mandated by the *Criminal Code* and Departmental Policy, the following protocols have been designed to assist with report preparation in cases where the offender is awaiting sentence for an offence where violence against a woman has taken place. The Probation Officer shall:

- Discuss the circumstances of the offence with the offender;

- Assess the offender's attitude towards the offence and willingness to participate in treatment programs;
- Consult with the Victim Services Coordinator to determine if a Victim Impact Statement has been prepared;
- Attempt to contact the victim for the purposes of conducting an interview to verify facts provided by the offender and to obtain information that may assist the Court for sentencing purposes;
- Provide some guidance on how/where to access local resources offering family support / counselling services, as requested;
- Ensure that the victim is aware of the services offered through Victim Services and assist in establishing contact with the Coordinator as deemed necessary;
- Inform the Court of any community-based treatment programs available to the offender.

#### **7.4.2 Supervision Issues**

In cases of violence against women, Probation Officers may also be called upon to supervise individuals released in the community under various court imposed orders and conditions. They include:

##### ***Recognizance Orders***

In instances where a Recognizance Order with a condition to report to a Probation Officer is imposed upon an accused person who has allegedly committed an offence involving woman abuse, the supervising Probation Officer shall:

- Review the conditions of the Order with the accused person, emphasizing any specific conditions restricting contact with the victim and the implications of violating the order;
- Establish and maintain a reporting schedule with the accused person;
- Notify the police if the offender fails to comply with the conditions of the Recognizance Order.

##### ***Peace Bonds***

When a Peace Bond is issued with a condition that an individual report to a Probation Officer, the supervising Probation Officer shall:

- Review the conditions of the Order with the individual, emphasizing any specific conditions restricting contact with the victim and the implications of violating the order;
- Establish and maintain a reporting schedule with the individual;
- Establish contact with police to ensure that ongoing communication occurs concerning the conditions of the Peace Bond;
- If the victim advises of contact by the accused (where such restriction exists), notify the police of the condition violation for investigation.
- Inform the Court of any community-based treatment programs available to the offender.

##### ***Supervised Probation Orders & Conditional Sentence Orders***

When one of the above listed orders is imposed upon an offender involved in violence against a woman, the supervising Probation Officer shall:

- Develop a case plan, based on the information gathered from all collateral sources and assessment results from the Level of Service Inventory;
- During the initial and subsequent meetings with the offender, review the conditions of the Order emphasizing specific conditions restricting contact with the victim and the implications of violating the Order;
- Develop a reporting schedule with the offender;
- Where there is a treatment condition, refer the offender for assessment and admission into the appropriate treatment program;
- Ensure that offenders are attending program sessions as required;
- As part of the case management approach and where appropriate, the Probation Officer will provide a list of available community resources that offer family support / counselling services;

- In cases where the supervision follows a period of incarceration, contact with the offender will be established upon release, and information concerning behavior and programs attended in custody will be obtained from the releasing facility and the Client Information System;
- If the victim advises of contact by the offender (where such restriction exists), notify the police of the condition violation for investigation;
- In cases where an offender who is under supervised **Probation** fails to comply with conditions of the Order and if charges are being considered, the Probation Officer may consult with the Crown Prosecutor and will refer the matter to police for further investigation and possible charges;
- In the case of a **Conditional Sentence Order**, if the victim advises of contact by the offender (where such restriction exists), prepare a report to the Court, outlining the circumstances of the violation and requesting that a warrant of arrest be issued, along with a Judicial Breach Hearing date.

### 7.5 Correctional Facilities

The Department of Public Safety, Community and Correctional Services Division has overall responsibility for the delivery of programs to adult offenders confined to Provincial Correctional Facilities. The Division also has the responsibility of holding remanded persons.

Adult offenders imprisoned for a period of less than two years are confined in a prison or place of confinement within the province in which they are convicted. While the place of confinement would normally be a place other than a (federal) penitentiary, the province of New Brunswick has entered into an agreement with Correctional Services Canada in which adult male offenders serving a term exceeding one year are transferred to a federal penitentiary located within the Province. Offenders convicted of sexual offenses and who received a sentence in excess of six months are also subject to this transfer.

The following protocols have been developed to respond to adult offenders who have been charged and/or sentenced to offences involving violence against women:

#### 7.5.1 Admission Procedures

Upon admission of an offender to a Correctional Facility, the Institutional Programmer shall:

- Determine where possible, if the nature of the offence involves woman abuse from the warrant of committal, Remand Order and any other collateral information.
- In cases where violence against a woman has been confirmed, advise the Shift Supervisor who will ensure that case planning activities and appropriate communication guidelines are enforced to protect the victim.

#### 7.5.2 Telephone Communication

- The Institutional Programmer shall determine if there is a court order with a condition restricting contact with the victim;
- Where there is no court ordered condition restricting contact, and the offender requests telephone communication with the victim, the designated correctional staff member will contact the victim to determine whether the communication is welcomed and, if so, whether a request is made to monitor the call;
- If the victim agrees to receive the call and requests that it be monitored, a designated correctional staff shall be present to monitor the call, ensuring that no harassment or threat is made towards the victim;
- Where the offender making the request is under a remand status, the Superintendent shall notify the Crown Prosecutor to determine whether there are any objections to the request being granted;
- In the event of misuse of the telephone, the offender may be subject to internal disciplinary measures as may be imposed by the Superintendent or designated staff member.



### 7.5.3 Correspondence

- The Institutional Programmer shall determine if there is a court order with a condition restricting contact with the victim;
- If there is no condition restricting communication with the victim, the designated correctional staff member will contact the victim to determine whether the correspondence would be welcomed;
- Outgoing correspondence to the victim shall be screened by a designated correctional staff member prior to mailing, to ensure appropriate content (ie.: no threats, harassment, etc.)

### 7.5.4 Case Planning

- Where the offender is subject to the classification process, a case plan will be developed taking into consideration the treatment needs, the dynamics of violence against women and release planning;
- The case plan may include services offered within the facility and referrals to outside community agencies offering appropriate services;
- Release planning shall include referrals for follow-up services and, in cases where probation is to follow a period of custody, Probation Services shall be advised of the upcoming release date;
- Where a female victim of abuse is involved in the institutional setting as a result of being in conflict with the law, programming is offered within the correctional setting to assist the victim in dealing with such events. Pre-release planning in such cases may include referrals to appropriate community agencies upon release;
- All relevant information shall be entered into the Client Information System.

### 7.5.5 Temporary Absence

- Upon receipt of an application from the offender for Temporary Absence and prior to making a recommendation, the institutional classification committee/case manager shall review the offender's institutional behaviour, involvement in programs, demonstrated

attitudinal change and potential risk in the community;

- As part of the community assessment, the designated correctional staff member will attempt to contact the victim (either directly or through the Victim Services Coordinator), for comments relating to the offender's request for early release;
- Comments made by Probation Services (where applicable) shall be considered as part of the community assessment and decision-making process;
- The circumstances of some criminal offences, normally associated, but not limited to, sexual misconduct, and serious violence may cause negative public reaction to an inmate's release and therefore, potential risk to the inmate and/or community. These offenders are considered high profile and a Temporary Absence will be considered only after consultation with the Regional Director and the Temporary Absence Coordinator/Operational Consultant;
- When a Temporary Absence is approved, the Superintendent/ Regional Director shall prepare the Temporary Absence Certificate outlining the terms, conditions, and restrictions for the release. The designated correctional staff member shall explain all conditions to the offender prior to the release;
- The designated correctional staff member shall attempt to contact the victim (either directly or through the Victim Services Coordinator), for notification of the pending release and associated conditions;
- In cases where the victim reports having been contacted by the offender (where such restriction exists), the Temporary Release may be revoked by the Superintendent / Regional Director.

### 7.5.6 Offenders Escaping Custody

When an offender escapes custody or becomes unlawfully-at-large, the Superintendent or designate will immediately inform the police, and attempts will be made to contact the victim (either directly or through Victim Services).

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### 8.1 Introduction

In response to government’s commitment to respond effectively to violence against women in personal relationships, the health care system plays an important role in providing primary sources of care and support. To guide the delivery of services to victims and their abusers by the

health service system at large, the Department of Health and Wellness (DHW) has developed the following protocols. The protocols apply to the province’s health care facilities, agencies and staff, and can assist in the development of appropriate service-based policies and procedures to improve the identification and management of woman abuse cases under their care.

Defined policies and procedures need to address early identification, prevention of secondary abuse, appropriate referral, and integration and coordination of services. The care program should ensure that the woman is always the focus of any intervention, and that the safety of other dependent family members is ensured. To address the client’s physical, psychological and practical needs, available community resources will be identified. Staff will develop information exchange and referral procedures with a wide range of community supports in a planned systematic manner.

The complexity of abuse against women and the broad range of services required cannot be met by any one discipline or agency. Health services can play a leadership role in the community by bringing the problem to community attention, and by advocating for and participating in a multi-disciplinary inter-agency and community/regional team to secure essential and coordinated support for those encountering woman abuse and their abusers.

The Department of Health and Wellness, through its Human Resource unit, also has a responsibility toward its employees, and is subject to relevant sections of the following protocols. Employees experiencing abuse in their personal relationships can obtain support by referral through proper channels or under the Employee and Family Assistance Program (EFAP). The Department recognizes it has a responsibility to participate in government’s greater efforts to make New Brunswick free of abuse and violence. Information on woman abuse will be provided to create awareness among staff and to enable them to act as responsible and caring citizens. This may include posting links and information on the DHW website, training for staff, and providing safe and secure workplaces.

The Department of Health and Wellness provides a full range of health-related services through the regions. Staff and physicians working in program/service areas may, in the course of their duties, encounter or suspect woman abuse. These protocols have been developed with the following DHW service groups in mind. Their roles in responding to violence against women in personal relationships are also outlined.

### **8.1.1 Emergency Medical Services (EMS)/Ambulance**

Prehospital care providers must understand the unique problems inherent in situations where they encounter or suspect woman abuse.

Responsibilities include: detection, including recognition of victims and their injuries, an understanding of patterns of abuse and how this affects care; care of the victim using standard protocols and procedures; safety of the client and any children present or elsewhere, and of the provider; preservation of evidence following established crime scene protocols and requirements; documentation; reporting and informing the receiving facility of any suspicions and observations.

### **8.1.2 Emergency Department**

Emergency Department personnel provide urgent or emergency care to victims of woman abuse. Responsibilities include: detection; providing safety to the client and children, as well as staff; assessment and prioritizing needs (triage); treatment and management of immediate symptoms and problems; referrals for support and counselling, both immediate and long term; documentation.

### **8.1.3 Mental Health**

Community Mental Health Centres are established in every health region in the province along with satellite centres in outlying areas. Mental health staff may detect abuse during the course of a therapeutic relationship with a client. The following services are provided to women who experience abuse: screening and assessment of depression, anxiety, and other psycho-social problems; crisis intervention for women in situational crisis (eg. experiencing the

accumulated stress of living in a violent relationship), or in suicidal crisis; supportive and dynamic counselling; referral to other community resources as indicated by the needs of the woman/family.

### **8.1.4 Public Health**

Public health staff, by virtue of their broad area of involvement and non-threatening working relationships with individuals, families and communities, are in a unique front-line position to make a significant contribution to primary prevention, early identification, intervention, referral, and follow-up of abuse situations. In particular, information may be divulged during sexual health counselling or prenatal/postnatal/early childhood visits that indicates woman abuse.

### **8.1.5 Extra-Mural Program**

This program provides comprehensive health care services to New Brunswickers in their home and/or community. EMP staff may encounter or suspect woman abuse by virtue of visiting a client or home while delivering core services. Their role includes detection and screening, initial intervention, referral, and follow-up.

### **8.1.6 Tele-Care**

Experienced nurses provide telephone triage and advice for non-urgent health conditions, 24 hours a day, 7 days a week, through a toll-free line. Callers may disclose situations of woman abuse where the nurse would provide triage advice, preliminary counselling and referral.

### **8.1.7 Community Health Centres**

CHCs are being established in various parts of the Province. They will provide a comprehensive range of community-targeted primary health care services, around the clock, making them a valuable part of the system in responding to women who experience abuse. Their role includes: primary prevention; health education; detection; providing safety to the client and children, as well as staff; assessing and prioritizing needs; initial treatment and management; referrals for support and counselling, both immediate and long term; documentation.

### 8.1.8 Addiction Services

Addiction Services provides community-based services from education and prevention to treatment and counselling to individuals, families and communities coping with substance abuse, problem gambling and smoking cessation. Clients, on an outpatient or inpatient basis, may disclose woman abuse to Addictions staff who provide detection, screening, treatment, counselling, referral and prevention services as part of their role in responding to woman abuse.

### 8.1.9 Health Care Professionals

Health care providers are a key link not only in the treatment of immediate symptoms, but in arranging followup support and specialized counselling. Women experiencing abuse may need support with accessing the family court system, accommodation and financial support. Enabling an effective referral system plays a major part in empowering those affected to break the cycle of violence in their lives. Physicians, either in their office, at the hospital or in the community may be the first point of contact for women experiencing abuse. Their role includes detection, assessment, treatment, counselling, and referral.

### 8.1.10 Reporting Legislation Affecting Health Workers

Health care staff must be cognizant of and understand their obligations under several pieces of New Brunswick legislation. Employment policies should reflect these obligations. The *Education Act*, all private health legislation amended by or enacted following *An Act Respecting Health Professionals*, and the *Medical Act*, require mandatory reporting of alleged sexual abuse of a patient or client by a person regulated by one of the specified acts. Mandatory reporting of child abuse and/or neglect is legislated under the *Family Services Act*.

A section of the *Education Act* makes it mandatory to report whenever “school personnel” subject a child (under the age of 19) to actions which have, or are likely to have, “an injurious effect on the (child’s) physical, mental, social or emotional well-being”. Under subsection 30(10) of the *Family Services Act*, this duty applies to school personnel

and to other professionals who “by virtue of their employment or occupation have a responsibility to discharge a duty of care towards a child”.

*An Act Respecting Health Professionals* and the *Medical Act* impose a legal obligation on health professionals to report any cases of alleged sexual abuse by other health professionals to that professional’s regulatory body. Failure to file a report when the professional knows the alleged abuser’s name constitutes professional misconduct under his/her own professional legislation. For adult victims of sexual abuse by a health professional, the name of the client can only be disclosed by the reporting professional upon written consent of that person. For minors or persons incapable of giving consent, written consent of the parent, guardian, or representative is required.

Under the *Family Services Act*, it is mandatory for any person (including professionals) to report any situation where the security or development of a child is suspected to be in danger. Protection services are provided to children under the age of 16 and to disabled persons up to the age of 19.

## 8.2 General Principles

- First “Do no harm”. Unsympathetic, victim blaming attitudes could prevent the client from seeking the help that she needs.
- The client has medical rights to treatment, and Charter rights including the right to privacy.
- Consent must be obtained from the client with regard to all interventions.
- The safety of the client is paramount.
- The woman is always the focus of any intervention.

### **8.3 Components of the Protocols Framework**

- 8.3.1 Detection
- 8.3.2 Assessment
- 8.3.3 Client Safety
- 8.3.4 Referrals
- 8.3.5 Confidentiality
- 8.3.6 Reporting to Police
- 8.3.7 Legal Issues
- 8.3.8 Client Records
- 8.3.9 Accessibility of Services to a Diverse Population
- 8.3.10 Data Collection
- 8.3.11 Professional Development
- 8.3.13 Staff Safety
- 8.3.14 Monitoring

#### **8.3.1 Detection**

**Health care facilities, agencies and professionals play a key role in the detection and identification of women who experience abuse in personal relationships.**

All staff with client contact will be familiar with signs and symptoms of woman abuse, as well as the historical, economic and socio-cultural factors contributing to woman abuse.

In-depth screening for violence against women will be undertaken for clients presenting with warning signs. Consideration should be given to using an established screening tool, for example the **Woman Abuse Screening Tool (WAST)**. (Appendix A, Section 8.4)

An algorithm or decision tree to guide actions in responding to suspected abuse is attached as Appendix B (Section 8.5).

#### **8.3.2 Assessment**

**A supportive and holistic assessment that reflects physical, psychological and social needs of clients experiencing abuse will be undertaken. The client's safety, dignity and privacy will be regarded as paramount.**

Initial client entry and triage documentation forms will include essential components that identify clients who have experienced woman abuse.

An assessment checklist resource will be developed and distributed to staff.

The client must give consent, written if possible, with regard to all interventions.

There will be clear and firm guidelines which exclude suspected perpetrators during examination of clients presenting with suspected signs of woman abuse.

Every effort will be made to find a private location in every situation for the assessment of clients presenting with signs of woman abuse.

Every effort will be made to provide female staff for the client throughout.

Where indicated, referrals for comprehensive psychosocial assessment and support will be made to other experienced health professionals.

#### **8.3.3 Client Safety**

**The safety of clients and their children, both at the present time and for the future, will be regarded as paramount in the intervention of woman abuse.**

Intervention goals will focus on promoting safety.

The client's safety and risk will be assessed. If the woman and/or her children are deemed in immediate danger, staff will help her consider alternative courses of action.

Ask if the perpetrator has access to firearms or other weapons. If deemed in immediate danger, contact the police if this is the case.

Women who have suffered abuse should not leave the initial point of contact without a referral being made for follow up services, recognizing the client's right of refusal.

Resource information will be developed that promotes client safety and support (including counselling, social assistance, protection and legal services) and will be made available for distribution by staff.

Discharge plans will incorporate goals that promote the future safety of clients.

Referrals will aim to reduce the incidences of woman abuse so that future needs for services will be lessened.

The Department of Family and Community Services will be informed if there are concerns about children (Family Services Act, 35.1(1)).

### 8.3.4 Referrals

**Promotion of multi-disciplinary intervention and appropriate inter-agency cooperation for woman abuse is critical in enhancing client outcomes. Information and resources provided to clients will be aimed at allowing them to make informed decisions.**

The regional team concept will be the service delivery model of choice, recognizing the importance of an integrated and collaborative community network of supports and services.

A multi-disciplinary approach will be used for clients who have consented to treatment.

Clients will be provided with relevant information to assist them in making informed decisions about accessing available referral options.

Clients will be encouraged to receive follow up support from either social work or community support agencies prior to being discharged.

Inter-agency cooperation will be maintained to assist clients to receive support from other agencies in order to address psychological, practical and legal needs where appropriate. To ensure continuity of service delivery, a case conferencing model will be used.

Information on local perpetrator programs will be maintained.

### 8.3.5 Confidentiality

**Privacy and confidentiality will be maintained except in specific circumstances where the staff deems that there is a risk to the client's life.**

Clients will be informed about the importance for staff to collaborate or share information with other staff to better meet the needs of the client.

Access to client information will be restricted to authorized staff that are, or will be, providing services to the client.

Interpreters are subject to confidentiality provisions.

### 8.3.6 Reporting to Police

**Family and domestic violence is a crime. The police have an important role to play in reducing violence.**

Informed client consent will be obtained when reporting to the police (see sections 8.3.3, 8.3.5, 8.3.7, and 8.3.8). Staff will ensure that clients understand rights and responsibilities around confidentiality and client records where a crime has been committed

Staff will cooperate if police are involved, adhering to agency policies.

### 8.3.7 Legal Issues

**Family and domestic violence is a crime. Access to the justice system is central in reducing the occurrence of woman abuse**

EMS or any staff called to a home will be knowledgeable of the importance of preserving evidence, adhering to agency policies.

There will be an awareness that documentation and proper recording are important from both medical and legal perspectives.

In the event of physical injuries, staff will oversee that thorough documentation relating to the injury is completed.

Clients will be referred to social work or related victim services to ensure that they are assisted in gaining access to the legal system.

### 8.3.8 Client Records

**Careful documentation of domestic violence in client records is essential.**

Thorough and complete client records assist in the provision of continuity of care. The record helps ensure that the client receives appropriate and continuous services and that each professional is aware of the interventions of other team members past and future.

The client record can serve as evidence in legal proceedings, such as criminal prosecution.

Careful attention will be paid to recording all relevant information obtained during assessment.

Relevant photographic evidence, body maps/schematic drawings will be used where relevant.

In relation to the recording of information, staff will be aware that clients may access recorded information in the future.

All documentation will bear a name and signature of the practitioner who attended the client.

### **8.3.9 Accessibility of Services to a Diverse Population**

**Services will recognize and respond to the diverse nature of the client population, ensuring accessibility and relevance.**

Staff will be aware of the complex nature of historical, economic, and socio-cultural factors contributing to woman abuse.

Staff will maintain cultural and social sensitivity.

Where possible, a skilled Aboriginal support worker will be available, with a key role in advocating, supporting and monitoring the Aboriginal client where appropriate. Staff will be familiar with appropriate referral options for Aboriginal clients.

When clients are immigrants or from culturally and linguistically diverse backgrounds, staff will make available interpreters if possible. Telephone interpreters may be utilized if trained interpreters are not readily available or the client expresses concern about confidentiality or where they feel vulnerable.

Staff will be trained and equipped to work with interpreters, including sign language interpreters. They **must not** use partners or children to act as interpreters.

Staff will be aware of factors that increase the vulnerability of women experiencing abuse in rural and remote areas.

Women presenting with miscarriage and pregnancy complications where trauma and abuse are

indicated, or with gynecological problems of suspicious origin, including multiple abortions, will be fully screened for woman abuse.

Staff will be aware of elder abuse and advocate on behalf of the client.

Staff will be knowledgeable on the impact of substance abuse and /or problem gambling on women's lives, and the referral process to Addiction Services.

Staff will be aware of the special needs of people with disabilities that may limit access to services. Staff will take account of capabilities and limitations of a client with disabilities when making intervention and management plans.

Information at the appropriate level for the client will be provided to assist her in understanding her rights and options. Special needs clients, such as those mentally challenged, may require additional time, explanations and information.

During assessment, staff will take thorough histories of clients who present with signs of woman abuse and a history of mental illness. Care must be taken not to stereotype clients or to assume that their problems are related to mental illness. Effort must be made to focus on the problem of woman abuse.

Staff will be cognizant of the psychological and emotional impact that children growing up in violent households may experience even if the abuse is only experienced by the woman. Referral to Family and Community Services for monitoring of children is indicated, as specified in the Family Services Act, 35.1(1). (See also: Child Abuse Protocols)

### **8.3.10 Data Collection**

**The collection of complete and accurate data is essential.**

All staff involved in the documentation of client records will be educated in the importance of maintaining complete and accurate client records to ensure an effective base for data collection.

### 8.3.11 Professional Development

**Staff will be provided with professional development to gain necessary skills in identification and intervention of woman abuse.**

Training in responding to situations of woman abuse will be mandatory for all staff identified in these protocols.

Educational sessions will include but are not limited to:

- Clinical aspects of woman abuse intervention, ie. detection, assessment and intervention;
- Legislation, legal issues;
- Safety, consent and confidentiality issues;
- Impact of woman abuse on children;
- Supporting clients from a diverse population base;
- Effective regional planning and action networks;
- Referral agencies, and the roles and responsibilities of other members of regional teams;
- Impact on staff who provide services to women experiencing abuse.

### 8.3.12 Staff Safety

**The Department of Health and Wellness and regional health authorities have the primary responsibility of promoting a safe working environment for staff who are treating and assisting victims of woman abuse.**

Ensure that staff have a safe working environment in compliance with occupational health and safety legislation. The safety of staff who make home visits will be ensured.

Debriefing and support will be available to staff attending victims of woman abuse.

Staff will be supported regarding personal and safety issues arising in the course of attending cases of woman abuse.

A risk management strategy that limits staff exposure to threats of perpetrators of violence will be implemented.

### 8.3.13 Monitoring

**The Department of Health and Wellness will monitor implementation of its protocols.**

DHW and regional health authorities will ensure the implementation of woman abuse protocols throughout the system.

The Department will review the protocols in consultation with staff, and revise on a regular basis.

## 8.4 Appendix A

### Woman Abuse Screening Tool (WAST)

The **Woman Abuse Screening Tool (WAST)** was developed by Judith Belle Brown, Barbara Lent, George Sas and Gail Schmidt, professors and researchers in the Department of Family Medicine and the Centre for Studies in Family Medicine at the University of Western Ontario in response to requests by a number of physicians. Spanning a 10-year period from 1990 to 2000, its testing and validation involved researchers from Ontario and Quebec in Canada, and New York State in the U.S.

“Women are often reluctant to disclose abuse to their family physicians for numerous reasons including shame, denial or fear of reprisal from their partner. As a result, woman abuse continues to be under detected by family physicians,” says Brown. “Yet studies have shown that when women feel understood, listened to, and validated by their physicians they are more inclined to discuss the abuse.”<sup>1</sup>

WAST, a measure consisting of seven brief questions, ranges in queries from relationship tension to whether patients have been physically or sexually abused by their partner. To test the WAST survey, Brown’s research team had a randomly-selected group of 20 London family physicians use the tool with about 300 female patients during routine visits like physical exams and prenatal care.



Results, published in the October 2000 issue of *The Journal of Family Practice*, show that the first two questions of WAST effectively identify women experiencing abuse while the full WAST measure helps family physicians explore the extent of the abuse. The team also found that both patients and physicians were comfortable with the WAST being incorporated into their regular visits.

“Compared to a decade ago, several reliable and valid screening tools for detecting woman abuse are now available for use by primary care physicians,” explains Brown. “Our results show that WAST now joins that menu of effective tools from which physicians are willing to choose from for use in their family practice.”

Brown adds that screening tools like WAST help to improve detection rates of woman abuse, education of physicians about woman abuse, and comfort levels in both physicians and patients in inquiring about abuse. Since the study’s publication, Brown has had several requests for the WAST from both national and international family practices.

The Western team now hopes to follow up their study by exploring whether or not physicians are continuing to use the WAST in practice. They also hope to examine ways to help family physicians assist women patients once abuse or risk of abuse is identified.<sup>1</sup>

### **Woman Abuse Screening Tool (WAST)**

If the woman answers affirmatively on the first two questions, health professionals should continue with the other questions to elicit the woman’s experience with abuse.

**1. In general, how would you describe your relationship?**

- A lot of tension
- Some tension
- No tension

**2. Do you and your partner work out arguments with:**

- Great difficulty
- Some difficulty
- No difficulty

**3. Do arguments ever result in you feeling down or bad about yourself?**

- Often
- Sometimes
- Never

**4. Do arguments ever result in hitting, kicking, or pushing?**

- Often
- Sometimes
- Never

**5. Do you ever feel frightened by what your partner says or does?**

- Often
- Sometimes
- Never

**6. Has your partner ever abused you physically?**

- Often
- Sometimes
- Never

**7. Has your partner ever abused you emotionally?**

- Often
- Sometimes
- Never

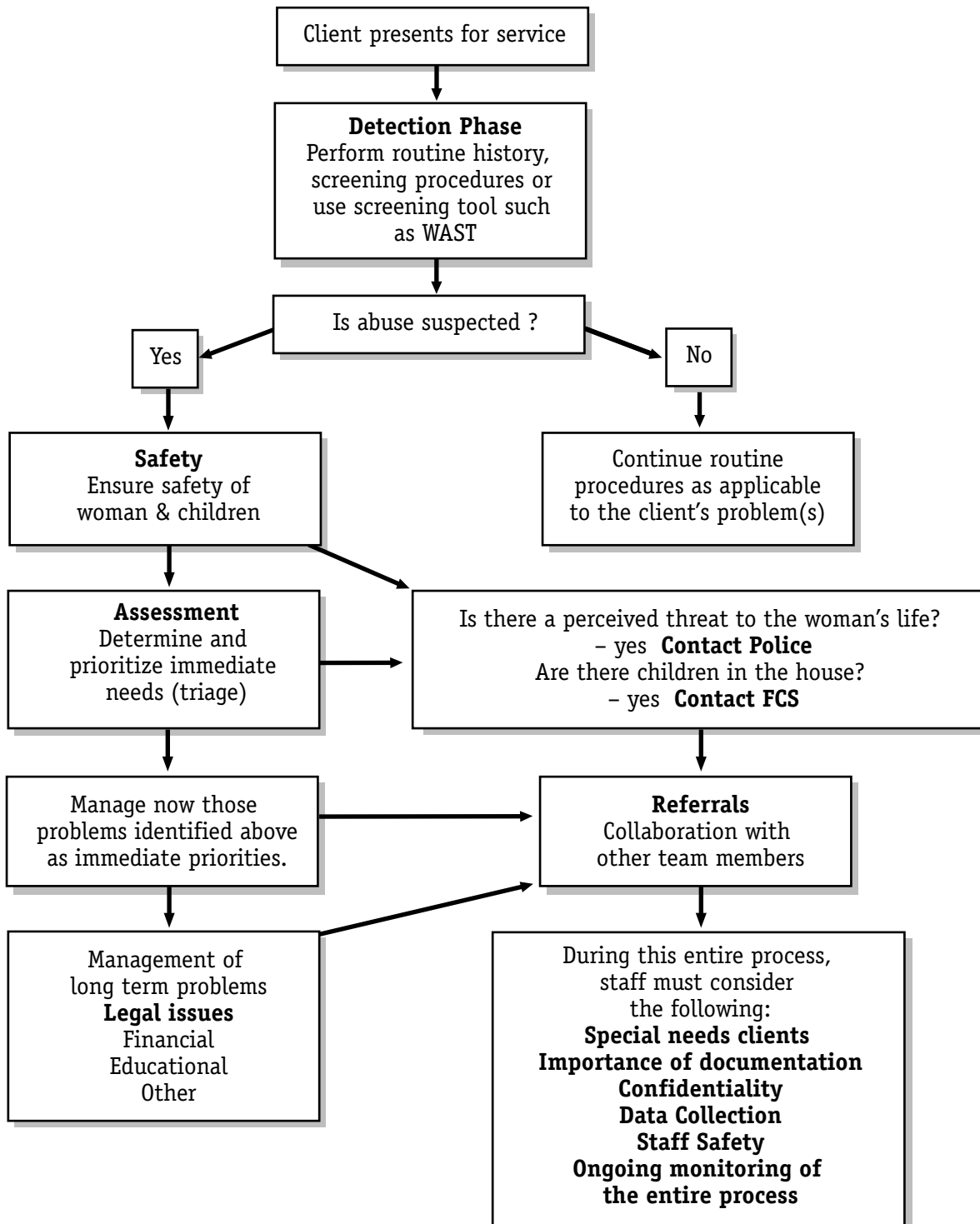
If abuse is disclosed in replies to the remainder of the questions, the health professional should continue the interview by asking the following questions.

1. Do you have relatives or friends who can help you?
2. Are the children in danger?
3. What are your plans?
4. Would you like to speak to a social worker?
5. Do you have a safety plan, in case this happens again?

### 8.5 Appendix B

#### Algorithm

The following can serve as a guide or framework for actions by staff in screening for woman abuse



## 8.6 References

1. The Family Violence Prevention Fund. **"Health Privacy Principles for Protecting Victims of Domestic Violence"** October 2000.
2. Government of Western Australia, Department of Health. **"Guidelines for Developing Protocols on Intervention and Management of Family and Domestic Violence for Hospitals in Western Australia"** September 1998."
3. **"Accompanying Resource Manual for Family and Domestic Violence for Hospitals in Western Australia"** May 1999
4. **"Responding to Family and Domestic Violence: A Guide to Health Care Professionals in Western Australia"** December 2001
5. The Provincial Association of Transition Houses in Saskatchewan (PATHS), **Working with Battered Women: A Handbook for Health Care Professionals**, October, 1990 Revised by: Virginia M. Fisher, PATHS Coordinator and Clinical Preceptor (Domestic Violence), College of Medicine, University of Saskatchewan: Revised August 2001
6. The South Western Sydney Area Health Service. **Domestic Violence Policy and Protocol**, [http://www.swsahs.nsw.gov.au/whealth/Plans\\_DVPolicy.asp](http://www.swsahs.nsw.gov.au/whealth/Plans_DVPolicy.asp)
7. World Health Organization, **Violence Against Women**. [http://www5.who.int/violence\\_injury\\_prevention/main.cfm?p=0000000162](http://www5.who.int/violence_injury_prevention/main.cfm?p=0000000162)

## 9.0 Department of Family and Community Services Intervention Guidelines

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### 9.1 Introduction

The Department of Family and Community Services (FCS) is a client focused organization that is committed to providing assistance and encouraging and supporting clients to be more self-reliant. We are dedicated to taking a woman-centered approach when responding to a woman in transition. We will work with a woman to find solutions as she moves from a life of violence to a life free from violence. We will build on the woman’s strengths and recognize that she is the dominant force in shaping her future and finding solutions to her issues.

Economic security and the availability of a steady and reliable source of income to sustain daily living for herself and her family are critical to allowing a woman to plan for the future. Affordable and safe housing, childcare,

employment opportunities, financial assistance, and basic health services including mental health services, must all be considered as key elements to a woman’s successful transition to self-reliance.

### 9.2 Goal

FCS assists women experiencing abuse in their personal relationships by helping them access the support and services necessary to gain/regain control over their lives, while at the same time enhancing the woman’s safety from physical, emotional, financial and psychological abuse.

These protocols are intended to improve our response to women in transition by complementing existing departmental policies.

### 9.3 Principles

- FCS employees will consider “women in transition”, or women who are identified as being in an abusive relationship as a priority group when determining eligibility for social assistance benefits and other services.
- FCS employees will familiarize themselves with the **Women Abuse Protocols** including the indicators of woman abuse and the cycle of violence.
- FCS employees will be able to provide appropriate and relevant assistance to a woman in transition.
- FCS employees should at all times be sensitive to the client’s freedom of choice – assisting the woman who has left or is leaving an abusive situation should always be responsive to the woman’s needs and stated requests.
- FCS employees will ensure assistance is available through regional offices during regular business hours and after hours through AHES.

### 9.4 Intervention Guidelines

- It is the responsibility of FCS employees to provide assistance to help to meet the financial needs of the woman by assisting her to gain/re-gain control of her life and her self-esteem.

- Interventions should focus on helping the woman explore available options and make informed decisions that reflect the woman's stated needs and goals. This includes providing information about available services and facilitating the woman's voluntary involvement in available services. If safety planning is a priority, the woman will be referred to the appropriate agency.
- FCS employees will ask the woman about the safety of her children. If there are children and there is reason to believe that the woman abuse is such that the security and development of a child is in danger, a child protection referral is made to the local regional office of FCS – Access and Assessment. **Child Protection referrals are mandatory under Section 30 (1) of the Family Services Act.** If an employee is unsure about whether a situation warrants a referral to child protection, the employee will consult Access and Assessment for determination
- FCS employees should believe what she says, take her seriously, take the violence seriously, and do not judge her. Do not in any way hold her responsible for her partner's violence.
- FCS employees will not place the woman in a position where she is forced to contact her abusive partner for information.
- FCS employees will provide any basic information required such as an estimate of the amount of financial assistance she could receive, how other expenses could be covered, the timing for receiving assistance, etc.
- FCS employees will maintain an accurate record of all incidents reported either by the woman or another party: dates, names, relevant comments from clients or others.
- FCS employees will provide information, brochures, lists of community agencies and other resources that may be useful to the woman.

## 9.5 Roles

Supporting a woman's decisions does not relieve the employee of their professional responsibility to share information, including professional judgments, about a particular course of action being considered by the woman.

### 9.5.1 Housing and Income Support

FCS employees delivering Housing and Income Support programs who come into contact with women in transition through the course of their work have a responsibility to assist the woman in understanding the programs and services provided by the Department as well as to make the appropriate referrals to other departments and/or agencies.

- **Screeners** start the application process and advise on possible eligibility for assistance. If client is identified as a "woman in transition", a note will be made on the file. If it is determined the woman is in immediate danger, provide appropriate information to secure her safety (contact numbers for Transition Houses or Police).
- **Needs Assessment Specialists** complete the intake/application process. If requested, the Needs Assessment Specialist will visit the woman in a Transition House. The woman will be advised of the programs and services that may be available to her. If the woman is not in a Transition House, determine if she is in immediate danger and provide appropriate contact information (contact numbers for Transition Houses or Police).
- **Case Managers** work to determine what her needs are and advise of the programs and services that are available to her from the Department. The Case Manager will work with the woman to develop a Case Plan. Case Managers will act as liaison persons between FCS, the client and other Departments and/or agencies when requested to do so.

**The Needs Assessment Specialist and/or Case Manager will be responsible for determining the needs of the woman and understanding her requirements to achieve self-sufficiency and an**

**improved quality of life. Her needs may include housing, household set-up, transportation, daycare etc.**

- **FSOS Liaison Workers** secure consistent child support payments to help single parents prepare for greater self-sufficiency. The FSOS Liaison Worker will make referrals to Court-based services offered by the court social workers in cases where abuse or violence is evident.
- **Program Officers** assist her with the application process for subsidized rental accommodations, evaluate her housing needs and advise her of the availability of programs and services in the Housing sector. The Program Officer when requested to do so will assist the Case Managers, working with the woman, in developing a Case Plan.

### 9.5.2 Family and Community Social Services

In situations of suspected child abuse or adult abuse (abuse of disabled adults or seniors), FCS social workers working in Access and Assessment are in a position to identify, investigate and determine if there is a case of abuse or neglect. Employees will set up services if it becomes an open case. Make referrals to appropriate programs/services if it is not an open case and such a referral is warranted. Access and Assessment is the gateway where reports relating to child and adult protection are received and evaluated.

- **Access and Assessment** effectively link people seeking information about FCS or related community services; stabilizes social crisis situations relating to protection and social support of dependent individuals and family members, and ensures that FCS services are provided to eligible individuals.

## 9.6 Services

FCS employees, assisting a woman in transition will determine the needs of the woman and explain the FCS programs and services available through Housing and Income Support.

### 9.6.1 Financial Assistance

#### *Interim*

Temporary financial assistance to persons who are expected to attain self-sufficiency within a relatively short period of time.

#### *Transitional*

Financial assistance to persons who have potential to become self-sufficient once certain barriers are addressed.

#### *Health Card*

An applicant is eligible to receive Startup Basic Health Card Coverage. An existing client's health card coverage is not affected due to entering a Transition House.

#### *Comfort and Clothing Allowance*

Upon entering a Transition House, a client is eligible to receive the Comfort and Clothing Allowance.

#### *Household Setup*

Clients are eligible to receive assistance with costs associated with setting up a household.

#### *Family Support Orders Services*

Helps low-income single parent families seek child support from parents who are not making support payments. The FSOS is a program administered by the New Brunswick Department of Justice, in partnership with Family and Community Services.

#### *Assistance with replacing identification*

In emergency situations where identification is required to access services.

#### *Day Care Assistance*

Provides assistance with the cost of child care for eligible individuals whose children require child care services.

### 9.6.2 Housing

#### *Transition Houses*

Short term residential service for women and children who are victims of family violence.

**Rental Assistance**

Subsidized rental units for low-income households.

**Homeowner Assistance**

Financial assistance to enable modest or low-income households to buy a first home.

**9.7 Other Supports**

The following section outlines additional programs and services that are available from Family and Community Services.

**9.7.1 Child Welfare and Youth Services****Child Protection Investigation**

All reports or information of suspected child abuse and neglect are assessed.

**Child Protection Services**

Appropriate services are provided to children who have been physically abused, sexually abused, emotionally abused, neglected or witness to domestic violence.

**Youth Services**

Personal and career counseling, and training and employment development services for young people fifteen years of age and older.

**Community Based Services for Children with Special Needs**

This program assists with the provision of extraordinary care and support required to meet the special developmental needs of a severely disabled child.

**9.7.2 Early Childhood and School-Based Services****Home Economics Services**

Assistance to individuals or families on a referral basis to improve their knowledge and skills required to meet basic needs for food, clothing and shelter, and resource and money management. (Referrals are made through Child Protection and Public Health).

**Social Work Prevention Services**

Provides opportunities to participate in parent support and education programs.

**Early Intervention Services**

Home-based support and educational service to families with children who may be at risk due to family or other situations or conditions.

**Child Witness of Family Violence Program**

Provision of interventions to children in Transition Houses.

**Integrated Day Care**

Allows children in special circumstances to participate in activities appropriate for their age and level of development.

**9.7.3 Community and Individual Development****Career Development Case Management**

Assessment of needs, career counseling, development of a case plan, provision of services to address needs, referral to specialized counseling (if required) and support during training and employment.

**Referrals**

FCS employees will determine any other needs the woman may have and make appropriate referrals within our Department and when necessary to other Departments or Agencies.

FCS employees will use the **Women Abuse Protocols** and other sources to identify programs, services and assistance available. Always provide a contact name and telephone number. Assist the woman in making the contacts if requested to do so.

FCS employees will inform the woman of her rights in situations of abuse including reporting to police and laying charges. If there is a possibility that a crime, including physical or sexual assault, has been committed, encourage the woman to call the police.

## 9.8 Contact Information

Attached is a list of Family and Community Services offices situated throughout the Province.

When assistance is required outside normal business hours the After Hours Emergency Social Services (AHES) is a toll free telephone line available to respond to emergency requests for services from the Department of Family and Community Services. The AHES line provides services from 5:00 p.m. to 8:30 a.m. during the weekdays, and on a 24 hours basis on weekends,

holidays, storm days and other times when the regional offices are closed.

Social workers manning the telephones will receive intakes, carry out assessments, make initial decisions regarding the provision of telephone crisis counseling, refer to the appropriate regional office, and arrange for provision of financial assistance for special items.

This service can be contacted by dialing **1-800-442-9799** from inside the Province or **453-2145** for the Fredericton Region.

### 9.8.1 Access and Assessment Units

#### Moncton

770 Main St., Assumption Pl.  
P.O. Box 5001  
Moncton, NB E1C 8R3  
Telephone: (506) 856-2400  
Fax: (506) 856-3296

#### St. George

5 Riverview Ave.  
St. George, NB E5C 3M1  
Telephone: (506) 755-4030  
Fax: (506) 755-1807

#### Richiboucto

P.O. Box 5001  
Richiboucto, NB E4W 5R5  
Telephone: (506) 523-7606  
Fax: (506) 523-7747

#### Grand Manan

130 Route 776, Unit 4  
Grand Manan, NB E5G 4K9  
Telephone: (506) 662-7032  
Fax: (506) 662-7038

#### Sackville

P.O. Box 5001  
Sackville, NB E4L 4H2  
Telephone: (506) 364-4078  
Fax: (506) 364-4099

#### Fredericton

300 St. Mary's St.  
P.O. Box 5001  
Fredericton, NB E3B 5G4  
Telephone: (506) 453-3953  
Fax: (506) 453-5178

#### Saint John

55 Union St.  
Mercantile Center  
Saint John, NB E2L 5B7  
Telephone: (506) 658-2734  
Fax: (506) 658-3071

#### Woodstock

200 King St.  
P.O. Box 5001  
Woodstock, NB E7M 1Z7  
Telephone: (506) 325-4714  
Fax: (506) 325-4517

#### Sussex

30 Moffatt Ave., Suite 1  
Sussex, NB E4E 1E8  
Telephone: (506) 432-2004  
Fax: (506) 432-2053

#### Perth Andover

19 Station St., Unit 1  
P.O. Box 488  
Perth-Andover, NB E7H 4Y2  
Telephone: (506) 273-4714  
Fax: (506) 273-2195

#### St. Stephen

41 King St.  
St. Stephen, NB E3L 2C1  
Telephone: (506) 466-7388  
Fax: (506) 466-7579

#### Edmundston

121 Church St.  
P.O. Box 5001  
Edmundston, NB E3V 3L3  
Telephone: (506) 735-2010  
Fax: (506) 735-2217

#### Grand Falls

131 Pleasant St.  
Grand Falls, NB E3Z 1G1  
Telephone: (506) 473-7757  
Fax: (506) 475-2451

#### Shippagan

137, 6ième rue  
Shippagan, NB E8S 1B3  
Telephone: (506) 735-2010  
Fax: (506) 735-2217

#### Campbellton

157 Water St.  
Campbellton, NB E3N 3H5  
Telephone: (506) 789-2422  
Fax: (506) 759-9504

#### Tracadie

P.O. Box 3638  
Succursale Principale  
Tracadie-Sheila, NB E1X 1G5  
Telephone: (506) 394-3838  
Fax: (506) 394-3844

#### Kedgwick

39, Rue Notre Dame, Unit B  
Kedgwick, NB E8B 1H5  
Telephone: (506) 284-3411  
Fax: (506) 284-3420

#### Miramichi

2nd Floor, 360 Pleasant St.  
Box 7000  
Miramichi, NB E1V 3N3  
Telephone: (506) 627-4044  
Fax: (506) 622-8802

#### Caraquet

295 St. Pierre  
Boulevard West  
P.O. Box 5590  
Caraquet, NB E1W 1B7  
Telephone: (506) 726-2000  
Fax: (506) 726-2755

#### Neguac

1175 Main St., Unit 60  
Neguac, NB E9G 1T1  
Telephone: (506) 776-3833  
Fax: (506) 776-3849

#### Bathurst

165 Andrew St.  
P.O. Box 5011  
Bathurst, NB E2A 1C1  
Telephone: (506) 547-2020  
Fax: (506) 547-2744

### 9.8.2 Family and Community Services – Human Resource Development

#### Bathurst

275 Main Street, Suite 302  
Bathurst, N.B. E2A 3Z9  
Telephone: (506) 547-2000  
Fax: (506) 547-2920

#### Grand Falls

160 Reservoir Street  
Grand Falls, N.B. E3Z 1G1  
Telephone: (506) 473-7745  
Fax: (506) 473-6563

#### Campbellton

157 Water Street,  
Room 100  
City Centre Mall, Floor M  
Campbellton, N.B. E3N 3L4  
Telephone: (506) 789-2311  
Fax: (506) 759-9556

#### Kedgwick

Provincial Building  
39 Notre Dame St., Suite A  
Kedgwick, NB E8B 1H5  
Telephone: (506) 284-3420



**Caraquet**

20E Boulevard  
St. Pierre West  
Caraquet, N.B. E1W 1B7  
Telephone: (506) 726-2055  
Fax: (506) 726-2076

**Minto**

G & G Holdings Ltd. Building  
26 Brunswick Street  
Minto, N.B. E4B 3M8

**Edmundston**

Carrefour Assomption  
121 rue de l'Église,  
Suite 408  
Edmundston, N.B. E3V 3L3  
Telephone: (506) 735-2000  
Fax: (506) 735-2448

**Miramichi**

155 Pleasant Street, Smith  
Building  
Miramichi, N.B. E1V 1Y3  
Telephone: (506) 627-4001  
Fax: (506) 622-0555

**Fredericton**

633 Queen Street  
Fredericton, N.B. E3B 1C3  
Telephone: (506) 453-3216  
Fax: (506) 457-3544

**Moncton**

770 Main Street, Assumption  
Place  
P.O. Box 5001  
Moncton, N.B. E1C 8R3  
Telephone: (506) 856-2414  
Fax: (506) 856-286

**Néguac**

Néguac HRD-NB Building  
430, rue Principale  
Néguac, N.B. E9G 1M9  
Telephone: (506) 776-3800  
Fax: (506) 776-3807

**St. Stephen**

St. Stephen Regional Center  
41 King St.  
St. Stephen, NB E3L 2C1  
Telephone: (506) 466-7500  
Fax: (506) 466-7393

**Perth Andover**

Station Square, Room E  
588E East Riverside  
Perth-Andover, N.B.  
E7H 1Z5  
Telephone: (506) 273-4724  
Fax: (506) 273-4443

**Shippagan**

Shippagan Auto Sales  
Building  
245 J.D. Gauthier Boulevard  
Shippagan, NB E8S 1N3  
Telephone: (506) 336-3025  
Fax: (506) 336-3036

**Richibucto**

9550 Main Street  
Richibucto, N.B. E4W 5R5  
Telephone: (506) 523-7616  
Fax: (506) 523-7677

**Sussex**

Sussex Provincial Building  
707 Main St.  
Sussex, NB E4E 7H7  
Telephone: (506) 432-2006  
Fax: (506) 432-6169

**Sackville**

170 Main Street, Room C-1  
Sackville, N.B. E4L 4B4  
Telephone: (506) 364-4084  
Fax: (506) 364-4304

**Tracadie-Sheila**

102 rue Principale, Suite  
3514  
Tracadie-Sheila, NB E1X 1C9  
Telephone: (506) 394-3800  
Fax: (506) 394-3808

**Saint John**

1 Agar Place, P.O. Box 2900  
Saint John, N.B. E2L 5A3  
Telephone : (506) 658-2450  
Fax : (506) 658-3034

**Woodstock**

680 Main St.  
Woodstock, NB E7M 5Z9  
Telephone: (506) 325-4413  
Fax: (506) 325-4321

**9.8.3 Family and Community Services Housing****Moncton**

774 Main St.  
P.O. Box 5001  
Moncton, NB E1C 8R3  
Telephone: (506) 856-3111  
Fax: (506) 856-3113

**Campbellton**

113 Roseberry St.  
Campbellton, NB E3N 2G6  
Telephone: (506) 789-4909  
Fax: (506) 789-4908

**Saint John**

25 Beaverbrook Ave.  
Saint John, NB E2L 4X9  
Telephone: (506) 658-4640  
Fax: (506) 658-5171

**Bathurst**

275 Main St., Harbourview  
Place, 1st Floor  
Suite 106  
Bathurst, NB E2A 3Z9  
Telephone: (506) 547-7466  
Fax: (506) 547-7488

**Fredericton**

644 Queen St.  
Fredericton, NB E3B 1C2  
Telephone: (506) 457-7868  
Fax: (506) 453-2223

**Miramichi**

1809 Water St., 3rd Floor  
Miramichi City, NB E1N 1B2  
Telephone: (506) 778-6615  
Fax: (506) 778-8976

**Woodstock (District Office)**

113 Cedar St.  
Woodstock, NB E7M 2Y3  
Telephone: (506) 325-4465  
Fax: (506) 328-4541

**Lamèque**

18, rue Principale  
Lamèque, NB E0B 1V0  
Telephone: (506) 344-3033  
Fax: (506) 344-3038

**Edmundston**

121 Church St.  
Edmundston, NB E3V 3L1  
Telephone: (506) 735-2633  
Fax: (506) 735-2630

## 10.0 Department of Education Intervention Guidelines

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### 10.1 Introduction

While most attention and supportive efforts in the Protocols are focused specifically on women who have experienced abuse in their personal relationships, an additional concern is that of children who witness incidents of violence at home and thus experience varying degrees of emotional harm. There are also children who are accidentally hurt when caught in the crossfire of physical disputes or thrown objects, those who are physically harmed when they try to protect their parent or those who are intentionally abused as part of the cycle of spousal abuse.

Clinical data indicates that children exposed to parental violence often experience emotional and developmental difficulties, and have higher levels of post-traumatic symptoms. Furthermore, children living in homes where one partner abuses the other are at risk of becoming abusers themselves and are detrimentally affected by witnessing the abuse.

### 10.2 Roles

In cases of child abuse, school staff's primary obligation and legal responsibility is to report suspicion of abuse to Child Protection Services. Reporting must be done by the person harbouring a suspicion and not a delegate or school representative. (Please refer to the *Child Victims of Abuse and Neglect Protocols* for detailed procedures.)

Staff's secondary responsibility is to support the mother in a manner appropriate to her child's ongoing education in the school community. This includes dealing with situations that may arise from unresolved custody issues. In those instances, principals must ensure that<sup>4</sup>:

- Staff members are aware of individual cases where a child may be at risk of being unlawfully taken from school premises and a plan is in place to protect the child.
- Parents are notified annually that they must make the school aware of any serious custody issues that could impact on the safety of their child.
- Information, such as home address, phone number or place of work, must not be disclosed about one parent to the other, unless consent for information sharing has been received.
- Access to student records includes access by a non-custodial parent unless the parent is barred from access to the student by a court order.
- When a person who is authorized to pick up a child is not familiar to school staff, the principal must ensure that proof of identity is provided.

Lastly, school staff is strongly encouraged to participate on the **Regional Resource Planning and Action Network** as delineated in Section 4.0 of the Protocols. Participation may range from a consultative role to more intense involvement depending on the situation. Meeting the needs of women living with violence requires the collaboration of all partners so that the provision of supports and services can be looked at holistically.

<sup>4</sup> For additional information, please refer to *Access to Students and the Release of Student Information: Operational Guidelines for the Public Education System*.

### **10.3 Disclosure**

If a woman discloses abuse to a school employee, the employee should remain responsive, supportive and open if the woman wishes to continue talking. School employees should refer to the **Road Map to Empowerment** in Section 5.0 of the protocols. The Road Map is a comprehensive guide of the support and services network available to the woman so that she can make informed decisions on the services she might want to access.

### **10.4 Youth and Dating Violence**

Dating violence occurs when a person uses physical, emotional or sexual abuse, violence and control in a dating situation to express feelings or to get his or her own way.

Adolescence is a time of uncertainties, difficulties and vulnerability. There is a greater need for acceptance by peers. Friendships, activities outside the home and a sense of independence become more important than the family. Teens may feel awkward and uncertain about how to deal with new feelings of sexuality.

Adolescents who have experienced violence in their homes may have lived with examples of physical force, threats and intimidation as a means to resolve conflicts and maintain control. Consequently, the youth's expression of violence and abuse and the partner's acceptance of it may be learned behaviour.

Seeking help is just as difficult for an adolescent youth as it is for an adult. While adults may return to the relationship for the sake of the children or for economic reasons, teens return to the relationship for emotional reasons and/or peer pressure. Breaking the cycle and living without violence takes support and education.

### **10.5 Support**

School personnel such as teachers, administrators, guidance counsellors and school psychologists may provide young people with the first line of support such as listening, counselling, accompanying them to the police, liaising with victim/witness programs, assisting them to contact Child Protection Services or Mental Health, and providing them with factual information on the various types of abuses including intimidation and isolation. Young people need to become aware that dating violence is not acceptable, that they are not alone, and that help and support are available. Additionally, they must be informed of the types of services available to them.

### **10.6 Education and Prevention Programs**

The Department of Education has a responsibility and the opportunity to effectively break the cycle of dating violence and abuse through preventative education for students and appropriate referral to support services for young people.

The Department is currently supporting or offering the following education/prevention programs in schools:

- **Health Education Curricula** for each grade level K-12. The units at each level maintain an active, student-centered approach to learning, address health and social problems of youth, teach how to reduce health-risk behaviours and maintain physical, emotional and psychological well-being.
- **Programme de Formation personnelle et sociale (M-12)** contient des résultats d'apprentissage en rapport avec les relations interpersonnelles, la santé, la citoyenneté et la consommation.
- **Personal Development and Career Planning K-12.** The personal development aspect of the program involves outcomes, which enable learners to explore their specific personality traits and skills, take responsibility for their behaviour, develop positive self-esteem, and learn how to interact effectively with others.

- **Making Waves** is a program designed to help teens recognize the warning signs and effects of dating violence and to avoid becoming victims. The Making Waves team believes that it is important to involve young men and women in finding solutions that will speak to their peers. Facilitators encourage teens to play a leading role in creating an environment in their schools where violence and abuse are not acceptable.
- **Peer Helper Programs** exist in several high schools in the province.
- **Leadership Programs** exist in some high schools in the province.
- **Policy for the Protection of Pupils in the Public School System from Misconduct by Adults (Policy 701)** helps to ensure students are protected from abusive behaviour by adults including physical, sexual and emotional abuse and discrimination.
- **Positive Learning Environment Policy (Policy 703)** requires each school to establish a process for fostering positive learning and working environments.

The Department is also preparing a policy on the release of students and access to student information in order to help schools address issues related to child custody, access to student information and to the physical release of students into the care of persons external to the school system. Currently, **Access to Students and the Release of Student Information: Operational Guidelines for the Public Education System** are in place in order to assist school personnel in dealing with situations which arise from child custody issues.

Schools hold theme weeks, have awareness campaigns (e.g. health fairs, resource speakers, etc.) and other means of providing promotion and

education to staff and students. These are often a collaborative effort by schools and community organizations. Some examples include:

In collaboration with the Muriel-McQueen Ferguson Foundation, a video entitled **He Says, She Says** was produced as part of the Creating Peaceful Learning Environments Project in schools. This video was sent to all high schools and alternate sites at a training session by the Department of Education on a new resource **Focus on Harassment and Intimidation: Responding to Bullying in Secondary Schools**. Follow-up and support for local implementation of these resources, which support Policy 703 (Positive Learning Environment Policy) is ongoing for these schools by districts.

The Joint Provincial Committee on Behavioural Issues was formed as a cooperative effort of the Department of Education, all school district Positive Learning Environment Coordinators, the NBTA ad hoc discipline group, and representatives of the anglophone education group (superintendents and directors of education). This committee has as its focus the promotion of policy 703 in schools.

Red Cross Abuse Prevention Services has trained a number of teachers in their program for students **It's Not Your Fault** during summer institutes. Additionally, each year there are a number of summer institutes focused on issues of bullying and harassment awareness, prevention and intervention.

Information is available for parents, students and educators at the following:

<http://www.gnb.ca/0000/anglophone-e.asp#2> and information is available in all schools regarding the **Parents Help Line** and **Kids Help Line**.



# 11.0 Department of Training and Employment Development Intervention Guidelines

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## 11.1 Introduction

The Department of Training and Employment Development’s vision for all New Brunswickers is that they have the Right Skills, the Right Jobs and the Right Balance to ensure economic prosperity for the province. The Department acknowledges that the issue of women experiencing abuse in their personal relationship has a cost and that it can have an impact on the New Brunswick economy. These women may have difficulties in accessing and in keeping up with their training program or with long-term employment. Yet they are entitled to the services that will provide them with the opportunities available to all citizens in the province.

The Department is also an important contributor to the New Brunswick 10-year Prosperity Plan as lead of the plan’s Investing in People building block. Using its leadership, the Department works in concert with all involved partners at removing barriers to work for those women experiencing abuse in their personal relationship.

Some of the divisions of the department have regional entities where officers sometimes come in contact with women who may disclose experiencing abuse in their personal relationships. This may be the case for Employment Counsellors, Employment Standards Officers, NBCC personnel and Human Rights Officers. Although the nature of the duties of the Department’s front line employees does not include investigating, assessment or counseling of women experiencing abuse, our staff has an important role to play in referring a woman who discloses living in an abusive relationship through the proper channels that will provide her with the support she needs. Employees can help these women get the support that will eventually make a difference in their lives. The Department will make sure employees, susceptible of receiving such confidences through their professional contact with women are prepared to provide them with basic information and to refer them to existing support services available as indicated in the Women Abuse Protocols.

The Department of Training and Employment Development is also responsible to its own employees. Employees experiencing abuse in their personal relationships can obtain the support they need by being referred through proper channels or under the Employee and Family Assistance Program (EFAP).

The Department recognizes it has a responsibility to participate in government’s concerted efforts and to work at eradicating the impact of women abuse on the New Brunswick economy. Information on women experiencing abuse in their intimate relationship will be provided in order to create awareness among staff.

The Department will:

- Post links on its Intranet site referring to the Women Abuse Protocols and the included information on women abuse and how to deal with cases where a woman discloses an abusive intimate relationship;
- Make every effort to provide safe and secure workplaces and service delivery points especially for women experiencing violence in their personal relationship;

- Display or make available any information provided to the Department on violence against women.

The Training and Employment Development web site can be found at <http://www.gnb.ca/ted-fde/indexe.htm>.

## **11.2 Employment Division**

The Employment component of the Labour and Employment Division is responsible for the delivery of programs and services that are aimed at assisting unemployed New Brunswickers acquire the skills and employment experience necessary to secure full-time employment. It is responsible for assisting New Brunswick employers to find the right individuals for their jobs and for helping individuals and organizations find solutions to ongoing changes in the workplace created by new economic conditions. It is also responsible for disseminating to the general public information on employment opportunities in New Brunswick.

### **11.2.1 Roles and responsibilities**

Employees of the Employment Division who guide clients through employment programs may come in contact with a woman who discloses that she has to deal with living in an abusive relationship with her partner. In such circumstances, although the **employee's role is strictly limited to referring the client to the resources available** in their region, that role is important. It involves recognizing the particular challenges the woman may be facing. Therefore, staff in every regional office should readily:

- Determine how they can assist the woman in the employment program related to her particular needs for employment;
- Direct the woman towards support services, as indicated in the Women Abuse Protocols, according to the needs she expresses; and

- Hand out the information related to the existing services for women living in an abusive relationship, including contact persons and telephone numbers within the woman's community.

The Employment Division is well aware of the necessity to promote co-operation among the many agencies and departments involved in providing support to women experiencing abuse with their partner or ex-partner. It is by enhancing the potential of retaining or obtaining employment for these women that they may achieve autonomy and eventually escape their abusive situation.

Understanding the problem of abuse against women and its effects will enable Employment Division employees to respond within the limits of their responsibilities and make proper referrals whenever necessary.

In every Employment Regional Office

- directors ensure that employees are familiar with the Women Abuse Protocols and with the referral procedure to the local community services.
- Employment Counsellors, should a client identify herself as experiencing abuse in her personal relationship, will provide the client with any information provided to the Department on violence against women and related available resources in her community area.

### **11.2.2 Freedom of Choice and Confidentiality**

Employment Counsellors and staff should at all times be sensitive to the client's freedom of choice. Assisting the woman living in an abusive intimate situation should never go beyond the needs she chooses to express. Another important factor is to keep the information received from the client strictly confidential.

### 11.2.3 Employment Programs and Services

Regional Employment Offices are responsible for the delivery of programs and services locally. The detailed description of employment programs offered to those who are seeking employment and to employers is available on the Training and Employment Development website at <http://www.gnb.ca/0311/004e.htm>.

The following outlines the type of services employees of the Training and Employment Development Department can provide. Note that other employment counseling services for social assistance recipients are provided by the Department of Family and Community Services.

#### *Career Decision Making and Planning*

Employment counsellors can help individuals who want to work, but are not sure what they want to do. Counsellors can help the individual:

- Take stock of their skills and aptitudes,
- Discover their work preferences,
- Identify employment sectors offering good opportunities,
- Determine their career goals, and
- Develop and carry out an employment action plan.

#### *Work Preparation*

In the situation where the individual doesn't think they have the training and experience to get the job they want, employment counsellors in cooperation with our partners, can help an individual prepare for work.

- Education upgrading - help the individual get the education they need to get a job or to take employment training.
- Training - help the individual get the skills they require to attain their career goals.
- Work Experience - help the individual explore career choices, make contacts, develop their skills or acquire work experience.

Employment Counsellors can also provide the individual with information about student loans, training institutions and assistance to start a new business.

#### *Job Search*

In the situation where the individual is ready for work but doesn't know where to start, Employment Counsellors can advise them on how to do a job search. In our offices our client will find many tools to help them in their search, such as:

- job listings,
- access to job-search sites on the Internet,
- job-search books and software,
- assistance to prepare a résumé and to prepare for an interview,
- computers, printers, faxes and photocopiers,
- information on the labour market in their area and elsewhere.

Employment Counsellors can also provide information about local agencies that offer job-search assistance.

#### *Women with Disabilities*

Women with disabilities constitute a group most vulnerable to abuse. For women with disabilities experiencing abuse in their personal relationship, it may be quite a challenge to find employment.

#### *Employment Services for Persons with Disabilities (ESPD)*

Employment Services for Persons with Disabilities (ESPD) provides training and employment interventions to persons with disabilities who want to make the transition to the labour market. Individuals who need assistance are able to meet with an Employment Counsellor in one of the many regional offices that are located throughout the province in order to develop an employment action plan.



### ***Visible Abilities Databank***

ESPD also maintains an inventory of persons with disabilities who are “job-ready” and who are looking for full-time employment. The Visible Abilities Databank provides details on an individual’s skills and work experience. Women with disabilities living in a violent relationship may want to be registered in the databank in order to enhance their chances at finding employment. Referrals to the registry are made by community based agencies as well as Training and Employment Development regional offices.

### ***11.3 Postsecondary Education***

Post-secondary education institutions in New Brunswick continuously promote the elimination of any form of abuse or harassment, and specifically violence against women. Close to 50% of those enrolled on a full-time basis in the New Brunswick Community College (NBCC) network are women and that rate is even higher in New Brunswick universities. The many advantages associated to post-secondary education can help students who live in an abusive intimate relationship. In continuity with the K-12 public education system, New Brunswick Community Colleges dedicate numerous efforts to provide a positive learning environment free of violence against women.

Post-secondary institutions offer different entries to well organized student services. They can readily respond to a student who discloses experiencing abuse in their personal relationship if the student expresses the need to take measures to eliminate the abuse and gain back control of her life. As indicated in the New Brunswick Women Abuse Protocols, referrals can also be made to a point of contact offering support services within the woman’s community, or by handing out the names and telephone numbers of contact persons.

Post-secondary education institutions play a very important role in supporting students in their education and training. The system helps young adults as well as learners of all ages to develop their full potential so that they are more able to avoid abusive relationships and are able to fully and freely participate on an equal playing field in the development of New Brunswick society.

#### **11.3.1 New Brunswick Community College (NBCC)**

The New Brunswick Community College (NBCC) is a bilingual, province-wide network of eleven training and educational institutions.

College Student Services can respond to and offer to refer a woman who discloses abuse to a point of contact in her community area. Support services are available to these women in every region of the province as indicated in the Women Abuse Protocols. Information documents are also available, which include contact persons and telephone numbers.

Other initiatives the NBCC network may undertake that contribute to eradicating the impact of violence against women:

- Information will be provided to inform students about violence against women and how to get help during orientation and within the student handbooks;
- Material provided to the NBCC on women experiencing abuse in their personal relationship will be displayed so that all students have access to information on support services available whenever they need it;
- A yearly review of the college security plan will be carried out taking into consideration, within the limits of the college’s capability, the situation of women experiencing abuse in their personal relationship; and
- Some college campuses may want to undertake special initiatives on an as-needed basis, such as forums, discussions on dating violence, guest speakers during violence prevention week, etc.

Those who are responsible for providing support services to women experiencing abuse in their personal relationship, can be change agents in these women’s life in promoting college level education. They may provide more detailed information on programs and services and on admission to the NBCC. Further information is available in the yearly NBCC Calendar:

1-800-376-5353 or 1-506-789-2404 or  
 1-506-789-2430 (fax) or  
 www.nbcc.nb.ca or  
 NBCC – College Admission Services  
 6, Arran Street  
 Campbellton, New Brunswick  
 E3N 1K4

## **11.4 Multiculturalism Unit**

### **11.4.1 Mandate**

The Multiculturalism Unit coordinates initiatives across government that are aimed at promoting harmony and maximizing the social and economic benefits of cultural diversity, as directed by the New Brunswick Policy on Multiculturalism. The unit's major responsibility is to organize and prepare the Minister's Advisory Committee on Multiculturalism meetings and ensure follow-up of the decisions and recommendations of the committee to the Department's Minister.

### **11.4.2 Programs and Services**

The Unit administers the Multicultural Grants Program that provides support to community organizations that offer multicultural programs and services to newcomers in the province.

The Department of Training and Employment Development recognizes that for some immigrant women experiencing abuse in their personal relationship, and notably because of cultural and language barriers, it may be difficult to obtain information on the services available to them in New Brunswick. Therefore, through its relations with the New Brunswick Multicultural Council and the various multicultural groups in the province, the Department will make recommendations to enhance awareness amongst immigrants.

- The Department will recommend that the information on violence against women be included into the Immigrant Settlement and Adaptation Program (ISAP) delivered to immigrants. Thus, immigrants to New Brunswick will be made aware that government works with agencies, communities and stakeholder groups at eliminating violence against women.

- The Department will recommend that the Business New Brunswick pamphlet on immigration "*Welcome to New Brunswick – Make Yourself at Home*" be updated with the most recent information on services available to women experiencing abuse in their personal relationship.
- The Department will also recommend that the New Brunswick Multicultural Council distribute the Women Abuse Protocols as well as any information material provided to them on women experiencing abuse in their intimate relationship and on the services available to them to all their associations across the province. The Department will work with the multicultural associations so that their members are informed of the measures taken by the province of New Brunswick to reduce violence against women.

## **11.5 Aboriginal Employment Strategy**

The Department of Training and Employment Development has the lead on the Provincial Aboriginal Employment Strategy which aligned a number of initiatives and programs to assist Aboriginal people in accessing employment opportunities through education, skill development and training opportunities.

The Strategy is designed to achieve results in the following areas:

- a) more and better career development planning for Aboriginal people;
- b) better access to training opportunities;
- c) workforce experience that relates to career development plans;
- d) assistance with employment placement.

In pursuit of these objectives, the Department of TED and its partners, engage in a variety of activities under this Strategy that may provide support in the area of training and employment for Aboriginal women experiencing abuse in their personal relationships.

## 11.6 New Brunswick Human Rights Commission

The *Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)*, adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

The Convention defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

Because Canada ratified the Convention on July 18, 1980 and is legally bound to put its provisions into practice, so too is New Brunswick. As a member state we are committed:

- To incorporate the principle of equality of men and women in our legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- To establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- To ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

The mandate of the New Brunswick Human Rights Commission is to forward the principles of equality found in the *New Brunswick Human Rights Code* by promoting understanding, acceptance and compliance with the *Code*.

In its Preamble, the *Human Rights Code* states that "... recognition of the fundamental principle that all persons are equal in dignity and human rights without regard to race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation or sex, is a governing principle sanctioned by the laws of New

Brunswick." It is provincial law that prohibits discrimination and harassment based on personal characteristics in certain activities that fall under provincial jurisdiction. The *Code* further provides that harassment and, in particular, sexual harassment, is a form of discrimination and, therefore, illegal.

The *Code* applies to the provision of public accommodations, facilities and services; the leasing of residential or commercial premises; the sale of goods and real estate; membership in labour unions and professional, business or trade associations; publicity and signs; and all aspects of employment.

### 11.6.1 Role of the New Brunswick Human Rights Commission

The Commission investigates and conciliates formal complaints of discrimination under the *Code* and advances equality of opportunity through public education programs and community development activities.

Discrimination may be described as a distinction, whether intentional or not, but based on grounds relating to personal characteristics of the individual or group, which has the effect of imposing burdens, obligations, or disadvantages on such individual or group not imposed upon others, or which withholds or limits access to opportunities, benefits and advantages available to other members of society.

The *Code* does not apply to cases of discrimination or unequal treatment which may arise in close personal relationships. The sectors of activity enumerated above do not include the *Code's* application to relations between individuals in a private family setting. The equality provisions of the *Canadian Charter of Rights and Freedoms*, which guarantee all Canadians equal protection and benefit of the law, may be more likely to provide a remedy in this context.

Nonetheless, the *Code's* protection can be invoked in many situations where woman abuse occurs either in an employment setting, or in the provision of services. For instance, employers, landlords or other service providers may take advantage of women who are very vulnerable when living in their situation of abuse:

- Women in transition from a situation of domestic violence may be denied housing due to the fact that they have young children.
- Employers or learning establishments may fail to accommodate women who are working through their abusive situation.

Women who disclose abuse will be directed to the appropriate services, as indicated in the Women Abuse Protocols. They still have the right to file a complaint with the Human Rights Commission as a result of the denial of their equality rights, and should be encouraged to do so. Abuse situations arising in the employment or service sector will much more frequently be amenable to settlement, compensation and resolution through the Human Rights process than through other legal processes. In any of these situations, the *Human Rights Code* applies and may provide a remedy that will compensate the victim with financial awards and other relief aimed at putting the woman in the situation she would have been had the discrimination not occurred. The human rights process is aimed at compensating victims and making them whole. It is important that other agencies involved with women abuse cases refer the women to the Commission in appropriate cases, since the Commission can only take action on the basis of complaints by an individual.

The Commission affirms the importance of the *Human Rights Code* and the common law place on the conciliation/settlement of complaints and the attendant rule of privileged communications that encourages parties to engage in frank and open discussions and to protect the privacy of information it gathers. The Commission does, however, recognize that the correct disposal of criminal litigation requires disclosure. The Commission may disclose information to defense counsel and to the Crown in criminal proceedings only where the written request complies with the Commission internal guidelines.

Women who believe they have been discriminated against contrary to the *Human Rights Code* may file a complaint. The Human Rights Commission is responsible for investigating and conciliating such complaints. If a substantiated complaint cannot

be settled amicably, it may be referred to a board of inquiry, which is an ad hoc quasi-judicial tribunal. The tribunal, after hearing the evidence, may dismiss the complaint or issue an order to remedy it. Such an order may include, for example, monetary compensation, declaratory relief ordering the discrimination or harassment to cease, ordering offender rehabilitation or providing housing or employment where it was denied. Most often complaints are settled and the terms of settlement and the entire complaint process remain confidential. The process is free of charge.

A woman claiming to have been discriminated against may contact the Commission for advice or to file a complaint by telephone, e-mail, fax or drop-in. Telephone Device for the Deaf services are available. Twenty-four hour telephone service is available with next day response on calls received after 4:30 p.m. Individuals may also drop in at the Commission's head office in Fredericton, or its regional offices in Saint John (506-658-2414), Moncton (506-856-2422) and Campbellton (506-789-2574).

The Commission may be contacted at its head office in Fredericton, as follows:

Telephone: 506-453-2301  
1-888-471-2233 (toll-free in N.B.)  
TDD: 506-453-2911  
Fax: 506-453-2653

The Human Rights Act is available at:  
<http://www.gnb.ca/0062/acts/acts-e.asp>  
The Human Rights Commission Web site:  
<http://www.gnb.ca/hrc-cdp/e/>

Individuals will be provided information about the various options that are available. It is not necessary to provide a name to receive advice. It is illegal to retaliate against a person for filing a complaint. The incident in question must have occurred within the previous year, unless the Commission grants a time extension.

### 11.6.2 Roles and Responsibilities

The Commission recognizes that woman abuse may occur in all types of family relationships, including married, common-law, homosexual and lesbian relationships. Women experiencing abuse in their close personal relationships are oftentimes the victims of discrimination. While the New Brunswick Human Rights Commission may not be a front line referral agency for women in this situation, the Commission can assist these women in overcoming discrimination and harassment. Upon disclosure, Commission staff have a responsibility to assist the complainant in seeking the proper help.

Staff should at all times be sensitive to the woman's freedom of choice to proceed with a complaint to authorities with regards to the abusive situation in which she is living. All information received from the client is strictly confidential.

The Director of the Human Rights Commission sets forward the following guidelines that have been developed to assist staff in responding to incidents of woman abuse:

The Director:

- Shall ensure that all individuals are responded to promptly;
- Shall ensure that all individuals receive courteous, impartial and quality service in the official language of their choice; and

- Shall ensure that where in any case there is reported information of women abuse, the woman has been provided with information on where she can obtain appropriate service.

Human Rights Officers:

- Shall familiarize themselves with the province's Women Abuse Protocols and of services available to women in these situations;
- Shall investigate, conciliate and mediate situations where allegations of discrimination against women have been made that fall within the scope of the *Human Rights Code*;
- Shall report to the Director of the Human Rights Commission any complaints that contain allegations of women abuse; and
- Shall respect the wishes of the woman to proceed, or not to proceed, with a report of the abuse situation.

The Commission will participate with other government and community organizations to work towards a collaborative response to violence against women.

The Commission will:

- Provide information and clarification on discrimination and harassment upon request; and
- Display information provided by Government on woman abuse.

## 11.7 Listing of Employment Regional Offices

Employment regional offices (and sub-offices) are located in the following areas:

### **Campbellton**

157 Water St., Main Floor,  
Suite 100,  
Campbellton, NB E3N 3L4  
Telephone: (506) 789-2955  
Fax: (506) 759-6696

### **Bathurst**

275 Main St., Suite 300,  
P.O. Box 5001,  
Bathurst, NB E2A 3Z9  
Telephone: (506) 549-5878  
Fax: (506) 549-5782

### **Caraquet**

#### **Caraquet**

20-E West St-Pierre Blvd.,  
P.O. Box 5644,  
Place Bellevue,  
Caraquet, NB E1W 1B7  
Telephone: (506) 726-2711  
Fax: (506) 726-2728

#### **Shippagan**

182 J.D. Gauthier Blvd.,  
Shippagan, NB E8S 1P2  
Telephone: (506) 336-3030  
Fax: (506) 336-3036

#### **Tracadie-Sheila**

102 Main St.,  
P.O. Box 3514,  
Tracadie-Sheila, NB E1X 1C9  
Telephone: (506) 394-3809  
Fax: (506) 393-3105

### **Edmundston**

#### **Edmundston**

121 Church Street,  
Carrefour Assomption, Suites  
408 and 316,  
P.O. Box 5001,  
Edmundston, NB E3V 3L3  
Telephone: (506) 735-2677  
Fax: (506) 735-2527

#### **Grand Falls**

160 Réservoir St.,  
P.O. Box 5001,  
Grand Falls, NB E3Z 1G1  
Telephone: (506) 475-4025  
Fax: (506) 473-6563

### **Fredericton**

#### **Fredericton**

633 Queen St.,  
P.O. Box 6000,  
Fredericton, NB E3B 5H1  
Telephone: (506) 453-8269  
Fax: (506) 444-5189

#### **Minto**

26 Brunswick St.,  
Minto, NB E4B 3M8  
Telephone: (506) 327-7088  
Fax: (506) 327-7005

#### **Perth-Andover**

588E East Riverside Drive,  
Perth-Andover, NB E7H 1Z5  
Telephone: (506) 273-4559  
Fax: (506) 273-4443

#### **Woodstock**

680 Main St., Unit 1,  
Woodstock, NB E7M 5Z9  
Telephone: (506) 325-4970  
Fax: (506) 325-4491

### **Miramichi**

#### **Miramichi**

150 Pleasant St.,  
P.O. Box 1030,  
Miramichi, NB E1V 3V5  
Telephone: (506) 627-4000  
Fax: (506) 624-5482

#### **Neguac**

430 Main St.,  
P.O. Box 5001,  
Neguac, NB E9G 1H5  
Telephone: (506) 776-3996  
Fax: (506) 776-3807

### **Moncton**

#### **Moncton**

770 Main St., 4th Floor,  
Assomption Place,  
P.O. Box 5001,  
Moncton, NB E1C 8R3  
Telephone: (506) 869-6944  
Fax: (506) 869-6608

#### **Richibucto**

25 Blvd. Cartier,  
P.O. Box 5004,  
Richibucto, NB E4W 5R6  
Telephone: (506) 523-7602  
Fax: (506) 523-4633

#### **Shediac**

342 Main St.,  
CentreVille Mall, Unit 144,  
Shediac, NB E4P 2E7  
Telephone: (506) 533-3325  
Fax: (506) 533-5004

#### **Sackville**

170 Main St. Unit C-1,  
Sackville, NB E4L 4B4  
Telephone: (506) 364-4273  
Fax: (506) 364-4304

### **Saint John**

#### **Saint John**

1 Agar Place,  
P.O. Box 5001, Saint John,  
NB E2L 4Y9  
Telephone: (506) 643-7258  
Fax: (506) 643-7443

#### **St. Stephen**

93 Milltown Blvd.,  
St. Stephen, NB E3L 3B4  
Telephone: (506) 466-7467  
Fax: (506) 465-2047

#### **Sussex**

707 Main St.,  
Sussex, NB E4E 7H7  
Telephone: (506) 432-2636  
Fax: (506) 432-6169

### **Central Office**

#### **Fredericton**

470, York Street,  
P.O. Box 6000,  
Fredericton, NB E3B 5H1  
Telephone: (506) 453-3818  
Fax: (506) 453-7967



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### 12.1 Introduction

The following section includes information about some of our community partners. They are included here because they offer a part of the solution through their support or services to assist women who are experiencing abuse in their personal relationships. We gladly share these protocols with these agencies or institutions so that collectively we may share an awareness of the supports and services that exist and how to access them.

### 12.2 New Brunswick universities

Since economic independence is key for women, hopefully women who are faced with a variety of serious issues, such as abuse, do find their way to post secondary education or training of some kind. Many students are facing personal issues and challenges. Student women experiencing abuse in their personal relationship have access to support and referral services as part of the many services available to them on all New Brunswick university campuses. Some of the services available at the different university campuses are described below:

#### 12.2.1 University of New Brunswick (UNB-Fredericton)

**Student Employment Service** - 453-4620 - [employment@unb.ca](mailto:employment@unb.ca)

Assistance with resume writing and job search skills and employment information

**Counselling Services** - 453-4820 - [counsel@unb.ca](mailto:counsel@unb.ca)

Professional, confidential counselling, 24 hr telephone support, career resource centre

**Financial Aid Office** - 453-4796 - [finaid@unb.ca](mailto:finaid@unb.ca)

Financial advice and support, information about government loans and bursaries, information on emergency loans, information on obtaining a bank loan, opportunity to assess financial needs and options available, suggestions on how to set up and follow a budget.

**Student Health Centre** (for full time students only) - 453-4837 - [shc@unb.ca](mailto:shc@unb.ca)

Medical services by making an appointment or as a walk-in, help for eating disorders, referrals to specialists if necessary, services of a dietician.

**Campus Ministry** - 453-5089

An opportunity for the listening caring ear of a chaplain, Bible studies, Inter-Varsity Christian Fellowship

**Student Affairs and Services** - 453-4527 - [staffair@unb.ca](mailto:staffair@unb.ca)

Assistance in times of personal or family emergencies which may require an immediate, unexpected absence from campus, classes, tests or exams, information or advice about the academic appeal process (for example, there maybe options if a student has received failing grades or been placed on academic probation, qualified resource people who will listen to their concerns and direct them to the appropriate contacts, resources or services.



### 12.2.2 University of New Brunswick (UNB-Saint John)

The UNBSJ Campus offers the following services where students experiencing abuse in their intimate relationship can get support as well as additional information on services available to them:

**Counselling Services:** Ms. Lana Davis - 648-5557 or e-mail [davisl@unbsj.ca](mailto:davisl@unbsj.ca)

**Student Life and Support Services:** 648-5501

Philip W. Oland Hall – G.18

### 12.2.3 Saint Thomas University

There are shared services between Saint Thomas University (STU) and the Fredericton campus of the University of New Brunswick (UNB). Any STU student experiencing abuse in their personal relationship can either consult the STU **Student Affairs office:** 452-0616 or consult directly with the services shared by UNB.

### 12.2.4 Mount Allison University

Two Personal Counsellors are available to any Mount Allison students who would like support with any personal issues, including women experiencing abuse in their intimate relationship.

**Student Life Office:** 506-364-2255 to get an appointment or see the secretary.

Mount Allison also provides a Sexual Harassment Advisor to all students.

**Sexual Harassment Advisor:** 506-364-2613.

### 12.2.5 Université de Moncton

Services available on campus to women experiencing abuse in their personal relationships:

**Security Services:** 858- 4007 (physician, nurse, psychologists)

**Security Services:** 858-4100 (24 h)

### **Sexual and Sexist Harassment Consultant:**

858-4430 (if the abuser is a student or an employee at the university, interventions could be done with this person).

#### *Edmundston Campus*

**Health and Psychological Services:** 737-5295

**Sexual and Sexist harassment Consultant:** 737-5167

#### *Shippagan Campus*

**Health and Psychological Services:** 336-3459

**Sexual and Sexist Harassment Consultant:** 336-3459 or 336-3607

### **12.3 The New Brunswick Coalition of Transition Houses**

The New Brunswick Coalition of Transition Houses is an umbrella group representing the Transition houses in the Province, two second stage housing facilities and the Fredericton Sexual Assault Center. They are a non-governmental group administered by a collective that represent the voices of abused women and children across the Province.

The Coalition is funded by Status of Woman Canada and was established in 1987. The primary work of the Coalition is to ensure that women and children who are victims of abuse have access to effective and appropriate services.

The Coalition works closely with government and other agencies to:

- identify policies that could be modified or changed to better assist the needs of abused women
- lobby for effective policies that will reflect the experiences of abused women
- develop community/government partnerships to help women access relevant services.

Through the Coalition women have the opportunity to voice their concerns and participate in the development of strategies for change.

**For further information contact:****The New Brunswick Coalition of Transition Houses**

P.O. Box 342  
 St. Stephen, N.B. E3L 2X2  
[Syn456@nb.sympatico.ca](mailto:Syn456@nb.sympatico.ca)  
 (506) 466-5879 Phone  
 (506) 565-8038 Fax

**The Coalition is made up of the following Organizations listed below in the following locations:**

Edmunston – **L’Escale Madavic** – (506) 739-6265

Campbellton – **Maison Notre Dame** – (506) 753-4703

Bathurst – **Maison de Passage House** (506) 546-9540

Tracadie-Sheila – **Accueil Ste Famille** (506) 395-1500

Moncton- **Crossroads For Women** (506) 853-0811

St. Stephen – **Fundy Region Transition House**  
 (506) 466-4485

Sussex – **Sussex Vale Transition House**  
 (506) 432-6999

Woodstock – **Sanctuary House** (506) 325-9452

Miramichi City – **Miramichi Centre for Woman**  
 (506) 622-8865

Fredericton – **Women in Transition House**  
 (506) 459-2300

Saint John – **Hestia House** (506) 634-7571

Fredericton – **Gignoo Transition House**  
 (Native Shelter) (506) 458-1236

Fredericton – **Liberty Lane** (Second Stage)  
 (506) 451-2120

Saint John – **Second Stage Safe Haven**  
 (506) 632-9289

Fredericton – **Fredericton Sexual Assault Crisis Centre** (506) 454-0460

Bouctouche – **Ste Anne de Kent** (506) 743-5449

**12.4 New Brunswick Association of Family Resource Centres**

*“To serve as an effective communication and advocacy mechanism in support of Family Resource Centres throughout New Brunswick.”*

Thirteen Family Resource Centres, funded through the Community Action Program for Children (CAPC), operate in New Brunswick. They are managed by community Boards of Directors. The Centres’ programs cover the province through a network of about 78 sites, many in isolated rural areas.

Family Resource Centres offer a variety of programs and activities for parents and their children ages 0 to 6, including drop-ins, parent education and support groups, collective kitchens, toy and resource-lending libraries and programs to promote parent-child communication and bonding, family literacy and child development and safety.

The Centres work with several partners, including New Brunswick’s Early Childhood Initiatives, Lifestyle Education for Adolescent Parents (LEAP), literacy, education and health organizations.

[www.nald.ca/nbfrc.htm](http://www.nald.ca/nbfrc.htm)

**NBAFRC - 13 Family Resource Centres:**

1. **Miramichi**  
 A Family Place  
[ncfrc@nbnet.nb.ca](mailto:ncfrc@nbnet.nb.ca)  
 Miramichi, NB  
 Tel: (506) 622-5103  
 Fax: (506) 622-6879
2. **Chipman**  
 Care’N’Share Inc.  
[careinc@nbnet.nb.ca](mailto:careinc@nbnet.nb.ca)  
 Chipman, NB  
 Tel: (506) 339-6726  
 Fax: (506) 339-6726
3. **Péninsule Acadienne**  
 Centre de Ressources Familiales de la Péninsule Acadienne  
[crfpa@nb.aibn.com](mailto:crfpa@nb.aibn.com)  
 Caraquet, N.-B.  
 Tel: (506) 727-1860  
 Fax: (506) 727-1862

4. **Bathurst**  
Centre de ressources Chaleur pour parents  
*crpc@nbnet.nb.ca*  
Bathurst, NB  
Tel: (506) 545-6608  
Fax: (506) 546-3816
5. **St. Stephen**  
Family Resource Centre of Charlotte  
County Inc.  
*frcchar@nb.sympatico.ca*  
St. Stephen, NB  
Tel: (506) 465-8181  
Fax: (506) 465-8196
6. **Saint John**  
Family resource Centre (SJ) Inc.  
*frsj@nbnet.nb.ca*  
Saint John, NB  
Tel: (506) 633-2182  
Fax: (506) 633-2182
7. **Fredericton**  
Fredericton Regional Family Resource Centre  
*frtrc@nbnet.nb.ca*  
Fredericton, NB  
Tel: (506) 474-0252  
Fax: (506) 474-0253
8. **Moncton**  
Greater Moncton Family Resource Centre  
*apparent@nbnet.nb.ca*  
Moncton, NB  
Tel: (506) 384-7874  
Fax: (506) 869-9916
9. **Kent**  
Kent Family Resource Center  
*kentcent@nbnet.nb.ca*  
Richibucto, NB  
Tel: (506) 524-9192  
Fax: (506) 524-9915
10. **Sussex**  
Kings County Family Resource Centre  
*kcfrc@nbnet.nb.ca*  
Sussex, NB  
Tel: (506) 433-2349  
Fax: (506) 433-3463
11. **Grand Falls**  
Madawaska/Victoria Family Resource Center  
*mvfrc@nb.sympatico.ca*  
Grand-Sault, NB  
Tel: (506) 473-6351  
Fax: (506) 473-5211
12. **Campbellton**  
Restigouche Resource Center for Parents  
*crppres@nbnet.nb.ca*  
Campbellton, NB  
Tel: (506) 753-4172  
Fax: (506) 753-0007
13. **Woodstock**  
Valley Family Resource Centre  
*valfamily@nbnet.nb.ca*  
Woodstock, NB  
Tel: (506) 325-2299  
Fax: (506) 328-8896

## Appendices

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### 13.1 Appendix A

#### ***Critical point of access/screening***

The critical point of access for any service is where the woman/survivor chooses to enter. This may occur as a result of injury, or a crisis call to the local law enforcement agency. How she navigates thereafter depends on her readiness to change the situation and the perception she is left with after accessing the system. Women may also enter the system under some other presenting problem, such as visiting a doctor for depression. This often happens through accessing the health services offered within the region. Frequent trips to her family physician, or the clinic and emergency department for injuries, signs of depression, fatigue, etc. are indicative of violence in her relationship. Service providers must be aware of this and inquire more deeply into the nature and possible causes of the problem.

Voluntary, informed disclosure of abuse must be encouraged. Two strategies, universal notification and routine screening, will facilitate this. Universal notification provides all applicants and recipients with information about domestic violence. Screening involves a trained worker asking appropriate questions which the client may answer if she chooses. These approaches are not mutually exclusive.

Universal notification ensures that information will be provided in multiple, easily understood formats that explain the nature of woman violence as well as available services. Routine screening means that inquiry about abuse in personal relationship occurs with all women whether or not symptoms or signs are present and whether or not staff suspect that abuse has occurred. Screening goes beyond the use of indicator-based observations.

All staff who screen for the presence of violence/abuse in the lives of women should receive training on how to ask about abuse, how to respond when it is identified, and on the principles of increasing safety and respecting autonomy of the women they are assisting. (See Appendix B Guidelines for screening).

## 13.2 Appendix B

### *Guidelines for Screening Guidelines*

If you are required to screen for abuse as part of your job the following information may assist you.

#### **Barriers to screening:**

Time constraints

Discomfort with the topic

Fear of offending the client or his/her partner

Perceived powerlessness to change the problem

#### **Ask directly:**

- “Violence is a problem for many women. Because it affects your [health] or [economic security] or [personal safety] or [etc], we ask all women about it.”
- “Because violence is so common to many people’s lives, we ask all women about it.”
- “I don’t know if this is a problem for you, but many of the women we see are dealing with abusive relationships. Some are too afraid or uncomfortable to bring it up themselves, so we routinely ask about it.”
- “Screening questions are asked to help determine eligibility for special and/or temporary relief from specific program requirements.”

#### **Then:**

- “Does your partner ever humiliate you? Shame you? Put you down in public? Keep you from seeing friends or from doing things you want to do?”
- “Do you feel controlled or isolated by your partner?”
- “Do you ever feel afraid of your partner? Do you feel in danger? Is it safe for you to go home?”
- “Has your partner or ex-partner ever hit you or physically hurt you?”

- “Has he ever made you worry about the safety of your child?”
- Has he ever threatened to hurt you or someone close to you?”

#### **Questions not to ask:**

- “Why don’t you just leave?”
- “What did you do to make him so angry?”
- “Why do you go back?”

#### **Comments to reinforce that she is not to blame.**

- “This is not your fault.”
- “No one deserves to be treated this way.”
- “I’m sorry you’ve been hurt.”
- “Do you want to talk about it?”
- “I am concerned about your safety and that of your children.”
- “Help is available for you.”

#### **Even when the responses are “no”, the fact that you are asking will:**

- Help those experiencing abuse to move closer to disclosure.
- Indicate your willingness to discuss the violence.
- Let the woman know that you and other staff are always available as resources.
- Reinforce that she is in control and can choose when to disclose.

#### **Remember that a “No” response may be as a result of:**

- Embarrassment/shame;
- Fear of retaliation by partner;
- Lack of trust in others;
- Economic dependence;
- Desire to keep the family together;
- Unaware of alternatives;
- Lack of support system;
- No abuse present in her life.

## 13.3 Appendix C

### *Terms of Reference*

#### ***Regional Resource Planning and Action Network***

##### **Resource based network to address the needs of women who experience violence/abuse in their personal relationships.**

This second edition of the Woman Abuse Protocols has integrated the regional network concept as the foundation to develop and maintain a woman-centered approach for the provision of supports and services to women survivors of abuse. This approach is largely based on the Child At Risk Teams, established to ensure a coordinated response to the needs of children at risk of abuse and neglect. The regional network approach was also attempted following the launch of the original Woman Abuse Protocols. However, since the scope and mandate of the teams was not integrated within the protocols, nor formally integrated in the scope of responsibility of front-line service providers, they eventually evolved into something else or dissolved completely. This is not to say that fully functional and well-established regional networks don't already exist in some areas of the province. Some communities identify themselves as a Caring Community, affiliated to the network of Provincial Caring Partnerships Committee, while others have formed service providers' coalitions. Whatever the situation, adapting the scope of Regional Resource Planning and Action Networks to existing committees may be considered.

It is acknowledged that regions require flexibility to adapt the Terms of Reference to meet their unique needs and to achieve their regional vision. Therefore these Terms of Reference are intended to serve only as a guide for regions in addressing the needs of women who experience violence/abuse in their personal relationships.

### **Vision**

The provision of services and supports will be enhanced through the concerted effort of all providers working in collaboration towards a seamless and integrated model of support and services to women survivors of abuse and their families so they can live a life free of violence.

### **Mission**

To ensure a coordinated response to the needs of women who are experiencing or have experienced violence in their personal relationships. This will be accomplished through the establishment of a community-based structure.

### **Principles**

The following statements reflect the beliefs which underlie the operations of the regional networks which work towards providing a woman-centered approach to helping women and their families who struggle to live free of violence in their personal relationships. These beliefs include:

- belief in the equality of women and men;
- belief in the right of all people to live free from violence;
- recognition that woman abuse is a serious social, economic and public health issue with short and long term implications to the victims, their families and society as a whole;
- recognition that communities are responsible to provide an environment that supports women and their families as they deal with violence in their personal relationships;
- recognition of the need for service providers to work in collaboration to provide effective responses for women and their families; and
- respect for the privacy of women and their families when sharing information among service providers.

## Values

Members of the regional networks will:

- respect the mandates and roles of partners;
- exemplify integrity, trust and competence;
- be honest and frank in their communications;
- support innovation, creativity and risk taking;
- participate actively on the team and share fully the workload and responsibilities; and
- celebrate success and acknowledge areas requiring improvement.

The goal and accompanying objectives are presented below. It is anticipated that each regional network would develop an action plan or strategic plan, with specified timeframes to operationalize these objectives.

## Goal

To enhance collaboration amongst partners in the provision of coordinated services for women and their families in their transition to live a life free of violence in their personal relationships.

## Objectives

- To establish ongoing, inter-disciplinary/inter-agency regional networks which will have their initial meeting by early spring 2004.
- To ensure that “front-line” inter-disciplinary/inter-agency networks become the integral mechanism in addressing the needs of women survivors of abuse in personal relationships.
- To identify and address gaps and barriers that impact upon the provision of coordinated services to women survivors of abuse in personal relationships and their families.
- To serve as a consultative body to support front-line service provision.
- To identify the responsibility/role of each partner as it relates to service provision for women survivors of abuse and their children.

- To provide regional leadership and support in the ongoing implementation of the Woman Abuse Protocols.
- To identify community strengths and needs related to the provision of services for women survivors of abuse and their children.
- To suggest responses and activities based on the identified strengths and needs.
- To develop strategies for increasing and improving public awareness of violence against women.

## Membership

The regional network is intended to be an inter-disciplinary/inter-agency network with equal participation of all representatives. While a representative of Family and Community Services will initially coordinate the establishment of the regional network, a joint ownership perspective is required for successful operation. The following membership is proposed as a guide. It is anticipated that each region will determine the agency/organization composition necessary to operationalize its regional network.

Regional networks could include representatives from each of the 2003 departmental signatories of the Woman Abuse Protocols including:

- Family and Community Services (Income Assistance Case Manager, Child Protection, Support to families Social Worker, Housing)
- Justice (Prosecutions, Court Services)
- Education (Student Counseling Services)
- Public Safety (Police, RCMP Victim Services, Community and Correctional Services)
- Training and Employment Development (Employment Programs, Community Colleges Student Support Services)
- Health and Wellness (Public Health, Mental Health, Regional Health Authorities)
- Government departments would need to

identify their most appropriate participant(s) and level of participation.

- Representatives from other areas/agencies will also be included as well as other participants that the team believes would best serve the interests of the local community, such as;
- local transition house or shelter;
- community outreach service;
- private counselling service providing services to women and/or abusive men;
- child and family services agencies;
- First Nations;
- crisis intervention services.

In the event that the regional network is providing consultation to service providers regarding a specific situation or case, as described in Objective 1.4, the composition of the committee may need to be reduced or modified based on the nature of the situation being addressed and/or depending on the provision of a signed consent/release by the woman for the purpose stated. Decisions regarding the appropriate participants for case-specific consultation, if provided, should be determined by the regional network.

### **Meeting Management**

The number of committees associated with a regional network, or the organization of the regional network or networks, is expected to reflect geographical, linguistic and divisional boundaries and areas of responsibility. These decisions should be determined through discussion at the regional level.

Regional network meetings could be managed through the following approach or according to regional preference:

- The network members shall select their Chairperson.
- Leadership of the network may rotate through the team members.
- Network member will be responsible to represent their respective agency/department and to share information as appropriate.
- The network will be responsible for preparation of agendas and recording of its decisions.
- Secretariat will be determined by the network members and could be rotational, if desired.



## 13.4 Appendix D

### *Code for Service Providers*

#### **What you can do if you work with women who experience violence in their personal relationships:**

This code is meant to provide some basic messages or reminders on how to work effectively with women who experience violence in their personal relationships and come to you for assistance. This code can be used as a quick reference by all service providers. When working with women facing the added challenges caused by abuse in their lives, it is helpful to convey supportive and non-judgmental messages.

#### **Do**

- Read and understand these protocols.
- Keep a copy of this code within reach. Read it over from time to time.
- Be familiar with the expectation placed upon you as set out in the Woman Abuse Protocols.
- Be patient, understanding, and non-judgmental. She may not know what to do. Answer her questions, provide her with impartial information and keep the door open to future communication.
- Be honest about what you can and cannot do from where you work. Inform her where she can access other supports and services that you do not provide.
- Ask her if she is getting help accessing the services she needs.
- If you are her first point of contact to services, follow your departmental protocols and/or the road map to empowerment.
- Make the proper referrals, always respecting what the individual wants or does not want.
- Encourage and support her to make her own decisions.

- Let her know that you respect her decisions and if she is not ready to accept your help at this point she can always come back should she change her mind.

#### **Don't**

- Ask her why she stays or why she hasn't left yet.
- Put the abuser down - she may still love him.
- Tell her what to do.
- Judge or lecture her.
- Make her feel like you are doing her a favor, or that your help is as a last resort.

#### **The messages you want to convey**

- Her safety and her children's safety are the most important issues.
- She can make her own decisions, and you will help her by providing her with the information she needs.
- You have some responsibilities and some limits in your position, but that you are able to connect her with other services in the system.
- You will be honest with her.
- Physical and sexual abuse are crimes.
- She is not the cause of her abuse.
- Violence is never okay.
- She is not alone.
- She alone cannot change her partner's behaviour.
- Abuse is not a loss of control, it is a means of control.
- Help is available to her and her children.

#### **Remember**

You have a responsibility to report to Child Protection Services when children are exposed to abuse in their home or are being directly abused. Make sure that she understands that this is your responsibility.

## 13.5 Appendix E

### **Legislative Provisions**

#### **Criminal Code**

The *Criminal Code* of Canada includes several sections which could apply in a woman abuse situation. These offences apply to adults as well as young persons between the age of 12 and 18 who are charged under the Youth Criminal Justice Act. The sections specifically mentioned are not intended to be exhaustive. Depending upon the circumstances, a variety of *Criminal Code* offences could be charged.

#### **Assault**

According to the definition of “assault” contained in the *Criminal Code*, a person commits an assault when:

- without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
- he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe upon reasonable grounds that he has present ability to effect his purpose; or
- while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

#### **Assault**

Assault is either an indictable or a summary conviction offence depending on the seriousness of the assault. For an indictable assault, a person is liable to imprisonment for a term not exceeding 5 years. For a summary conviction assault, a person is liable to a fine of not more than \$2,000.00 or to imprisonment for 6 months or to both.

#### **Assault Weapon - Assault Bodily Harm**

Aside from assault, there is an offence known as assault with a weapon or causing bodily harm. This occurs when, in committing an assault, a person carries, uses or threatens to use a weapon

or an imitation of a weapon or causes bodily harm to the complainant.

This section defines “bodily harm” as any hurt or injury to the complainant that interferes with the health or comfort of the complainant and that is more than merely transient or trifling in nature.

This is an indictable offence and punishable by a term of imprisonment not exceeding 10 years.

#### **Aggravated Assault**

An aggravated assault is committed when a person wounds, maims, disfigures or endangers the life of a complainant.

Everyone who commits an aggravated assault is guilty of an indictable offence and is liable to imprisonment for a term not exceeding 14 years.

#### **Deemed Assault**

A trespasser who resists an attempt by a person who is in peaceable possession of a dwelling-house or real property, or a person lawfully assisting him or acting under his/her authority to prevent his entry or to remove him, shall be deemed to commit an assault without justification or provocation.

#### **Sexual Assault**

The definition of assault as stated above applies to all forms of assault including sexual assault. An assault becomes a sexual assault when it is committed in circumstances of a sexual nature. Whether an assault is sexual or not depends on several factors including the sexual or carnal context, the part of the body touched, the nature of the contact, the situation in which it occurred, the words and gestures accompanying the act and all other circumstances surrounding the conduct, including threats, force, intent and motive.

A husband or wife can be charged with any of the sexual assault offences whether or not the spouses were living together at the time of the incident.

Sexual assault can be summary conviction with a maximum \$2,000.00 fine, 6 months imprisonment or both if it is of a relatively minor nature. When it is more serious, it can also be an indictable offence punishable by a term of imprisonment not exceeding 10 years.

### **Sexual Assault with a Weapon, Threat to a Third Party or Causing Bodily Harm**

This offence is committed when, in committing a sexual assault, a person carries, uses or threatens to use a weapon or an imitation weapon, threatens to cause bodily harm to a person other than the complainant or causes bodily harm to the complainant.

The punishment is for an indictable offence and for a term of imprisonment not exceeding 14 years.

### **Aggravated Sexual Assault**

An aggravated sexual assault is committed when, in committing a sexual assault a person wounds, maims, disfigures or endangers the life of the complainant.

Everyone who commits an aggravated sexual assault is guilty of an indictable offence and is liable to imprisonment for life.

### ***Defences to Assault***

#### **Consent**

It is an important part of the offence of assault that the victim did not consent to the act complained of. Whether or not there is a defence of consent will depend on the facts of each individual case.

The *Criminal Code* provides that no consent is obtained where the complainant submits or does not resist by reason of:

- the application of force to the complainant or to a person other than the complainant;
- threats or fear of the application of force to the complainant or to a person other than the complainant; fraud; or the exercise of authority.
- Where an accused alleges that he believed that the complainant consented to the conduct that is the subject-matter of the charge, a judge, if satisfied that there is sufficient evidence and that, if believed by the jury, the evidence would constitute a defence, must instruct the jury, when reviewing all the evidence relating

to the defence, termination of the honesty of the accused's belief, to consider the presence or absence of reasonable grounds for that belief.

- Case law indicates that the defence of consent is usually not appropriate in domestic violence situations or where there is serious bodily injury.

#### **Drunkenness**

Generally, self-induced drunkenness is not a defence to an assault unless the state of intoxication is so advanced that the accused was not aware of what he was doing or that what he was doing was wrong.

#### **Self-Defence**

The *Criminal Code* states that everyone is justified in using force to defend himself or anyone under his protection from assault, if he uses no more force than is necessary to prevent the assault or the repetition of it. However, it is also clearly stated that there is no legal justification for the wilful infliction of any hurt or mischief that is excessive, having regard to the nature of the assault that the force was intended to prevent.

To rely on this defence, an accused must have been faced with an actual assault, something which he must defend against, and that assault must be life-threatening before he can be justified in killing in defence of his person or that of someone under his protection. (See MURDER below.)

#### **Provocation**

Provocation by blows, words or gestures is not a defence to assault but will be considered by the Court as a mitigating circumstance when the accused is sentenced.

### ***Murder / Attempted Murder***

- A person commits homicide when, directly or indirectly, by any means, he causes the death of a human being.
- Homicide is culpable or not culpable.
- Homicide that is not culpable is not an offence.

- Culpable homicide is murder or manslaughter (or infanticide).
- A person commits culpable homicide when he causes the death of a human being by committing an unlawful act such as assault.
- Culpable homicide is murder,
  - a. *where the person who causes the death of a human being; i. means to cause his death; or ii. means to cause him bodily harm that he knows is likely to cause his death and is reckless whether death ensues or not,*
  - b. *where a person, meaning to cause death to a human being or meaning to cause him bodily harm that he knows is likely to cause his death, and being reckless whether death ensues or not, by accident or mistake causes death to another human being, notwithstanding that he does not mean to cause death or bodily harm to that human being; or*
  - c. *where a person, for an unlawful object, does anything that he knows or ought to know is likely to cause death, and thereby causes death to a human being, notwithstanding that he desires to affect his object without causing death or bodily harm to any human being. Murder can be committed where a person causes the death of a human being while committing or attempting to commit a sexual assault or sexual assault with a weapon or sexual assault causing bodily harm, whether or not the person means to cause death to any human being and whether or not he knows that death is likely to be caused to any human being, if he means to cause bodily harm for the purpose of committing the offence or facilitating his flight after committing or attempting to commit the offence, and death ensues from the bodily harm.*

### **Murder is first degree murder or second degree murder.**

Murder is first degree murder when it is planned and deliberate. Irrespective of whether a murder is planned and deliberate, murder is first degree murder when the victim is a peace officer, or a prison official. Also irrespective of whether a

murder is planned and deliberate, murder is first degree murder when death is caused while committing or attempting to commit a sexual assault, a sexual assault with a weapon, sexual assault causing bodily harm or aggravated sexual assault.

All murder that is not first degree murder is second degree murder.

### **Murder Reduced to Manslaughter**

Culpable homicide that otherwise would be murder may be reduced to manslaughter if the person who committed it did so in the heat of passion caused by sudden provocation.

A wrongful act or an insult that is of such a nature as to be sufficient to deprive an ordinary person of the power of self-control is sufficient provocation to act as a defence to murder if the accused acted on it on the sudden and before there was time for his or her passion to cool.

The questions whether a particular wrongful act or insult amounted to provocation and whether the accused was deprived of the power of self-control by the provocation that he or she alleges were received, are questions of fact to be determined at the time of trial.

### **Attempted Murder**

An attempted murder is committed when a person has an intent to commit murder and does or admits to do anything for the purpose of carrying out that intention whether or not it was possible under the circumstances to actually commit the offence.

### **Punishment**

- Everyone who commits first degree murder or second degree murder is guilty of an indictable offence and must be sentenced to imprisonment for life, which is the minimum punishment.
- Everyone who commits manslaughter is guilty of an indictable offence and liable to imprisonment for life.
- Everyone who attempts by any means to commit a murder is guilty of an indictable offence and liable to imprisonment for life.

## ***Defences to Murder***

### **Drunkenness/Drugs**

Since murder is a crime that requires a specific intent in the mind of the accused to kill the victim, depending on the facts of each particular case, and the degree of intoxication, drunkenness may reduce murder to manslaughter if there is sufficient evidence to raise a reasonable doubt that the accused person intended to commit murder.

This legal effect can also operate in the case of the excessive influence of drugs on the mind of the accused at the time of the offence. However, where there is evidence of self-induced intoxication by alcohol or drugs, this test will be very strictly applied.

### **Provocation**

As described above, murder can be reduced to manslaughter if the person who committed the murder did so in the heat of passion caused by sudden provocation. A wrongful act or an insult that is of such a nature as to be sufficient to deprive an ordinary person of the power of self-control is provocation if the accused acted on it on the sudden and before there was time for his or her passion to cool.

### **Self-Defence**

This is the only absolute defence to a charge of murder. The defence is available to a person who is unlawfully assaulted and who causes death or grievous bodily harm in repelling the assault if he or she causes it under reasonable apprehension of death or grievous bodily harm from the violence and there are reasonable grounds to believe that he or she cannot otherwise preserve himself or herself from death or grievous bodily harm.

The Supreme Court of Canada has acknowledged that in certain extreme cases involving the battered woman syndrome, an accused may well be under a reasonable apprehension of death even though she is not in danger of imminent or immediate harm at the moment that force is used to protect herself. This is an expansion of a complete defence that is always available to any

person accused of murder who reasonably believes that his or her life is in danger from an assault.

The judgment is an important recognition by the legal system of a sociological phenomenon that has existed throughout history. The law now acknowledges that, in certain exigent and extreme circumstances, a woman who has been repeatedly abused by her partner can feel so trapped and helpless that she honestly believes the only way to save her own life is to kill her batterer, even though she is not in fear of losing her own life at the actual moment when she inflicted the fatal injury.

### ***Criminal Code, Other Conduct***

Other sections of the *Criminal Code* which may apply in a domestic situation are:

#### **Uttering Threats**

This offence is committed when a person in any manner knowingly utters, conveys or causes any person to receive a threat to cause death or serious bodily harm to any person; to burn, destroy or damage real or personal property or to kill, poison or injure an animal or bird that is the property of any person.

A person found guilty of a threat to a person has committed an indictable offence and is liable to imprisonment for a term not exceeding 5 years. A person found guilty of a threat against property or an animal or bird, can commit either an indictable offence punishable by 2 years or a lesser summary conviction offence depending on the seriousness of the facts.

#### **Harassment**

This may either be an indictable offence liable to imprisonment for a term not exceeding five years or an offence punishable on summary conviction.

This offence is committed when a person without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed does the following:

- repeatedly follows the other person or anyone known to them;
- repeatedly communicates directly or indirectly with the other person or anyone known to them;
- besets or watches the dwelling-house or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or
- engages in threatening conduct directed at the other person or any member of their family.

The court must consider as an aggravating factor for sentencing that the accused was in contravention of the terms or conditions of a prohibition order, peace bond or other order or recognizance made or entered into under the common law or the *Criminal Code* or any other Act or Parliament or a province.

### **Harassing Telephone Calls**

It is an offence to make or cause to be made repeated telephone calls to a person without lawful excuse and with intent to harass that person. This is a summary conviction offence punishable by a fine of \$2,000.00 or to a term of imprisonment for six (6) months or both.

### **False Messages:**

It is an offence to convey, or cause or procure to be conveyed by letter, telegram, telephone, cable, radio or otherwise information that he knows is false with the intent to injure or alarm another person. This is an indictable offence and liable to imprisonment for a term not exceeding two years.

### **Indecent telephone calls:**

It is an offence to make any indecent telephone call to a person with the intent to alarm or annoy that person. This is an offence punishable on summary conviction.

### **Peace Bond**

A peace bond is requested by a person who fears that another person will cause personal injury to him or her, a spouse or child or that another person will damage his property.

A peace bond request is made by the complainant personally in the presence of a judge by the swearing of an information or charge. This procedure is used because the conduct complained of is not an "offence" under the *Criminal Code*. *Criminal Code* "offences" are commenced by a police officer laying an information, not the complainant herself.

If the defendant agrees to a peace bond or if the Court is satisfied that there are reasonable grounds for the complainant to be afraid after a hearing, the defendant will sign a "recognizance", which is a binding agreement with the Court, to keep the peace and be of good behaviour for any period not exceeding 12 months. There are often specific conditions attached in relation to contact with the complainant and/or her children and/or in relation to staying away from her place of residence and/or place of employment. A peace bond is enforceable anywhere in the province.

It is a criminal offence to breach a peace bond and if convicted, the defendant is liable on summary conviction to a fine of \$2,000.00 or six months imprisonment or both.

A peace bond is appropriate only in situations where there is fear of personal injury or damage to property. Unless it is of a minor nature, an assault should not be dealt with under this section. This provision was intended as a means of preventing an assault from happening, not as a means of punishing an assault which has already occurred.

### **Family Services Act**

The Family Services Act is a provincial statute which defines those neglect and abuse situations in which the Minister of Family and Community Services either may provide services or must intervene. There are specific sections in the Act which provide for the protection of: a) children living in situations of severe domestic violence, and b) disabled and elderly persons who are being or at risk of being abused.

The legislation provides that the Minister must intervene in a woman abuse situation if a child's security or development is in danger. The Minister must also intervene in the case of an abused woman without the presence of children, if the woman is either disabled or elderly.

Under the authority of this legislation, the Minister may provide resources for the establishment and operation of social service programs for abused women.

### **Children Living in Domestic Violence**

The Family Services Act allows the Minister of Family and Community Services to take children into protective care if their security or development may be in danger. Grounds exist in the legislation for a child's security and development being in danger when "the child is living in a situation where there is severe domestic violence" or "the child is living in unfit or improper circumstances". Depending on the severity of the domestic violence, the Minister could exercise his authority on either of these grounds to take a child into protective care in a case involving woman abuse.

### **Mandatory Reporting**

The Family Services Act requires every citizen to inform the Minister of Family and Community Services if he or she has information causing him or her to suspect that a child has been abandoned, deserted, physically or emotionally neglected, physically or sexually ill-treated or otherwise abused.

The Act imposes quasi-criminal sanctions against professional persons who fail to comply with this obligation if they have acquired the information in the discharge of their professional responsibilities.

"Professional person" is defined as meaning a physician, nurse, dentist or other health or mental health professional, a hospital administrator, a school principal, school teacher or other teaching professional, a social work administrator, social worker or other social service professional, a child care worker in any day care centre or child caring institution, a police or law enforcement officer, a

psychologist, a guidance counsellor, or a recreational services administrator or worker, and includes any other person who by virtue of his employment or occupation has responsibility to discharge a duty of care toward a child.

A professional person who commits this offence is punishable upon conviction as a category F offence under the Provincial Offences Procedure Act.

### **Restraining Orders**

The Family Services Act has a provision for obtaining what is commonly called a "restraining order". This is a civil law remedy, not a criminal law matter.

A person can apply to a Court of Queen's Bench Family Division for a restraining order if (1) the parties are separated but still married and (2) the other spouse has been molesting, annoying, harassing or interfering with the applicant or any children in her lawful custody.

A charge or a recognizance under the *Criminal Code* is the appropriate method of proceeding when there is fear of bodily harm. The conduct complained of for a restraining order is of a less serious nature than fear of personal injury.

It is not an offence to breach a restraining order. This type of order is enforceable by civil contempt procedure with the involvement of a private lawyer, not a Crown prosecutor. The only circumstance where a Crown prosecutor will be involved in obtaining restraining orders is if the original application is a request for support and the offending spouse is consenting to the granting of the restraining order.

A non-association condition can be obtained as a condition of probation or a condition of a peace bond in proceedings under the *Criminal Code*. These types of conditions are enforceable by a criminal charge if there is a violation.

## 13.6 Appendix F

### *Resource for assisting a woman in creating a Safety Plan*

There are many resources available to assist women in making a safety plan. As a helper, you may find yourself in a position to answer questions about safety planning. The following, adapted from *Making Changes: A Book for Women in Abusive Relationships* (see Reference section page ???) can assist you in your role.

#### **Know what to do in an emergency**

If you do have to act quickly, it's important to be prepared. Here are some things to think about:

- Where can you go in an emergency? You will need to have somewhere safe.
- 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 tell 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?

#### **My Emergency Plan for Safety**

This is my plan for increasing my safety and preparing in advance for the possibility of further violence. Although I do not have control over my partner's violence, I do have a choice about how to respond to it and how to best get myself and my children to safety. I will keep this plan in safe place.

- Establish an escape route. Know where you can go to be safe, if only to make a phone call.
- If you've been abused before, make sure the police are fully aware of the situation.
- Have emergency numbers programmed into the phone (shelter, neighbours, those who will help you).

- Speak to your neighbours and people you can trust. Let them know what's going on so they can be watching out for you and call the police if they become concerned.
- Call a transition house and talk to staff. You may want to work out a code word so they know who you are if you have to call them in a crisis.
- Hide some money away if possible (you may need emergency taxi fare) and a spare set of car keys in order to leave quickly.
- Talk to the children. They need to know which neighbour to run to in an emergency and how to use the telephone to call police.
- Pack an emergency bag in case you need to leave quickly. You can't take everything. Just take what you'll need for a few days. You can leave the bag with a friend if you have to.
- If you don't feel safe doing that, you can make a list of things to take and make sure you know where to find them in an emergency:
  - Money, bank books, credit cards
  - Clothes for you and the children for a few days
  - Any medicine you or your children may need
  - House keys, car keys
  - Identification
  - Important papers: birth certificates, marriage certificates, social insurance numbers, divorce papers, custody documents, court orders, restraining orders, income tax returns
  - Health cards for you and the children
  - Medical and vaccination records
  - First Nations status card
  - Immigration/citizenship papers, passports for all family members
  - Work permits



- The children's favourite toys, books and special blankets
- Copies of your lease, mortgage or other deeds
- Picture of your spouse/partner (for identification)
- Your address/phone book
- Car registration, driver's licence, car insurance
- Your favourite possessions/books (things that give you comfort)

It is probably a good idea to get legal and other advice now, even before there is an emergency.

If you are in danger, get to a phone and call 911 immediately.