



Woman Victims of Abuse Protocols

Acknowledgments

The Women's Equality Branch would like to acknowledge the valuable contribution of the members on the working group who committed their time and energy to updating the Woman Victims of Abuse Protocols.

The discussions and debates highlighted the complexity of a problem that faces too many women.

We hope the Protocols provide insight and instruction for all users as they assist women who are living with abuse and violence in their relationships.

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Special thanks to:

Marian Hernandez for her patience in creating the
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Victims of Abuse Protocols.

Silke Brabander for her attention to detail in editing
and proofreading.

Stella Chiasson for her contribution to the Protocols
while on secondment to the Women's Equality
Branch.

Woman Victims of Abuse Protocols

Published by:

The Government of New Brunswick
P.O. Box 6000
Fredericton, NB
E3B 5H1

ISBN-978-1-4605-0332-4

Printed in New Brunswick, Canada

Table of Contents

Chapter 1	9	Chapter 3	31
1.0 Introduction	10	3.0 Aboriginal Women	33
1.1 Interdepartmental Statement	10	3.1 Introduction	33
1.2 Preamble	12	3.2 Contributing Factors to Violence Against Aboriginal Women	33
1.3 Highlights	13	3.2.1 Colonization.....	34
1.4 Influences	14	3.2.2 Racism and Gender Discrimination	34
1.5 Purpose of the Woman Victims of Abuse Protocols	14	3.2.3 Poverty	34
		3.2.4 Residential Schools and the Sixties Scoop	35
Chapter 2	17	3.2.5 Housing	35
2.0 Exploring Woman Abuse	19	3.2.6 Mental Health and Addictions.....	35
2.1 Defining Woman Abuse	19	3.2.7 Normalization of Violence.....	35
2.1.1 Psychological abuse/emotional abuse/verbal abuse.....	19	3.3 Considerations when Working with Aboriginal Women	36
2.1.2 Physical abuse	19	3.3.1 Cultural Awareness Tips for Service Providers working with Women of a First Nations Culture.....	36
2.1.3 Financial abuse	20	3.4 Guidelines for Supporting Aboriginal Women	37
2.1.4 Spiritual abuse.....	20	3.5 New Brunswick First Nations and Aboriginal Specific Resources	37
2.1.5 Sexual abuse.....	20		
2.2 Sexual Violence in Intimate Partner Relationships	20	Chapter 4	43
2.3 Reporting Cases of Woman Abuse	22	4.0 Model for a Collective and Co-ordinated Response	45
2.4 Why Does Abuse Happen?	22	4.1 The Holistic and Community-Based Approach	45
2.5 Power and Control Theory	22	4.2 Woman-Centred Response	46
2.6 Is There a Pattern to Abuse?	23	4.3 Regional Family Violence Networks	46
2.7 Cycle of Violence	24	4.4 Complementary Supports and Services	47
2.8 Indicators/Effects	24	4.5 Information-sharing and Consent	47
2.9 Links between Child Abuse and Woman Abuse	25	4.6 Crisis and Counselling Services and Support	48
2.9.1 Children who witness abuse.....	25	4.7 On-going Prevention and Education	48
2.10 Working with Diverse Populations of Women	26		
2.10.1 Abuse of Women in Lesbian Relationships.....	26	Chapter 5	51
2.10.2 Abuse of Aboriginal Women	27	5.0 Road Map to Empowerment	53
2.10.3 Abuse of Women with Disabilities and Elderly Women	27	5.1 Concept	53
2.10.4 Abuse of Women who are Immigrants and New Canadians	28	5.2 Road Map	53
2.10.5 Intersectionality and Woman Abuse	28	5.3 Community Profile Worksheet	55
2.11 Human Trafficking	29		
2.12 Conclusion	29		

Chapter 6	59
6.0 Department of Public Safety	61
6.1 Introduction	61
6.2 Policing	61
6.2.1 Domestic Violence Defined	61
6.2.2 Receiving a Complaint	61
6.2.3 Pre-entry Procedures	62
6.2.4 Entry Procedures	62
6.2.5 Immediate Action	62
6.2.6 Investigation	62
6.2.6 (a) Injuries	63
6.2.6 (b) Arrest Considerations	63
6.2.7 Court Appearance	63
6.2.8 Legal Proceedings	63
6.2.9 Police-Based Victim Assistance Program	64
6.2.10 Statistics	64
6.3 Victim Services	65
6.3.1 Intake and Case Assessment	65
6.3.2 Trauma Counselling Program	65
6.3.3 Court Support and Court Preparation Programs	65
6.3.4 Victim Impact Statements	66
6.3.4 (a) Review Board Hearings	66
6.3.4 (b) Parole Board Hearings	66
6.3.4 (c) Parole Eligibility Hearings for Offenders Sentenced to Life - Section 745.6 CCC	67
6.3.5 Sentencing Follow-up	67
6.3.6 Compensation for Victims of Crime	67
6.3.7 Continuum of Care	67
6.4 Probation Services	67
6.4.1 Supervised Probation and Conditional Sentence Orders	68
6.4.2 Preparation of Pre-Sentence Reports	68
6.5 Correctional Facilities	69
6.5.1 Admission Procedures	69
6.5.2 Telephone Communication	69
6.5.3 Correspondence	69
6.5.4 Case Planning	69
6.5.5 Temporary Absence	70
6.5.6 Offenders Escaping Custody or Unlawfully at Large	70
6.6 Coroner Services	70
6.6.1 Domestic Violence Death Review Committee	70
6.7 Victim Services Contact Information	71

Chapter 7	73
7.0 Department of Justice and Office of the Attorney General	75
7.1 Introduction	75
7.2 Criminal and Family Justice Systems in New Brunswick	75
7.2.1 Provincial Court of New Brunswick	75
7.2.2 Court of Queen's Bench	75
7.2.3 Specialized Courts	75
7.2.4 Courts-Pilot Projects	77
7.3 The Role of Public Prosecution Services	77
7.3.1 Introduction	77
7.3.2 Police Investigation File to Crown	78
7.3.3 Role of the Crown Prosecutor	78
7.3.3 (a) Initiating the Prosecution	78
7.3.3 (b) Charge Recommendation/Screening Process	78
7.3.3 (c) Sufficiency of Evidence	78
7.3.3 (d) Public Interest Factors	79
7.3.3 (e) Seriousness of the Offence	79
7.3.3 (f) Expeditious Prosecution	79
7.3.3 (g) Early Considerations	79
7.3.3 (h) Peace Bond	79
7.3.3 (i) Plea Resolution Agreements	79
7.3.3 (j) Judicial Interim Release	80
7.3.3 (k) Victims and Witnesses	80
7.3.3 (l) Reluctant Victims	80
7.3.3 (m) Sentencing	81
7.3.3 (n) Firearms	81
7.3.3 (o) Mental Disorder	81
7.3.3 (p) Alternative Measures	82
7.4 Provincial Court-Domestic Violence Court	82
7.5 Woman Victims of Abuse Protocols	82
7.5.1 Related Documents (Public Prosecution Services Operational Manual)	82
7.6 Family Services Crown Prosecutors	82
7.6.1 Enforcement of Parenting Arrangements/ Enforcement of Custody and Access/ International Child Abduction	82
7.7 Role of the Department of Justice	83
7.7.1 Introduction	83
7.7.2 Family Support Order Services (FSOS)	83
7.7.3 Court Security-Sheriff Services	84
7.7.4 Parent Education Program	84
7.7.5 Court-Ordered Evaluations Support Program (C-OESP)	85
7.7.6 Legal Representation in Family and Criminal Law Matters	85
7.7.7 New Brunswick Legal Aid Services Commission (NBLASC)	85
7.7.8 Contact Information	86
7.7.8 (a) Department of Justice Court Services Division Offices (Family Division)	86
7.7.8 (b) Family Support Orders Service	87
7.7.8 (c) New Brunswick Legal Aid Services Commission contact information	87

Chapter 8	89	Chapter 11	121
8.0 Department of Health	91	11.0 Department of Education and Early Childhood Services	123
8.1 Introduction	91	11.1 Introduction	123
8.1.1 Ambulance New Brunswick	91	11.2 Roles	123
8.1.2 Emergency Department	91	11.3 Disclosure	123
8.1.3 Addiction and Mental Health Services	91	11.4 Youth and Dating Violence	123
8.1.4 Public Health	92	11.5 Support	124
8.1.5 Extra-Mural Program	92	11.6 Education and Prevention Programs and Policies	124
8.1.6 Tele-Care	92	11.7 Early Childhood Services	124
8.1.7 Community Health Centres	92	11.7.1 Early Intervention Services	125
8.1.8 Health Care Professionals	92	11.7.2 Pre/Postnatal Benefit Program	125
8.2 Components of the Health Services		11.7.3 Day Care Assistance Program	125
Protocols	92	11.7.4 Child Day Care Services Program	125
8.2.1 Detection/screening	92	11.7.5 Services for Preschool Children with Autism Spectrum Disorders	126
8.2.2 Confidentiality Limits and Informed Consent	93	11.7.6 Talk with me Program	126
8.2.3 Assessment	93		
8.2.4 Intervention/Client Safety	94	Chapter 12	129
8.2.5 Referrals	95	12.0 Community Resources	131
8.2.6 Reporting to Police	95	12.1 Introduction	131
8.2.7 Client Records	96	12.2 Domestic Violence Outreach Program	131
8.2.8 Accessibility of Services to a Diverse Population	96	12.3 Transition Houses	131
8.2.9 Professional Development	97	12.4 Second Stage Housing	131
Appendix 1	97	12.5 Safe for Pets too...in transition with you	132
		12.6 Sexual Assault Services	132
Chapter 9	101	12.6.1 24 Hour Sexual Assault Crisis Lines and Support	132
9.0 Department of Social Development	103	12.6.2 Sexual Assault Counselling and Support	132
9.1 Introduction	103	12.6.3 Sexual Assault Nurse Examiner Program/Services	132
9.1.1 Goal	103	12.7 New Brunswick Universities	132
9.1.2 Principles	103	12.7.1 University of New Brunswick (UNB - Fredericton)	132
9.1.3 Intervention Guidelines	104	12.7.2 University of New Brunswick (UNB - Saint John)	132
9.2 Social Development's Integrated Service Delivery Process: The Point of Entry to All of Social Development's Programs and Services	104	12.7.3 Saint Thomas University	132
9.3 Community and Individual Development Branch	105	12.7.4 Mount Allison University	133
9.3.1 Income Support	105	12.7.5 Université de Moncton	133
9.3.2 Housing	107	12.7.6 Université de Moncton - Edmundston Campus	133
9.4 Child Welfare and Youth Services	107	12.7.7 Université de Moncton - Shippagan Campus	133
9.4.1 Intervention with families	107	12.8 New Brunswick Community Colleges	133
9.4.2 Ongoing services	108	12.9 New Brunswick Association of Family Resource Centres	133
9.5 Adult Protection Program	108	12.9.1 Military Family Resource Centre	134
9.6 Referrals	108	12.10 New Brunswick Multicultural Council	135
9.7 Contact Information	109	12.11 Resources for Women with Disabilities	135
		12.11.1 Premier's Council on the Status of Disabled Persons	135
Chapter 10	113		
10.0 Department of Post-Secondary Education, Training and Labour	115		
10.1 Mission and Mandate	115		
10.2 Regional Offices and Contact Information	116		
10.3 Role of the New Brunswick Human Rights Commission	117		

12.11.2 DisAbleD Women's Network Canada (DAWN-RAFH Canada)	135
12.11.3 Adult Victims of Abuse Protocols	136
12.12 Resources for Lesbian, gay, bisexual, transgender and two- spirited people/ population	136
12.12.1 PFLAG Region 6 – Atlantic Region	136
12.12.2 Greater Fredericton Gender and Sexual Minority Services:	136
12.12.3 Égale Canada.....	136
12.12.4 CHIMO Helpline	136
12.12.5 Support for Students and Educators:	136
12.12.5 (a) Pride in Education.....	136
12.12.5 (b) Spectrum.....	136
12.12.5 (c) OutLaw	136
12.12.5 (d) UNB/STU Sexuality Centre.....	136
12.12.5 (e) UnSurDix.....	136
12.12.5 (f) Catalyst	137
12.12.6 Gai Écoute	137
12.12.7 Greater Moncton's River of Pride	137
12.12.8 AIDS New Brunswick Inc.	137
12.12.8 (a) AIDS Moncton	137
12.12.8 (b) AIDS Saint John.....	137
12.12.9 Moncton Transgender Support Group.....	138
12.13 Information	138
12.13.1 Public Legal Education and Information Service	138
12.13.2 Family Law NB	138
12.13.3 New Brunswick Human Trafficking Working Group	138

Chapter 13	141
13.0 Appendices	143
13.1 Appendix A - Critical Point of Access - screening	143
13.2 Appendix B - Basic Guidelines for screening for woman abuse	143
13.3 Appendix C - General Guidelines for Service Providers	144
13.4 Appendix D - Creating a Safety Plan	146
13.4.1 Safety Planning for Abused Women: The Role of Service Providers	146
13.4.2 Safety in an Emergency	147
13.4.3 Safety for Children Witnessing the Abuse of their Mothers	151
13.5 Appendix E - Terms of Reference for Regional Family Violence Networks	152
13.6 Appendix F - Legislative Provisions	154

CHAPTER 1

Chapter 1

1.0 Introduction	10
1.1 Interdepartmental Statement	10
1.2 Preamble	12
1.3 Highlights	13
1.4 Influences	14
1.5 Purpose of the Woman Victims of Abuse Protocols	14

1.1 Interdepartmental Statement

The government of New Brunswick recognizes violence against women as a pervasive social issue and has identified it as a priority for action. Awareness, prevention and intervention are key elements in addressing the issue of woman abuse.

The Woman Victims of Abuse Protocols are the tool to implement a co-ordinated collective response to the issue. In 2012, a working group was established to review and update the Woman Victims of Abuse Protocols to reflect changes in service-delivery, programs and knowledge. This version expands our understanding of violence against Aboriginal women and sexual violence.

The Woman Victims of Abuse Protocols are rooted in the government's vision that "All New Brunswick families live in a secure, nurturing environment free of abuse and violence."

The following principles serve as the foundation for the Protocols:

- Every human being is entitled to respect for their personal dignity.
- Violence against women is a serious health, social and economic issue with short and long term implications for the victims, their families and society as a whole.
- Belief in the equality of women and men.
- Acknowledgement of the gendered context of violence.
- Acknowledgment that men's violence is a societal problem as well as an individual problem.
- Belief that a secure, nurturing environment free of violence and abuse is best.
- The importance of the family unit should not supersede the respect for the well-being of the individual members that comprise it.
- There must be respect for the survivor's right to self-determination and privacy.
- Survivors are not responsible for the abuse and violence they experience.
- Women must have access to information and options to support them in decision-making.
- Many forms of violence against women are criminal acts and should be treated as such by society.
- Interventions dealing with violence against women are long-term and address the unique needs of female and male survivors, children and perpetrators.
- Poverty or the threat of poverty should not be a barrier for a woman seeking to leave an abusive situation.
- That formal and informal service providers be helpful and do no harm.

The undersigned endorse these Protocols and consider it essential that professionals who operate under the authority of the Departments of Public Safety, Social Development, Health, Office of the Attorney General, Education and Early Childhood Development, Justice, Post-secondary Education, Training and Labour, and Women's Equality Branch, Executive Council Office adopt them as an essential part of their regular procedures.


Signed:


Minister Responsible for Women's Equality


Minister of Social Development


Minister of Health


Minister of Justice


Minister of Post-secondary Education, Training and Labour



Minister of Education and Early Childhood Development


Minister of Public Safety and Solicitor General


Office of the Attorney General


Deputy Minister


Deputy Minister


Deputy Minister


Acting Deputy Minister


Deputy Minister


Deputy Minister


Deputy Minister


Deputy Minister


Acting Deputy Attorney General

1.2 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. All forms of abuse are wrong. Some aspects of woman abuse are of a criminal nature which fall under the *Criminal Code*, including physical and sexual assault, threats of death and bodily harm, stalking and the destruction of personal property and pets. Women need support regardless of the type of abuse they are experiencing.

These Protocols guide the way in which the Government of New Brunswick responds to situations of violence against women in intimate relationships. Government service providers and government agencies such as police, health and social services are the primary users of the Protocols. Some private and community agencies have also been included because of the important role they have with 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 intimate relationships. It is anticipated that the Protocols will assist them as well.

In these Protocols various terms are used which reflect that women are predominantly the victims when there is abuse and violence between intimate partners and the perpetrators are predominantly men. Another term for woman abuse is gender-based violence because of the context of the inequality and power imbalance between men and women in which it occurs. Some terms that are used within the Protocols are considered gender-neutral i.e. intimate partner violence, spousal violence, domestic violence, dating violence. While violence against any person is a serious matter, the intent of the Woman Victims of Abuse Protocols is to highlight the specific context of and appropriate response to violence against women.

The Woman Victims of Abuse Protocols are useful

for informing and educating service providers on the issue of violence against women as well as a tool to facilitate working relationships among all agencies of government and community to effectively support women.

Chapter 2 explains woman abuse and details the various ways that abuse is perpetrated. An expanded section on sexual violence in intimate relationships identifies the significance and impact when sexual violence occurs in these relationships. This chapter will be particularly helpful for users who seek to deepen their understanding and knowledge of woman abuse and consider how abuse affects women differently when they come from diverse groups.

A chapter has been added to assist service providers in understanding Aboriginal women and the violence they experience. The Maliseet and Mi'kmaq First Nations constitute a large part of the Aboriginal population of New Brunswick who live both on and off First Nations communities. Understanding the historical context and current realities of Aboriginal people provides insight into the barriers and challenges facing Aboriginal women. This chapter provides basic knowledge to increase sensitivity and awareness of how to intervene with Aboriginal women.

In the fourth chapter the model for a collective co-ordinated approach to woman abuse is outlined. At the centre of this approach is the woman who is managing the abuse in her life. Her personal experience and needs guide service providers as they develop interventions specific to her. Family violence network members and other service providers are informed by the experience of all of the women they encounter in their work. Together, they work to narrow gaps in service-delivery and to prevent future violence against all women in the community.

In Chapter 5, the "Road Map to Empowerment"

1.3 Highlights

provides a visual representation of how service providers support a woman and assist her in charting her path to a place of personal security, health and well-being. All users of the Woman Victims of Abuse Protocols are encouraged to complete the Community Profile Worksheet either individually, as a work team, as an organization or as a family violence network. The purpose is to increase awareness of the services available in the community and to build a network that can easily respond to women experiencing abuse.

The subsequent chapters outline what can be expected from government agencies in responding to the needs of women who have experienced intimate partner violence. Each department or agency's approach to the issue is embedded in the mandate of the department and the particular role they play in serving the citizens of New Brunswick. Service providers use the Woman Victims of Abuse Protocols to clarify and understand their role in serving women who have experienced violence.

The Community Resource Chapter identifies key resources that are available in regions throughout the province and are helpful to women who have experienced violence. This section complements the information found in the chapters which provide contact information for government services. As users of the Protocols develop the Community Profile Worksheet, they become familiar with the local services and programs that are relevant to their particular clients.

Finally, there are five appendices which provide supplementary information to enhance the service-provider's knowledge. Helpful tips for screening and intervening, proposed terms of reference for regional family violence networks and a legislative backdrop for woman abuse are included.

The Woman Victims of Abuse Protocols is a useful tool for orientation and training of new staff as well as a manual for those who offer service to the public. It provides a basis for understanding woman abuse, the impact and the responses that best meet her needs and promote safety.

- 1990 - The Province of New Brunswick launched its first Woman Abuse Protocols.
- 2000 -The "World March of Women" mobilized women across the world as a means of highlighting issues relating to women and poverty and violence against women.
- 2000 - The Minister responsible for the Status of Women established the Minister's Working Group on Violence against Women to bring forth recommendations on the issue.
- 2001 - A Better World for Women Action Plan was released.
- 2002 - The Executive Council Office created the Women's Issues Branch with a mandate to bring together a number of related projects and initiatives focused on the lives of women in New Brunswick.
- 2004 – The Woman Abuse Protocols were updated and launched with regional training and awareness sessions.
- 2005 – A Better World for Women: Moving Forward 2005-2010 set the stage for a 5 year plan to respond to violence against women.
- 2005 – The Provincial Strategy on Sexual Assault Services was submitted to and supported by government.
- 2008 – The New Brunswick Advisory Committee on Violence against Aboriginal Women put forth A Strategic Framework to End Violence Against Wabanaki Women in New Brunswick which was adopted by the government.
- 2010 - The Domestic Violence Death Review Committee was established
- May 29, 2013 – Women's Equality Branch replaces the Women's Issues Branch name to reflect the comprehensive mandate. Awareness and prevention of violence against women is an ongoing priority in working towards equality for women in New Brunswick.
- 2013 – Woman Victims of Abuse Protocols review and update complete.

1.4 Influences

Since the last version of the Protocols was released, knowledge of woman abuse has expanded. Statistics Canada reports reveal the prevalence of violence against women reported to the criminal justice system yet many women still do not report incidents to the police. Women share accounts of the abuse they experience with direct interveners and academic researchers who then develop and inform service providers and policy makers of better practices for working on this issue. Research in New Brunswick has provided insight into the lives of women subjected to violence as well as those who were murdered by their intimate partners.

Serious violent incidents and homicides have continued to occur in New Brunswick while better ways are sought to understand why it occurs, key risk factors, and how it can be prevented. Risk assessment and risk management tools are becoming an important element of the work of domestic violence interveners, victim service personnel, police and the criminal justice system. As a component of collective coordinated approach, these tools can contribute to increasing women's safety.

We have gotten better at listening to women's voices and their accounts of abuse and violence. Learning from them helps us develop better strategies to respond to their needs and to develop prevention and awareness initiatives. There are systemic factors in women's lives that may make them more vulnerable to abuse i.e. poverty, racism, disability which must be addressed to reduce the risk of violence. Barriers and challenges continue to exist for women who have been subjected to violence. Societal attitudes and limited awareness of intimate partner violence sometimes prevent women from taking action that can lead to improved safety, health and well-being.

Ongoing dialogue between government and community partners has strengthened relationships and provided a foundation for a collective coordinated response located in the communities where women live their lives. Women are much

better served by a strong collective response of service providers who know what services and supports are available to women and how to access them. As partners strive to build on these relationships, information is shared, resources accessed and practical knowledge enhanced to help women achieve a life free of violence.

This version of the Woman Victims of Abuse Protocols emphasizes strong community and government partnerships that are reinforced in regional family violence networks. The members that form regional family violence networks are the links to services and supports that meet the needs of women in their communities. They have the in-depth knowledge of woman abuse which informs front-line service delivery and is a catalyst for change in prevention and awareness efforts.

1.5 Purpose of the Woman Victims of Abuse Protocols

The Protocols outline the core approach of government departments in response to women who have been subjected to violence in intimate relationships.

To be useful today and into the future, the Protocols are used as the foundation for continued work on the issue of woman abuse. Community and government service providers and organizations will use the Protocols to:

- Train new staff, board members of community agencies and community groups
- Refresh seasoned staff
- Incorporate into daily practice
- Sensitize staff and community members on violence against women and intimate partner violence
- Form the basis of prevention and awareness activities in the community such as "lunch and learns", local workshops

- Offer discussion sessions for regional family violence networks and local partners to familiarize each other with their unique roles in the collective response to woman abuse
- Create an environment where service providers can acknowledge the impact on themselves from working with women and communities who have been subjected to violence

The Woman Victims of Abuse Protocols complement and support the work of community and government partners. It is the foundation document upon which a strong practice and knowledge base can be built to realize the vision of a New Brunswick where all families live in a secure, nurturing environment free of abuse and violence.

CHAPTER 2

Chapter 2

2.0 Exploring Woman Abuse	19
2.1 Defining Woman Abuse	19
2.1.1 Psychological abuse/emotional abuse/verbal abuse	19
2.1.2 Physical abuse	19
2.1.3 Financial abuse	20
2.1.4 Spiritual abuse.....	20
2.1.5 Sexual abuse.....	20
2.2 Sexual Violence in Intimate Partner Relationships	20
2.3 Reporting Cases of Woman Abuse	22
2.4 Why Does Abuse Happen?	22
2.5 Power and Control Theory	22
2.6 Is There a Pattern to Abuse?	23
2.7 Cycle of Violence	24
2.8 Indicators/Effects	24
2.9 Links between Child Abuse and Woman Abuse	25
2.9.1 Children who witness abuse.....	25
2.10 Working with Diverse Populations of Women	26
2.10.1 Abuse of Women in Lesbian Relationships.....	26
2.10.2 Abuse of Aboriginal Women	27
2.10.3 Abuse of Women with Disabilities and Elderly Women	27
2.10.4 Abuse of Women who are Immigrants and New Canadians	28
2.10.5 Intersectionality and Woman Abuse	28
2.11 Human Trafficking	29
2.12 Conclusion	29

Exploring Woman Abuse

2.1 Defining Woman Abuse

Woman abuse, also referred to as gender-based violence, takes many forms. The term “intimate partner violence” is also commonly used to refer to woman abuse. A description of each type of abuse is included in the following section. Sexual assault, physical assault, threats and other forms of abuse such as stalking are criminal offences. While not all forms of abuse are criminal offences, all forms of abuse are serious. Women should be encouraged to seek support regardless of the type of abuse they have experienced.

Woman abuse can cause the loss of safety, dignity and control experienced by women. Women can either be the direct victims of abuse (physical, psychological, verbal, financial, sexual assault/ violence and/or spiritual abuse) or subjected to threats of abuse to themselves and/or their children, step-children or other loved ones including pets/farm animals by their boyfriends, girlfriends, partners or former partners - marital or common-law, heterosexual or same sex.

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. Abuse can worsen over time. Therefore, a woman may be subjected to more serious injuries (physical, emotional and mental) as time goes on. Even after a woman leaves her abusive partner he may continue to abuse or harass her. Leaving an abusive relationship can be a particularly risky time for women. Service providers should not assume that because she is out of the relationship she is safe. She may still need support and services, including safety planning, when she is no longer in the abusive relationship.

Regardless of the type of abuse a woman experiences, it is her current or former intimate partner who is using abuse to control her.

Women may be subjected to one or more forms of abuse. The following are some examples of the different types of abuse women may experience:

2.1.1 Psychological abuse/emotional abuse/verbal abuse may include but is not limited to:

- Accusing her of cheating/flirting
- Telling her she is stupid, crazy or irrational
- “Gaslighting” – challenging her sense of reality
- Calling her names
- Taking the children away from her
- Telling lies about her to others – including social services and police, medical personnel
- Destroying her property
- Withdrawing immigration sponsorship, or having her deported
- Harming pets/farm animals
- Taking away communication/mobility devices, such as hearing aids, wheel chair or service dog
- Preventing/making it difficult for her to work or take courses
- Threatening to do any of the above
- Constantly communicating with her, either directly or indirectly, through telephone, e-mail, social media and social networking sites
- Threatening to commit suicide

2.1.2 Physical abuse may include but is not limited to:

- Slapping, biting, pulling hair, punching, strangling/choking or kicking
- Restraining and confining
- Using a weapon or other object to threaten, hurt or kill her or her loved ones
- Forcing her to do drugs or use alcohol

2.1.3 Financial abuse may include but is not limited to:

- Controlling how she spends her money and what she buys
- Controlling if and where she works
- Spending 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 (e.g. Canada Child Tax Benefit), pay cheques and support payments
- Financial abuse may continue after she leaves because the abuser may use finances as a way to maintain control.

2.1.4 Spiritual abuse may include but is not limited to:

- Putting down or attacking a woman's spiritual beliefs or religion
- Not allowing her to practice faith or spiritual activities (e.g. church, synagogue, mosque, temple, sweat lodge)
- Forcing her to join or stay in a cult
- Using spirituality or faith to manipulate her

2.1.5 Sexual abuse may include but is not limited to:

- Unwanted sexual activity of any kind (e.g. kissing, touching, intercourse)
- Forcing her to have sex with others
- Making her watch pornography
- Deliberately transmitting sexually transmitted infections to her
- Distributing sexually explicit photographs of her and other materials over social media

Sexual violence is a medical issue and mental health issue with short and long term effects (e.g. unwanted or forced pregnancy, sexually transmitted infections) and long term issues when immediate concerns are ignored or misdiagnosed.

2.2 Sexual Violence in Intimate Partner Relationships

Sexual violence within intimate relationships is particularly insidious and the consequences for women are significant.

Fundamentally, it is:

- Using force, threats or coercion to obtain sex or sexual acts
- Shaming her sexuality or sexual preferences
- Not respecting her sexual or physical privacy

Sexual violence, such as prior sexual assault or physical assaults during sex, can be a serious risk factor for domestic homicide. In fact, a physically-abused woman also experiencing forced sex was more than seven times more likely than other abused women to be killed (Campbell, et al, 2003).

It is essential, therefore, that responses highlighting sexual violence are central in training for service providers, screening and referral approaches. Screening should take place after an environment of trust and safety has been established. A crucial starting point when creating this safe setting should be the service provider's in-depth understanding and sensitivity to sexual violence in woman abuse and the different issues that are present for women.

Sexual violence within intimate partner relationships while prevalent is often hidden and vastly under reported. The underreporting of sexual violence within intimate relationships persists for the following reasons:

- women don't disclose – they often don't talk about it, recognize what's happening as sexual assault or have trouble articulating what they are experiencing;
- women may feel shame, guilt and fear;
- service providers often don't ask about sexual assault within relationships;
- abusers are adept at clouding the true nature and extent of their behaviour; and,
- the significance and impact has not been fully identified in the broader context of abuse in relationships.

Sexual assault within woman abuse occurs in same sex relationships as well as in heterosexual relationships. In addition to experiencing sexual violence within their intimate relationship, women also potentially face myths about same sex female relationships, namely that violence/abuse does not occur within lesbian relationships.

The majority of sexual violence occurs between people who know each other to some extent. But there is a significant difference in impact upon the woman who is sexually assaulted once by an acquaintance compared to someone who is sexually violated repeatedly in their relationship over a number of years. Differences include:

- Higher levels of physical injury
- Incidence of multiple rapes
- Higher levels of forced anal and oral intercourse – abusers often use these forms of assault to humiliate, punish and take full ownership of their partners
- Advice to “put up with” rape by church community, family, friends (just as with other forms of woman abuse) if partner is a good parent or provider
- Financial dependency on her abuser/rapist
- Safety issues same as with other forms of woman abuse
- Difficulty defining the acts as sexual assault – she may have stereotypical ideas about sexual assault including “real rape is by strangers”
- Constantly living in a sexualized environment of unwanted sexual behaviours such as touching, name calling, and being forced to touch the abuser. There is also the ongoing threat of sexual violence
- Longer lasting trauma due to the lack of recognition of the impact of sexual violence on the part of the victim and those around her and not being able to share her feelings and pain

It is important to recognize all forms of sexual assault can take place within a current or former intimate relationship. This can be very difficult for women to discuss and they may not want to acknowledge it. Some may not bring it up at all.

The presence of sexual violence has also been found to have greater negative effects than physical violence on its own. The secrecy surrounding the sexual abuse and feelings of betrayal are combined with confused and conflicting emotions for the victim. This is further compounded by feelings of self-disgust, humiliation and being different from others. Abusers use tactics to humiliate and degrade, exacerbating shame and increasing their power and control over their partner. This, in turn, increases her isolation and over time affects her core sense of identity and self. A higher level of shame, damaged self-esteem and alienation from others among other impacts makes it much more likely that the woman will not easily disclose or seek help.

Sexual violence in a long term relationship is a betrayal and the effects are long lasting. Again, women may have deep feelings of shame, guilt, fear and invisibility. They may blame themselves for remaining in relationships and doubt their own judgments. This can result in depression, substance use, disordered eating, suicide attempts and other trauma responses.

Sexual violence within an intimate partner relationship is intended to humiliate, punish, and demonstrate ownership. Sexual violence violates a woman’s sexual and reproductive autonomy and her physical and psychological integrity. When it occurs within an intimate relationship, it is a violation of trust. Further, because women often experience multiple attacks, they are more likely to suffer long term physical and psychological impacts.

It is important that service providers including police understand that sexual assault within a long term relationship often occurs within a broader context of woman abuse. It may occur without other forms of physical violence. In this situation, women often don’t get identified or don’t identify themselves as a victim of domestic violence because they are not being hit. They may not identify themselves as a victim of sexual assault if the acts are more coercive than violent.

The more comfortable service providers and responders become in dealing with sexual violence in woman abuse, the more likely the victims will disclose to them.

2.3 Reporting Cases of Woman Abuse

Reporting cases of woman abuse is not mandatory. Freeing herself from violence in her intimate relationship is the woman's journey and the fact that she is seeking help or assistance is a major step. You can help her consider and weigh options for reporting the abuse while recognizing the complexity of her situation. We hold the privileged position to help and support her through the ups and downs to a life free from violence.

2.4 Why Does Abuse Happen?

There are many theories about why woman abuse happens. Some research indicates that abusers are likely to have various personal problems such as unemployment, poverty, and addictions. Abusers may have been exposed to family violence as children and learned to get their own way by using violence. Abusers are often individuals who feel it is their right to be dominant. A widely accepted theory is that men use violence to control women because of the historic inequalities in our society between men and women.

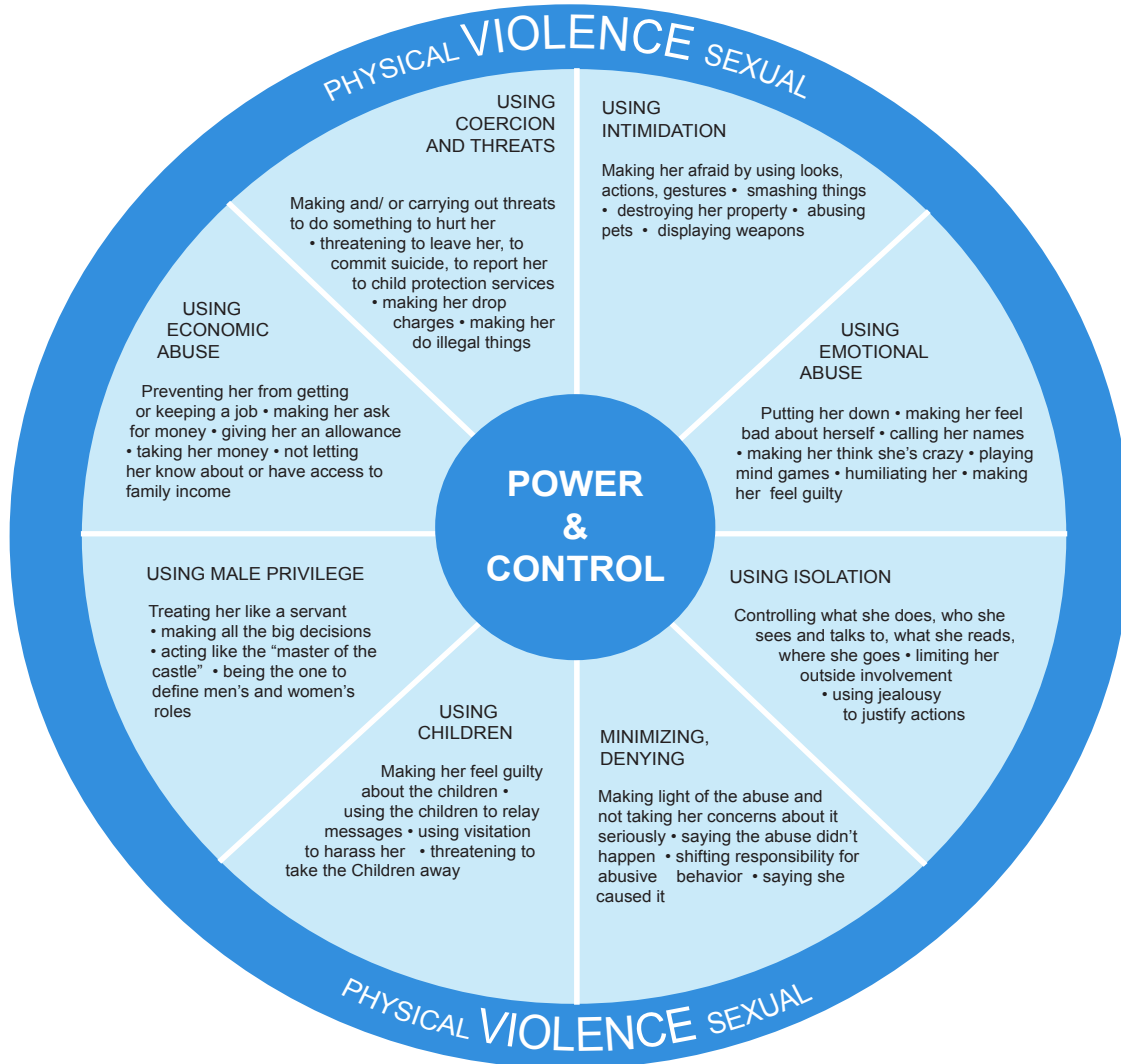
Our society has privileged and rewarded men, and devalued women.

Regardless of why woman abuse happens, the key point is **that a woman is never to blame for the abuse she is subjected to**. The abuser is responsible for his behaviour. Abuse of women is about power and control, the betrayal of trust, and lack of respect. Force, intimidation or threats are ways to make women afraid or compliant. Sometimes men or others will try to justify the abusive behaviour because they believe the woman has done something to provoke the man (e.g. flirting with another man). Sometimes women abuse other women in intimate relationships and fear is used to control their partners as well.

There are many ways to deal with problems in a relationship (e.g.: talking, counselling or ending the relationship) that do not involve abuse. Healthy relationships are based on equality, trust and an equitable balance of power between the partners.

2.5 Power and Control Theory

The Power and Control wheel indicates how power and control are at the center of abusive behaviour and how it shows up in a relationship. Further, it illustrates that physical violence is only one form of woman abuse. The eight spokes - intimidation, emotional abuse, isolation, minimizing, denying and blaming, using children, male privilege, economic abuse, and using coercion and threats - are the different control tactics abusers may use. These control tactics are often used by men in combination with violence to maintain power and control over their partners. Regardless of whether physical assaults occur once, occasionally or regularly, they instill fear of future assaults and allow the abuser to take control of the woman's life and circumstances. Many people, including the woman, likely recognize physical abuse. But other types of abuse (e.g. making the woman afraid by using looks or gestures) may or may not be readily identified by the woman or others as abuse.



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

2.6 Is There a Pattern to Abuse?

For many women, abuse and violence starts early in the relationship. For others it may start later. Still others sometimes identify pregnancy as the start of the abusive behaviour. Incidents of abuse and violence may occur more or less frequently but the impact upon women's well-being is what matters. Whatever the type of abuse or the pattern, violent and abusive actions and behaviours are the abuser's way of maintaining control.

- Tension and anger build up. Sometimes there's an argument. She may try to keep the peace. The abuser explodes and becomes violent or threatens violence. He hits her, threatens her (or something/someone she loves), verbally abuses her, or abuses her in some other way.

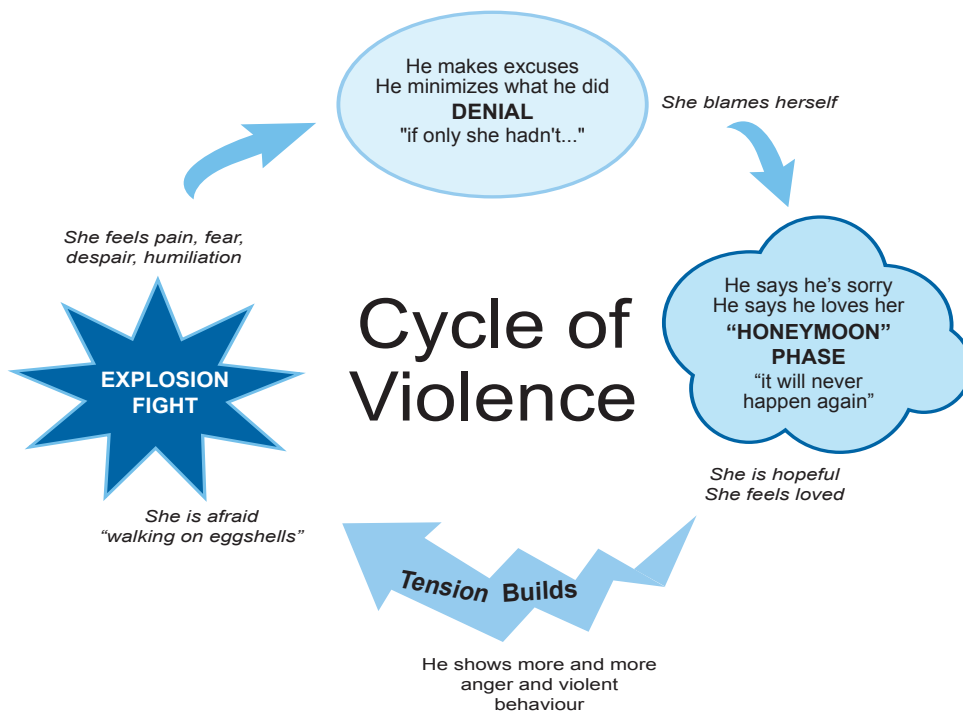
- There is a cool-down, make-up, or calm stage sometimes referred as the "honeymoon phase". The abuser may say he's sorry or denies the incident ever happened. The abuser may promise it will never happen again and make-up by doing something nice like buying flowers or gifts etc.
- There is a time of relative calm – this could be a short or a long period of time, which could be a control tactic to keep her in the relationship.
- Sooner or later the tension builds again, his need to control increases, and the abuse starts over and escalates.

It is acknowledged that diverse groups of women may experience the cycle of violence differently. Moreover, some women may not agree that the Cycle of Violence theory adequately explains their experience.

Exploring Woman Abuse

2.7 Cycle of Violence

Women may recognize a cycle of violence. Patterns can be specific to the relationship. It may look like this:



- the cycle can cover a long or short period of time
- the violence usually gets worse
- the honeymoon phase, then the denial stage will eventually disappear

<http://www.voicesempowered.org/ip.cycle.html>

2.8 Indicators/Effects

Here are some signs, or indicators, that may mean a **man** is abusive. The observations listed below could be considered clues to the possibility of woman abuse:

- a history of woman abuse or child abuse in his family of origin
- a suspicion of child abuse or sexual abuse in his role as a father
- 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 partner
- rigid views of the roles of men and women
- sometimes there are no obvious signs

Here are some signs, or effects, that may mean a **woman** is experiencing abuse:

- 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
- sleeping difficulties (i.e. insomnia, violent nightmares)
- severe agitation, anxiety or obvious nervousness
- confused thinking, inability to make decisions
- rigid views of the roles of men and women
- anger and negativity
- sometimes there are no obvious signs

2.9 Links between Child Abuse and Woman Abuse

One of the biggest fears of disclosure for a woman experiencing violence in her intimate relationship is the fear of losing her children. Children witnessing violence in their home is a form of child abuse and the law stipulates that these occurrences must be reported to Child Protection within Social Development. There is growing recognition that exposure to the violence is a consequence of violence between adults. Further, it is a potential indicator of the occurrence of child abuse.

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 Access and Assessment at the Department of Social Development. **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.

One of the most complex situations for a child protection worker is balancing the best interests of the child against the interests of the family unit.

The *Family Services Act* provides the legislative framework for the development and delivery of services to New Brunswick's children and families. The Act opens with the 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.

The Department of Social Development 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 Office of the Child and Youth Advocate is a Legislative Officer with a broad oversight mandate to ensure that the voice of children and youth is heard in decisions which affect them, that they receive the services to which they are entitled and that their rights are promoted and protected. The Advocate proceeds mainly through case conferencing and conciliation to ensure that all government services work collaboratively and seamlessly in advancing a child or youth's best interests.

2.9.1 Children who witness abuse

Children who witness domestic violence are silent or forgotten victims of family violence. These indirect victims of family violence who are not actually physically assaulted may suffer social and emotional health problems as a result of their experiences. Apart from physically witnessing or observing domestic violence, the 'witnessing' of violence between caregivers may also include hearing the violence, which in itself may be quite traumatic; having a violent male caregiver hitting or threatening a child while in her/his mother's arms; using the child as a hostage, or as a means of ensuring the mother's return to the home; using the child as a physical weapon against the mother; forcing a child to watch, or participate in, assaults; interrogating or involving the child in spying on her/his mother; and attempts to break down a mother-child bond by telling the child that her/his parents would be together, if not for the mother's behaviour.

Children who witness parental violence can be as severely affected as those who are direct victims of abuse. Children living in violent homes, either as witnesses or exposed to violence are experiencing abuse themselves. Children often see and hear more than we think, and it will likely have affected them.

The effects of violence on children are numerous. The children may:

- be scared, confused and unhappy;
- have physical complaints such as headaches or stomach aches;
- blame themselves and feel responsible for the violence;
- 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;
- engage in attention-seeking behaviours;
- become overachievers;
- be a victim of abuse;
- sometimes there are no obvious signs.

Children from violent homes may end up believing that:

- it's okay for men to hit, kick etc. and 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;
- adults have power they often misuse;
- all men are bullies and 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.

2.10 Working with Diverse Populations of Women

While any woman can experience intimate partner violence, there are groups of women who may experience abuse differently. A woman with a disability or a woman in a same-sex relationship may face additional challenges if she is experiencing abuse in her intimate relationship. The following section deals with some examples of how different groups of women may experience abuse.

2.10.1 Abuse of Women in Lesbian Relationships

Many believe that abuse occurs only in relationships between men and women. This is untrue. Abuse can happen in lesbian relationships. Commonly held stereotypes and prejudices about women who have relationships with other women or bisexual relationships are factors that have contributed to their reluctance to speak about or seek support for violence in their relationships.

There are some similarities to men's violence against women:

- It is difficult for women to leave abusive relationships.
- Women may learn that, as men do, 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 (e.g.: physical, sexual, financial, etc).
- The woman who is abused may feel 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 men's violence against women:

- There are few services specifically for lesbians and bisexual women in abusive relationships.
- The woman who is abused fears that she will not be believed due to lack of exposure to violence in the lesbian/gay/bisexual community.

- The woman who is abused fears losing friends and support within the lesbian/gay/bisexual/transgendered community.
- Homophobia is the fear of or contempt for lesbians and gay men. Homophobia in society denies the reality of lesbians and bisexual women, including their relationships.
- When abuse exists, attitudes often range from a lack of interest to generalizations about relationships being unstable or unhealthy. Consequently women either do not seek out support or services, do not reveal their abuser is female or feel like they have to protect their abuser and their community.
- As service providers we can support women by not assuming the abuser is male, make it clear that you will support her regardless of her sexual orientation (e.g. pamphlets and posters in plain view about abuse in same sex relationships) and recognizing that no one deserves to be abused.

Some common misconceptions about abuse in lesbian relationships 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.

2.10.2 Abuse of Aboriginal Women

Chapter 3 provides basic knowledge to increase sensitivity and awareness of how to intervene with Aboriginal women who have been subjected to violence.

2.10.3 Abuse of Women with Disabilities and Elderly Women

Women with disabilities and elderly women are often more vulnerable to abuse and face additional barriers because of the limitations they may have due to their disabilities and age. Society’s

negative images and myths about women with disabilities and elderly women increase the risk of abuse such as:

- Investigators rarely consider that disabled women have intimate partners, so woman abuse often goes undetected (Barnett et al, 2005).
- Persons with disabilities were between 50% and 100% more likely than those without disabilities to have experienced violence by a spouse (Perreault, 2009).
- Male partners of women with disabilities were about 2.5 times more likely to behave in a patriarchal dominating manner and about 1.5 times more likely to engage in sexually proprietary behaviours than were male partners of women without disabilities (Brownridge 2006).
- Their age or disability is often used as the basis for the inequity in the relationship.
- Destruction of property can often be more dangerous if an assistive device or a service 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 leave, 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.
- They may be seen and treated as children.
- Some women may not be aware they are experiencing abuse.
- They may be scared that the abuser will get in trouble and will be unable to be their caregiver.
- The abuser may have blamed them for their illness or disability or have told them they are making it up or looking for attention.
- They have been made to feel worthless by the abuser: “Who will want you? You are damaged goods.”

Indicators of abuse of women with disabilities:

- Excessive, atypical behaviour (aggression, compliance, depression, or withdrawal)
- Hurtful behaviour such as drug/alcohol abuse, self-mutilation or running away
- Over-sedation, reduced physical/mental activity, groggy, confused, pills scattered

- about may be signs of inappropriate use of medication
- Reduced/absent therapeutic response to prescribed treatment may be the result of under-medication
- No glasses or hearing aid
- Not taken to the doctor, dentist or therapist; may be the withholding of medical treatment and services
- Deserted or rarely seen outside place of residence
- Unusual patterns of bruises, e.g., in the shape of objects such as belts or hairbrushes or grip marks in the shape of fingers or hands, muscle contractures, immobility, shuffling, weakness
- History of falls, accidents, injuries for which explanations do not fit the evidence
- Excessive passivity
- Shows fear and inappropriate guilt
- Partner speaks for woman with a disability
- Physical indicators of imposed isolation (e.g. no telephone or radio, locks on door)

Abuse and neglect of adults with disabilities and seniors may fall under the *Family Services Act* or the *Criminal Code*. Anyone who suspects that an adult may be in need of protection can report this to the Department of Social Development (see *Adult Victims of Abuse Protocols*). <http://www2.gnb.ca/content/dam/gnb/Departments/sd-ds/pdf/Protection/Adult/AdultProtocol-e.pdf>

2.10.4 Abuse of Women who are Immigrants and New Canadians

Family violence exists in all communities and cuts across all ethnic, racial, class, economic, and religious groups. This group of women when suffering abuse often faces additional challenges and barriers in escaping violence.

In this text we use the term “new Canadian”, which includes first and second generation immigrants, refugees, people in ethno-cultural communities, and people without permanent resident status. First generation immigrants (or women who reside in Canada for less than 10 years) may experience:

- 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.

- Lack of English or French language skills.
- Fear of losing custody of 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.
- Isolation.
- Fear of bringing shame to their family.
- Lack of information about social services.
- Lack of services that meet their needs (see Community Resources Chapter for information).
- Difficulties living within a women’s shelter environment.
- In many cases poverty, low income and job insecurity.

Depending on their immigration status, women may or may not be eligible for government services, although they may still access some community based services.

Abused second generation immigrant women (women who grew up in Canadian society and attended Canadian schools) usually do not face issues such as language barrier, culture shock, fear or distrust from police. They may still be victims of racism or ethnic profiling but they do not tend to experience the same issues as new immigrants.

2.10.5 Intersectionality and Woman Abuse

Intersectionality is a way of looking at the relationship between gender, sexual orientation, race, class, health, ability, etc. and how they affect a person’s life. Intersectionality suggests looking at how someone may have different challenges and how these different challenges can work together with gender to make it difficult for someone to live in our society.

If we take this idea and apply it to a woman dealing with abuse in her intimate relationship, we know she faces difficulties such as staying safe while trying to carry out her responsibilities. Imagine how being a new Canadian who does not speak English or French very well and/or having a disability makes dealing with abuse in her intimate relationship that much more difficult. Consider how being an Aboriginal woman who may have

a health issue makes dealing with abuse in her intimate relationship that much more complicated. Intersectionality highlights that women living with abuse are not all the same and that some may face different and/or additional issues when trying to free themselves from a life of violence.

As service providers we support women when we remember that they are not all the same. While we recognize that many women dealing with abuse in their intimate relationships have certain issues in common (e.g. safety), they may also have other challenges. Some will be obvious (e.g. a woman who does not speak English or French) while others may not (e.g. literacy). It is our responsibility as service providers to listen, ask questions appropriately and explore options with them.

2.11 Human Trafficking

“Human trafficking” means recruiting, transporting or harbouring people to exploit them as workers, typically in the sex industry, in agriculture, sweat shops, or domestic work. Traffickers control their targets by using force or threats, or physical or emotional abuse. Domestic human trafficking refers to trafficking people within Canada. International human trafficking refers to people in Canada who were trafficked here from another country.

Sometimes girls and women enter into what they think are romantic relationships with a man but they end up victims of human trafficking. After they have gained women’s trust and the girls or women are dependent on them, the men then force them into the sex trade or other work.

Recent convictions related to human trafficking in Canada have mostly involved victims who are Canadian citizens or permanent residents trafficked for sexual exploitation through escort agencies and brothels. Domestic human trafficking victims have mostly been recruited through the Internet or by an acquaintance. The victims were groomed, manipulated, & coerced to enter the

sex trade. Some victims have been underage girls exploited in dance clubs or escort services that are masquerades for prostitution, controlled through social isolation, forcible confinement, withholding identification documents, limitation of movement, threats and violence.

As service providers you may be working with a woman who appears to be trying to leave an abusive partner. But it could be a situation where the woman was lured into, and groomed to, work in the sex trade. This complicates the situation. It could involve contact with law enforcement. The woman may not tell you her whole story. You may think there is something different or ‘off’ about her or her story. Regardless, it is your role to help her get the services and supports she needs.

2.12 Conclusion

Service providers do not need to be experts in woman abuse to be helpful to women experiencing intimate partner abuse. Listening to the woman, helping her to connect with resources and gather information are ways any service provider can support women.

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CHAPTER 3

Chapter 3

3.0 Aboriginal Women	33
3.1 Introduction	33
3.2 Contributing Factors to Violence Against Aboriginal Women	33
3.2.1 Colonization.....	34
3.2.2 Racism and Gender Discrimination	34
3.2.3 Poverty	34
3.2.4 Residential Schools and the Sixties Scoop	35
3.2.5 Housing	35
3.2.6 Mental Health and Addictions.....	35
3.2.7 Normalization of Violence.....	35
3.3 Considerations when Working with Aboriginal Women	36
3.3.1 Cultural Awareness Tips for Service Providers working with Women of a First Nations Culture.....	36
3.4 Guidelines for Supporting Aboriginal Women	37
3.5 New Brunswick First Nations and Aboriginal Specific Resources	37

Aboriginal Women

3.1 Introduction

This chapter is intended as a guide for service providers to use when they work with Aboriginal women who have experienced intimate partner violence. It will also help the service provider gain a better understanding of how to support Aboriginal women who have been subjected to woman abuse. It is important to note that Aboriginal women are not a homogenous group; all have different experiences, realities and histories despite the commonality of being Aboriginal which includes First Nations, Inuit and Métis.

The Aboriginal population in Canada is growing much more quickly than the non-Aboriginal population. Between 1996 and 2006, the Aboriginal population grew by 45% while the general Canadian population increased by 8%. The fastest growing Aboriginal population has been in the Atlantic provinces. In New Brunswick, the Aboriginal population increased by 67% between 1996 and 2006 (New Brunswick Advisory Committee on Violence against Aboriginal Women, March 2008).

New Brunswick is part of the traditional territory for the Mi'kmaq, Maliseet and Passamaquoddy peoples. There are approximately 17,655 Aboriginal people living in New Brunswick (Statistics Canada, Census, 2006). The Aboriginal population in New Brunswick is relatively small, making up only 2.5% of the province's population. There are over 9,010 Aboriginal women living in New Brunswick; about 4,373 of them live in one of the 15 First Nations Communities in the province (Indian Affairs and Northern Development, 2011). The median age of Aboriginal females in New Brunswick is 32 years (Statistics Canada, Census, 2006).

Aboriginal women are at increased risk of victimization due to racism and sexism, embodied in stereotypes of Aboriginal women within Canadian society. There are many negative and false portrayals of Aboriginal people, especially Aboriginal women, in various types of media including literature, newspapers, children's books,

movies, and videos that perpetuate negative stereotypes and racism. These are often based on past imaginary portrayals, which often take away from the current realities and experiences of Aboriginal women today and influence the mainstream people's perception of Aboriginal women.

The intersection of gender and race increase the risk of Aboriginal women experiencing violence (National Association of Women and the Law, 1993). Racism and stereotypes of Aboriginal women exacerbate the risk of victimization including risk of victimization from Aboriginal men.

3.2 Contributing Factors to Violence Against Aboriginal Women

Violence within the Aboriginal community is not an isolated problem; it is caused by a number of factors, and it also produces a range of additional issues. This greater vulnerability to violence is likely due to the presence of additional risk factors. Compared to the non-Aboriginal population, Aboriginal women are more likely to have low incomes, problems finding and accessing housing, alcohol abuse and suffer from residential school abuse and its intergenerational impacts – all factors which increase risk of abuse. It is important to keep this in mind, because without creating solutions for both the root causes and the consequences of violence, it will only continue (New Brunswick Advisory Committee on Violence against Aboriginal Women, March 2008).

The service provider must take into account the historical context of Aboriginal women in Canada. The intergenerational impacts of colonization, *Indian Act* legislation (reservation system, loss of First Nation status rights by First Nations women who marry non-First Nations men), poverty, racism and discrimination, loss of traditional

way of life including language and ceremonies, residential school system, and the “Sixties Scoop” of Aboriginal children by provincial child welfare agencies all impact today’s Aboriginal women. The contributing factors and solutions to addressing violence against Aboriginal women in New Brunswick, living both on and off First Nations communities, require a coordinated and comprehensive approach involving leadership from all levels of government, various stakeholders and service providers.

3.2.1 Colonization

Aboriginal women face issues of violence that are based on sex discrimination and racism. Prior to the arrival of European settlers, men and women had different but equal roles within families and communities. Aboriginal communities were, for the most part, egalitarian; women actively participated in social, economic and political decision-making in their daily lives. In fact, as creators of life and the carriers of culture, they were central to the survival of their people. The European settlers introduced a very different set of values, including the concept of a patriarchal system under which women were subordinate to men. Within this hierarchy, women’s work and roles were devalued and were viewed as less important than those of men. Since colonization, Aboriginal women have suffered multiple oppressions including gendered violence, racism and class oppression. These oppressions are still relevant to the lives of Aboriginal women today. The impacts of colonization on Aboriginal people are devastating – both in number and in the effect they have had upon their societies. The result is deep-rooted distrust and violence which requires consistent and dedicated efforts to change (New Brunswick Advisory Committee on Violence Against Aboriginal Women, March 2008).

3.2.2 Racism and Gender Discrimination

Aboriginal women were discriminated against by Canada’s *Indian Act* on the basis of race, gender and marital status. The *Indian Act* is federal legislation that defines who is a status Indian and contains certain legal disabilities and legal rights for registered status Indians. Prior to Bill C-31 of the *Indian Act*, First Nation women lost their status if they married non-First Nation men, while non-First Nation women who married First Nation men

were granted status. Bill C-31 was an attempt to amend this gender-biased Act. The main changes introduced in the bill included:

- The reinstatement of Registered Indian Status which primarily affected women who had previously lost their Indian Status when they married non-First Nation men.
- The introduction of new rules concerning Indian registration for children born after April 16, 1985.
- The ability for First Nations to develop and apply their own membership rules for their communities (Native Women’s Association of Canada, 2007 in New Brunswick Advisory Committee on Violence against Aboriginal Women, March 2008).

Acts of violence against Aboriginal women by non-Aboriginal men are often rooted in racism, or by the belief that the repercussions for their actions will be minor because the victim is Aboriginal. Aboriginal women who experience violent acts often do not report them. There is much distrust toward the police, who in the past were used to enforce racist policies such as the forcible removal of children to residential schools, with the impact of tearing apart families and communities (Amnesty International, 2004). Based on this it is difficult to determine the prevalence of violence against Aboriginal women (New Brunswick Advisory Committee on Violence against Aboriginal Women, March 2008).

3.2.3 Poverty

Women’s work as producers and caregivers of life is often not recognized and valued. Certain groups of women have an especially difficult time fitting into a market model of economics in which the exchange of money is the only recognized economic activity. Aboriginal women face economic discrimination on the basis of gender as well as race and culture. Aboriginal women in particular are integral contributors to both the paid and unpaid economy.

In Canada, 42.7% of Aboriginal women live in poverty (Women’s Health Clinic, 2002), double the percentage of non-Aboriginal women and significantly more than the number of Aboriginal men. The average annual income of an Aboriginal woman is \$13,300, compared to \$19,350 for a non-Aboriginal woman and \$18,200 for an Aboriginal man (Morris, CRIAW, March 2002). As well as

being overrepresented among the poor, the economic contributions Aboriginal women do make are often minimized and ignored (Women & the Economy, UNPAC, 2003).

Poverty and unemployment often create conflict between intimate partners that can elevate the risk of violence. Moreover, many Aboriginal women cannot leave violent situations when they do not have the financial capacity and resources needed to support themselves and their children (New Brunswick Advisory Committee on Violence Against Aboriginal Women, March 2008).

3.2.4 Residential Schools and the Sixties Scoop

The residential school system and Sixties Scoop were two government approaches used to assimilate Aboriginal people. Both have had lasting effects and have tragically impacted Aboriginal families.

Residential School System

- The residential school system operated from the 1800s until 1996.
- Aboriginal children were forcibly removed from their homes for the purpose of assimilation, often without the knowledge or consent of their families or communities.
- There are approximately 100,000 residential school survivors in Canada today. The impact has been intergenerational, as some survivors struggling with the impact of abuse and neglect have consequently passed on the same patterns to their own children (Big Sisters of Lower Mainland BC, 2011a).

Sixties Scoop

- Aboriginal children were removed by provincial child protection services from their families at an alarming rate and were predominantly placed with non-Aboriginal families often resulting in lost connections to their community and family.
- More than 11,000 Aboriginal children were adopted between 1960 and 1990 (National Council of Welfare 2007, p. 84) into non-Aboriginal families (Native Women's Association: Community Resource Guide - What Can I Do to Help the Families of Missing

and Murdered Aboriginal Women and Girls?, p. 70 - 71).

3.2.5 Housing

Often Aboriginal women who leave violent situations find themselves displaced with little or no housing options available to them. For women seeking to escape violence or to prevent it, housing challenges can serve as a major deterrent. A safe and healthy home requires adequate space for family members. To leave when violence occurs, emergency shelters must provide a place where a woman can escape with her children. Should she decide to relocate her family, even within a First Nation community, she requires adequate affordable housing. Housing resources are rarely, if ever, available in the First Nation community and off, leaving too many with little choice but to stay in a violent situation or to return to one (New Brunswick Advisory Committee on Violence against Aboriginal Women, March 2008).

3.2.6 Mental Health and Addictions

As a result of the colonization and subsequent marginalization of First Nations peoples, there are many persistent health disparities between Aboriginal peoples and the general Canadian population. For Aboriginals, mental health must be considered to include spirituality, culture, and the social conditions of First Nations people. Any description of mental health must also recognize the impacts of colonization; trauma; loss and grief; separation of families and children; loss of traditional lands; loss of culture and identity; as well as the effects of social inequity, stigma, and racism. Aboriginal women with mental health or addictions issues are more vulnerable to violence; therefore, support and service providers need to also consider this reality (Province of New Brunswick, 2011 p. 11).

3.2.7 Normalization of Violence

Many Aboriginal communities have become desensitized to the violence within their communities as a result of the extent of the problem. Because of this permeation of violence, verbal and emotional abuse is often ignored,

and is sometimes no longer regarded as violent behaviour.

Major deterrents to reporting abuse in Aboriginal communities are fears about what other community members may think; the possibility of reprisals or other negative consequences from ex-partners' family and friends; the potential consequences of families being separated; and the belief that authorities may not take the woman's reports of violence seriously (New Brunswick Advisory Council on the Status of Women, 2006).

The permeation of violence in Aboriginal communities and families has caused extensive, long-term and intergenerational impacts that many do not have a clear sense of what a healthy relationship looks like (New Brunswick Advisory Committee on Violence against Aboriginal Women, March 2008).

3.3 Considerations when Working with Aboriginal Women

Many Aboriginal men and women want to change the situation of violence against Aboriginal women, but the issue is complex and deep-rooted. Support from all levels of government – federal, provincial, and First Nations – as well as service agencies and organizations are required to address this issue.

Aboriginal women face additional difficulties when they want to get support or leave an abusive situation. Women who must leave their First Nation community often experience the distress of having to abandon their support systems, kinship, and cultural roots.

Common barriers to Aboriginal women subjected to intimate partner abuse include:

- Limited awareness of information e.g. legal rights
- Limited awareness of and access to support services e.g. transition house
- Lack of transportation.
- Loss of kinship ties, support network, cultural community, and sense of identity.
- Isolation and distress.
- Fear of keeping stereotypes and negative images alive of Aboriginal people.
- Lack of financial resources.
- Fear of being misunderstood and judged.
- Lack of resources for treatment and support.
- Feeling that services are not suited to their culture.
- Feeling that service providers have limited awareness of their cultural realities and experience.
- Misunderstanding and fear of the criminal and family justice systems, including law enforcement officials.
- Lack of anonymity in seeking services on First Nation communities.
- Fear of child protection services and removal of their children from their care.
- Disrupting children's lives by leaving their First Nation community.
- Fear of political interference and conflict of interest with service providers within First Nation communities.
- Fear of reprisals from partner's family.

3.3.1 Cultural Awareness Tips for Service Providers working with Women of a First Nations Culture

There are many different Aboriginal cultures, and the following information is meant to be general in nature, and may or may not be relevant to each.

- Eye Contact- Averting eyes shows respect and allows for listening, being thoughtful and developing a response. If she does not look you in the eye during conversation, do not perceive this as being disrespectful or withdrawn.
- Silence- Do not make assumptions about silence. Silence is a sign of respect and is not viewed as negative. One may take a moment before responding to someone during conversation to think about their response and make sure it is respectful and meaningful. Silence should not be assumed to mean agreement.
- Relationship-Building-It is very important to take the time to build a relationship due to a history of broken trust and maltreatment of many Aboriginal people. If she is reserved, be patient and try to build rapport with her.

- Family structure- It is believed in First Nations cultures that a community raises a child. Extended family members play an important role in the care and raising of a child. She may depend on her extended family in her community for support.
- Flexibility- Take time to think about what will work on both sides of the helping relationship. Try to be understanding of her current situation and the reality of being an Aboriginal woman.
- Knowledge- Do not assume that she is knowledgeable about her culture, speaks her traditional language or practices traditional ceremonies (Big Sisters of Lower Mainland BC, 2011b).

3.4 Guidelines for Supporting Aboriginal Women

- Ask the woman what services she believes she needs -do not assume you know.
- Ask her how you can support her. Give her examples (e.g. accompaniment to appointments, information).
- Explain how services and programs work so she understands what she would be agreeing to access.
- Explore with her which First Nations programs and services in her community she wants to consider accessing.
- Ask her about her circumstances before making referrals to First Nations services or programs such as conflict of interest with service providers on her First Nation community. Advise her that you must report suspected child abuse and neglect regardless of any conflict of interest she may have.
- Do not assume that services on First Nations communities are available or accessible to the woman.
- Do not assume that the woman wants to access services within her First Nation community.
- You can be helpful by being aware of services and programs available in First Nations communities and other services and programs available to Aboriginal women in New Brunswick.
- 13.3 Appendix C – General Guidelines for Service Providers is a helpful resource.

3.5 New Brunswick First Nations and Aboriginal Specific Resources

Bouctouche First Nation:

Administration Office

9 Reserve Rd,
Bouctouche Reserve, NB
E4S 4G2
Phone: (506) 743-2520
Fax: (506) 743-8995

4-Directions Child & Family Services Inc.

9 Reserve Road, Bouctouche, NB E4S 4G2
Phone: (506) 743-2171
Cell: (506) 743-4258
Fax: (506) 743-2523

Eel Ground First Nation:

Administration Office

40 Mic Mac Road
Eel Ground, NB
E1V 4E6
Phone: (506) 627 – 4600
Fax: (506) 627 – 4602

Eel Ground Health Centre

47 Church St,
Eel Ground, NB
E1V 4E6
Phone: (506) 627 – 4664
Website: <http://www.eelgroundhealthcentre.com>

Eel Ground Child & Family Services

Eel Ground N.B. E1V 4E6
Phone: (506) 627-4638
Cell: (506) 627-9260
Fax: (506) 627-4649

Eel River Bar First Nation:

Administration Office

11 Main Street
Suite 201
Eel River Bar First Nation, NB
E8C 1A1
Phone: (506) 684 – 6277

Fax: (506) 684 – 6282

Eel River Bar Child & Family Services

P.O. Box 1660 Dalhousie, NB EOK 1B0

Phone: (506) 684-5654

Fax: (506) 684-6282

Cell: (506) 686-0450

Elsipogtog First Nation:

Mental Health Facility

Elsipogtog Health & Wellness Centre

205 Big Cove Road

Elsipogtog, NB

E4W 2S1

Phone: (506) 523 – 8222

Website: <http://www.ehwc.ca>

Big Cove Child & Family Services

P.O. Box 1078 Rexton, NB E4W 5N6

Phone: (506) 523-8224

Beeper (506) 557-9009

Fax: (506) 523-8226

Esgenoopetitj (Burnt Church) First Nation:

Administration Office

620 Bayview Drive,

Esgenoopetitj First Nation, NB

E9G 2A8

Phone: (506) 776 – 1200

Fax: (506) 776 – 1214

Esgenoopetitj Wellness Center

610 Bayview Drive

Esgenoopetitj, NB

E9G 2A8

Phone: (506) 776-1244

Burnt Church Child & Family Services

610 Bayview Drive E9G 2A8

Phone: (506) 776-1248

Cell: (506) 779-6673

Fax: (506) 776-1220

Fort Folly First Nation:

Administration Office

PO Box 1007 Bernard Trail

Dorchester, NB

E4K 3V5

Phone: (506) 379 – 3400

Fax: (506) 379 – 3408

4-Directions Child & Family Services Inc.

9 Reserve Road Bouctouche, NB E4S 4G2

Phone: (506) 743-2171

Cell: (506) 743-4258

Fax: (506) 743-2523

Indian Island First Nation:

Administration Office

61 Island Road,

Indian Island, NB

E4W 1S9

Phone: (506) 523 – 4975

Fax: (506) 523 – 8110

4-Directions Child & Family Services Inc.

9 Reserve Road Bouctouche, NB E4S 4G2

Phone: (506) 743-2171

Cell: (506) 743-4258

Fax: (506) 743-2523

Kingsclear First Nation:

Administration Office

77 French Village Road

Kingsclear First Nation, NB

E3E 1K3

Phone: (506) 363 -3028

Fax: (506) 363 – 4324

Website: <http://www.kingsclear.ca>

Kingsclear Health Centre

77 French Village Road

Kingsclear First Nation, NB

E3E 1K3

Phone: (506) 363 -3028

Fax: (506) 363 – 4324

Kingsclear Child & Family Services

77 French Village Road E3K 1K3
 Fredericton, NB
 Phone; (506) 363-3028 Ext:120
 Cell: (506) 260-2621
 Fax: (506) 363-4018

Metepenagiag Mi'kmaq Nation:**Administration Office**

PO Box 293 Stn Main
 Red Bank, NB
 E9W 2P2
 Phone: (506) 836 – 6111
 Fax: (506) 836 – 7593

Metepenagiag Health Centre

1969 Mic Mac Road
 Red Bank, NB
 E9E 1B3
 Phone: (506) 836-6120

Red Bank Child & Family Services

P.O. Box 293 Mountain Road
 Red Bank, NB E9E 2P2
 Phone: (506) 836-6163
 Cell: (506) 627-6846
 Fax: (506) 836-2492

Madawaska Maliseet First Nation:**Administration Office**

1771 Main Street
 Madawaska First Nation, NB
 E7C 1W9
 Phone: (506) 739-9765
 Fax: (506) 735-0024

4-Directions Child & Family Services Inc.

9 Reserve Road Bouctouche, NB E4S 4G2
 Phone: (506) 743-2171
 Cell: (506) 743-4258
 Fax: (506) 743-2523

Oromocto First Nation:**Administration Office**

4 Hiawatha Court
 PO Box 417, RPO Oromocto Mall,
 Oromocto, NB
 E2V 2J2
 Phone: (506) 357-2083
 Fax: (506) 357-2628

Oromocto Wel-A-Mook-Took Health Centre

PO Box 21012
 5 Nikita Drive,
 Oromocto, NB
 E2V 2R9
 Phone: 506-357-1027

Oromocto Child & Family Services

P.O. Box 20010 Oromocto, NB E2V 2R9
 Phone: (506) 357-6633
 Cell: (506) 476-0618
 Fax: (506) 357-8535

Pabineau First Nation:**Administration Office**

1290 Pabineau Falls Road,
 Pabineau First nation, NB
 E2A 7M3
 Phone: (506) 548 – 9211
 Fax: (506) 548 – 5348

4-Directions Child & Family Services Inc.

9 Reserve Road Bouctouche, NB E4S 4G2
 Phone: (506) 743-2171
 Cell: (506) 743-4258
 Fax: (506) 743-2523

Saint Mary's First Nation:

Administration Office

150 Cliffe Street,
Fredericton, NB
E3A 01A
Phone: (506) 458 – 9511
Fax: (506) 462 – 9491
Website: <http://www.stmarysfirstnation.ca>

St. Mary's Medical Clinic

440 Highland Avenue
Fredericton, NB
E5A 5X1
Phone: (506) 452-2760

St. Mary's Child & Family Services

440 Highland Avenue Fredericton, NB
E3A 5X1
Phone: (506) 452-2750
Fax: (506) 460-5409

Tobique First Nation:

Administration Office

P.O. Box 2981
Perth Andover, NB
E7H 5M7
Phone: (506) 273-5400
Fax: (506) 273 – 3035

Tobique Addictions Centre

23 Rehab Road
Tobique First Nation, NB
E7H 3M9
Phone: (506) 273 – 5403
Fax: (506) 273 – 4286

Tobique Child & Family Services

13102 Route 105, Tobique, NB E7H 2Y4
Phone: (506) 273-5405
Cell: (506) 461-3474
Fax: (506) 273-5432

Woodstock First Nation:

Administration Office

3 Wulastook Court
Woodstock First Nation, NB
E7M 4K6
Phone: (506) 328 – 3303
Fax: (506) 328 – 2420
Website: <http://www.woodstockfirstnation.com>

Woodstock Health Centre

10 Turtle Lane,
Woodstock, NB
E7M 3B4
Phone: (506) 325-3570
Fax: (506) 325-3580

Woodstock Child & Family Services

6 Eagles Nest Drive
Woodstock, NB E7M 4J3
Phone: (506) 324-6253
Cell: (506) 612-2817

Centralized Resources for Aboriginal Women

Gignoo Transition House

P.O. Box 3385, Stn B
Fredericton, NB
E3B 5H2
Crisis Calls: 1-800-565-6878
Business Phone: (506) 458-1236
Fax: (506) 459-2547
Email: Gignoo@nbnet.nb.ca

Skigin-Elnoog Housing Corporation

366 Gibson Street,
Fredericton, NB E3A 4E6
Tel: (506) 459-7161
Fax: (506) 459-1289
Email: skigin@gnb.ca

New Brunswick Aboriginal People's Council

320 St. Mary's Street
Fredericton, NB, E3A 2S4
Tel: (506) 458-8422
Fax: (506) 451-6130
Website: www.nbapc.org

Fredericton Native Friendship Centre

517B Northumberland Street
Fredericton, NB E3B 3K7
Tel: (506) 459-5283
Fax: (506) 459-1756
Email: fnfc2004@yahoo.ca

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CHAPTER 4

Chapter 4

4.0 Model for a Collective and Co-ordinated Response	45
4.1 The Holistic and Community-Based Approach	45
4.2 Woman-Centred Response	46
4.3 Regional Family Violence Networks	46
4.4 Complementary Supports and Services	47
4.5 Information-sharing and Consent	47
4.6 Crisis and Counselling Services and Support	48
4.7 On-going Prevention and Education	48

Model for a Collective and Co-ordinated Response

4.0 Model for a Collective and Co-ordinated Response

A collective and co-ordinated response to woman abuse is an interdisciplinary approach, whereby workers from government and community-based agencies provide a unified, consistent and comprehensive system of supports and services for abused women and their children in a timely and sensitive manner.

A collective and co-ordinated response provides a model for service providers and community agencies as a way to determine appropriate and accessible services for victims of violence. All sectors coordinate their efforts to provide a comprehensive response that includes the timely sharing of information among helpers and follow-up; this partnership generates a continuity of services for abused women. By working together, helpers can identify strengths and limitations of programs and services and ascertain how they can be improved to better serve the needs of women. Joint efforts to assist women are strengthened when service providers and stakeholders work together to bridge the needs of the victim with the proper community supports. Woman abuse is a shared societal problem; therefore, it requires a collective response. The vision of the government of New Brunswick is that all New Brunswick families live in a secure, nurturing environment free of abuse and violence. We strive towards this vision by way of a holistic approach rooted in the community.

4.1 The Holistic and Community-Based Approach

When we speak of a *holistic* approach in relation to violence against women, we are referring to the emotional, psychological, physical, spiritual, social and economic aspects of her reality. This approach focuses on the totality of her experiences as well as the societal context in which we live.

The *community-based* approach is an integrated response, where service providers and stakeholders from various organizations work together to address the needs of abused women in their communities. Community members play a key role in identifying, developing, implementing and supporting prevention and awareness activities.

The effectiveness of government and community agencies to offer assistance to victims of abuse is enhanced when a holistic and community-based approach is used. It incorporates a wide range of resources and services aimed at supporting women who live with or have experienced abuse in intimate relationships. This approach engages community partners and enhances resources and services for victims of abuse.

A holistic and community-based approach is grounded in the following principles:

- a woman can receive assistance whether she chooses to permanently leave a relationship, leaves temporarily or remains in the relationship;
- she may access services or resources through different entry points, but regardless of how or where she sought assistance, all available resources and services will be offered to her;
- interventions are tailored to the individual woman; however, she will decide which services she wants to access - her choices will be respected and supported;
- supports and services reach all women and acknowledges diverse groups such as minority women, Aboriginal women, women with disabilities and women in same-sex relationships;
- communities are encouraged to develop services and programs for women and children in their communities; and
- communities and government work collaboratively to effectively use existing resources in their regions;

4.2 Woman-Centred Response

A woman-centred response proposes that the services a woman receives will be individualized to her experience. When she requests assistance from government or community agencies for her and her children, she will be provided with information. Workers will be mindful that whatever decision the woman makes about the type of help she needs or wants, including how that assistance is managed, it will be her decision alone. Her right to privacy will be respected throughout the process and thereafter.

Service providers work with other stakeholders to provide women with information so that they can make informed decisions. As a way to help a woman take control of her situation, helpers do the following:

- inform her of events that could potentially place her at risk such as her abuser being served legal documents, and wait for instructions as to how she wants to proceed;
- allow her to make decisions about her safety based on the results of her risk assessment, and, if asked, assist her in developing a safety plan;
- if a woman and her abuser are attending counselling sessions, and she is considering a reconciliation, the helper's personal beliefs and biases will not be expressed if she chooses to remain in the relationship;
- explain to her that leaving an abusive intimate relationship is a process, and if counselling has not succeeded in improving their relationship, she can always return to community supports for help; and
- notify a woman that if she lacks the financial resources to meet her basic needs, she may be eligible for financial support through Dept. of Social Development, and she may qualify for subsidized housing.

4.3 Regional Family Violence Networks

A Regional Family Violence Network is representative of the community-based approach as it coordinates services in response to violence against women in communities. The network consists of a cross-section of community and government representatives who have formed a partnership to offer complimentary services for abused women through collaboration and information-sharing. Members of the network meet regularly to work on violence prevention initiatives that address violence against women in their communities.

There are 14 regional family violence networks in New Brunswick that work in partnership with Women's Equality Branch to implement a co-ordinated response to woman abuse. Representatives from the networks attend Provincial Partnerships in Action (PPA) sessions annually to learn new skills, enhance knowledge, share information and strengthen linkages with other networks and government departments. Since 2006 PPA has been a successful forum for building the collective co-ordinated response to woman abuse.

Regional family violence networks can play a central role in addressing violence against women because they:

- are part of and rooted in their communities and develop community leadership;
- are committed to working together to address barriers, overcome challenges and identify gaps in service delivery in their respective regions;
- share information on local, regional and provincial training needs;
- are engaged in prevention and awareness activities;
- participate and provide input in regional and provincial strategic planning exercises;
- are an effective link between community agencies and government service providers that address the service-delivery approach in their regions or communities;
- reflect regional diversity - ethnicity, culture,

language, socioeconomic status, age, community involvement and resources. Membership includes representation of diverse groups – First Nations people, people with disabilities, immigrants and new Canadians etc. and all aspects of the service and support network, including government services, community agencies and community members;

- maximize all available resources to create a woman-centred approach that offers services and supports for victims of abuse. One sector cannot do it alone.
- have a clearly defined purpose and mandate with realistic goals and objectives;
- are united and present a collective voice that advocates for the development of new services or enhances existing services to meet the needs of abused women in their communities;
- offer input on the design of awareness activities and educational opportunities for service providers and community members; and
- provide public education, information and create a better understanding of the issue of woman abuse within the community.
- see Appendix E for a sample “Terms of Reference.”

4.4 Complementary Supports and Services

Community agencies (shelters, domestic violence outreach, crisis lines, etc.) and government (police, Crown prosecutors, Victim Services, etc.) offer different programs and services for women who are or were subjected to abuse in their intimate relationships. It is important to recognize and understand the roles of government and community agencies, as their mandates differ.

Government services are broad based and designed for consistent delivery throughout the province. They provide structure for developing policies and guidelines that define the parameters of services and programs. All levels of the provincial and federal government are accountable on issues of eligibility, limitation of

benefits and other specific matters. Government also designates legislative authority to “arms length” agencies such as the police and medical professionals to provide a wide range of services.

Community agencies provide survivors with a safe place to turn in times of crisis and throughout their journey. They work diligently to fill gaps in services and meet the needs of survivors. Community agencies and government services collectively address violence against women and the impact it has on survivors.

4.5 Information-sharing and Consent

Communication is one of the key elements of a collective and co-ordinated approach to woman abuse, yet information-sharing amongst agencies can be problematic as workers try to find the balance between the need to keep a woman and her children safe, with the obligation to protect privacy rights. A woman’s privacy will be protected unless it becomes apparent that her situation warrants the disclosure of information with other government or non-governmental agencies. Service providers must be cautious in discerning what can and should be shared with other helpers.

Distinguishing between necessary information sharing and full disclosure reduces doubt or apprehension on the part of workers to respond appropriately. It enhances the coordination of services she receives. The following considerations will aid service providers and community agencies in the exchange of information, while safeguarding a woman’s privacy rights:

- fully explain consent and disclosure to the woman;
- ensure that she understands and gives permission to share information, including possible outcomes the disclosure may have (i.e., threatening harm to herself could lead to the involvement of appropriate government agencies; and
- inform the woman that certain information cannot remain private (i.e. suspicion of child abuse or neglect).

When should you share information?

- If you think someone's life is in danger or they may possibly harm themselves or someone else, you have a duty to report to emergency services; and
- When a woman provides informed consent to the sharing of information.

Information-sharing is a sensitive matter; therefore, it should only occur when necessary or stipulated by the *Right to Information and Protection of Privacy Act* or other legislation. Service providers should refer to their respective agencies or departments on issues relating to confidentiality and privacy rights.

4.6 Crisis and Counselling Services and Support

- A “Roadmap to Empowerment” is used by all helpers to link a victim with the correct supports and services;
- The woman is offered crisis and counselling services and ongoing support. She receives a crisis telephone number, should she want to talk to someone, day or night;
- A woman is aware that she and her children have been affected by the violence and knows that help is available; and
- She knows that in times of loneliness, sadness or self-doubt, she can call her counsellor, access other supports or contact her own support system.
- See the Community Resource Chapter for contact information for many community resources available throughout the province.

4.7 On-going Prevention and Education

The primary focus throughout the service delivery process is prevention and education initiative. Government and communities will continue to address woman abuse collectively through prevention and education initiatives at the local, regional and provincial level.

The information contained in this chapter identifies the complexities that must be considered when victims of abuse request ongoing supports and services. While some women may leave their abusers, the reality is that not all abusive relationships end in separation or divorce, nor does ending a relationship necessarily suggest that the violence will end.

If a woman makes a decision to leave an abusive relationship, she will face numerous hurdles, but service providers are there to help her reach her goals. She will find the strength to do this “one step at a time.”

CHAPTER 5

Chapter 5

5.0 Road Map to Empowerment	53
5.1 Concept	53
5.2 Road Map	53
5.3 Community Profile Worksheet	55

The Road Map to Empowerment

5.1 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.

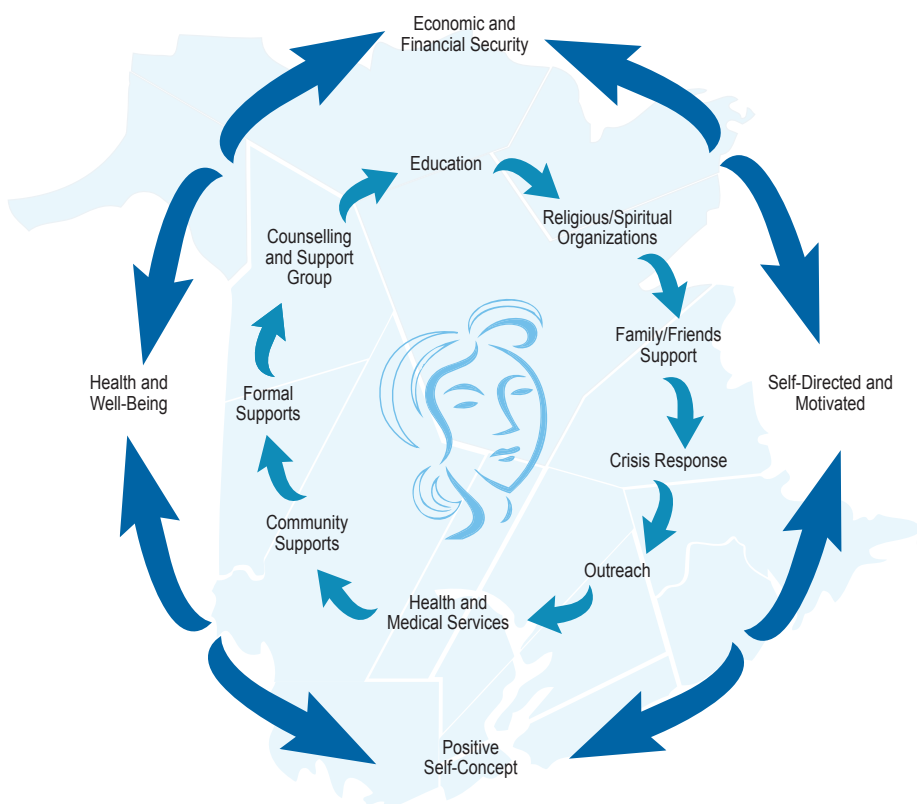
This first level is a general list of services that may or may not be available in each community. Each regional family violence network can refine the list to identify their respective regional landscape of services. Once clearly identified, front line service providers can use the road map as a guide 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.

All users of the Woman Victims of Abuse Protocols are encouraged to complete the Community Profile Worksheet either individually, as a work team, as an organization or as a family violence network. The purpose is to increase awareness of the services available in the community and to build a network that can easily respond to women experiencing abuse.

The list on page 54 provides some examples of the possible range of supports and services that a woman may need throughout her journey to be free from abuse and violence. It will help you complete the Community Profile Worksheet and identify gaps in the collective response to woman abuse. It is helpful to know what is available to women in your community.

5.2 Road Map



Road Map to Empowerment – Signposts

- The woman is at the centre and her needs are foremost in establishing a helping environment.
- The inside path represent the various services and supports she may seek for help. This is the helper's opportunity to inquire, offer support and provide assistance.
- The outer circle represents the high goals that lead to "reclaiming of self" for an abused woman. Goals are revisited throughout the woman's journey as she gains empowerment.
- This is an ongoing process for a woman throughout the life span to achieve all facets of well-being.

The Road Map to Empowerment

Support or Service	Providers	Actions
Crisis response	<ul style="list-style-type: none"> • Police, ambulance. • Hospital emergency department, sexual assault nurse examiner • Transition house or emergency Shelter • Domestic violence outreach services • Victim Services 	<ul style="list-style-type: none"> • Removing from danger • Emergency medical treatment • Gaining an understanding of what happened • Assessing risk • Developing a safety plan, risk management • Referrals to other supports
Health and medical services	<ul style="list-style-type: none"> • Emergency department personnel • Doctor's office • Community health centres • Community addictions and mental health centres • Mental health professionals • Public health • Other health care practitioners 	<ul style="list-style-type: none"> • Treating injuries • Treatment of depression, anxiety • Referrals to other supports • Counselling
Formal supports	<ul style="list-style-type: none"> • Income assistance • Social housing • Training and employment programs • Educational programs • Child and spousal support enforcement • Prosecutions • Probation services • Correctional facilities • Victim Services • Legal aid • Child and adult protection • Child and Youth Advocate 	<ul style="list-style-type: none"> • Case coordination – access to programs and services • Referrals to other supports • Information and guidance to make informed decisions • Court preparation and support • Linking to second stage program and affordable housing • Supporting long-term goals • Legal representation • Advocacy and Case Conferencing
Counselling and support groups	<ul style="list-style-type: none"> • Mental health professionals • Private counselling services and agencies • Group work and self-help sessions • Victim Services • Probation services • Correctional facilities 	<ul style="list-style-type: none"> • Counselling services to the woman, to children exposed to the violence and the abusive partner • Services to the family as a unit • Counselling to assist in court preparation • Providing opportunities to connect with other women with similar experiences • "Moving Forward" programs
Community Supports	<ul style="list-style-type: none"> • Food banks • Churches • Domestic Violence Outreach • Transition House • Second Stage housing programs • Legal aid clinic • Family Resource Centres • Wellness programs • Early intervention programs • Recreation facilities and social clubs 	<ul style="list-style-type: none"> • Meeting basic needs • Emotional and spiritual support • Emergency housing • Parenting support • Recreation and leisure options
Family and friends support	<ul style="list-style-type: none"> • Family • Extended family • New acquaintances 	<ul style="list-style-type: none"> • Caring • Listening • Validating • Accompaniment • Transportation • Childcare
Education	<ul style="list-style-type: none"> • Government agencies • Violence prevention centres • Community health centres • Universities • Non-profit community agencies • Family Resource Centres • Red Cross • Victorian Order of Nurses (V.O.N.) • Public Legal Education and Information Service 	<ul style="list-style-type: none"> • Public Education about healthy relationships • Survivor education programs to better understand the impact of violence and dynamics • Job training and retraining programs • Basic life skills and literacy • Outreach • Developing evidence-base regarding abuse and intervention practices
Outreach	<ul style="list-style-type: none"> • Domestic violence outreach program • Transition houses • Community health centres • Crisis centres 	<ul style="list-style-type: none"> • Individual support • Information • Workshops • Transportation • Referrals to other supports
Religious and spiritual organizations	<ul style="list-style-type: none"> • Churches • Spiritual leaders and clergy • Holistic health centres – meditation, sweat lodge, massage, yoga 	<ul style="list-style-type: none"> • Religious support and counselling (individual and family) • Support groups • Social groups • Youth and children activities and groups • Individual self-help supports (resources and practices)

5.3 Community Profile Worksheet

Learn more about the supports and services in your community:

- Who will you call to make a referral? What services or organizations will you inform women about?
- Who is the contact person within a government office who works with women affected by violence? It might be an official part of their job or they may be an ally within the office.
- What services are provided by your local domestic violence sector - transition house, domestic violence outreach program and second stage program?

Tips:

- This page can assist you in keeping track of who's who and who does what in your service delivery network.
- Use the Community Resources chapter (12) to find resources.
- Find regional contacts for government departments at the end of most chapters.
- It can be used to keep track of overall community contacts.
- Have blank copies available and make it part of a specific service or safety plan you are working on with a woman.
- Complete it with a work team, your organization or as a family violence network and make copies available to other service providers.
- Update it often to keep up with staff changes, new services and those that are discontinued.

References

Much credit goes to the Nova Scotia Advisory Council on the Status of Women, for permitting us to use some parts of their document: Ceresne, Lynda Heather, *Making Changes: A Book for Women in Abusive Relationships*, Third Edition (Province of Nova Scotia, 1992, 1998, 2001) pp. 9-22. Various parts of this document have been adapted throughout the reference/resource sections of these protocols.

* This text is now in its Eighth Edition.
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The Road Map to Empowerment

Community Profile Worksheet

	Contacts	Support or Service
<i>Crisis response</i>		
<i>Health and medical services</i>		
<i>System supports</i>		
<i>Counselling and support groups</i>		
<i>Community supports</i>		
<i>Family and friends support</i>		
<i>Education</i>		
<i>Outreach</i>		
<i>Religious and spiritual organizations</i>		

CHAPTER 6

Chapter 6

6.0 Department of Public Safety	61	6.4 Probation Services	67
6.1 Introduction	61	6.4.1 Supervised Probation and Conditional Sentence Orders	68
6.2 Policing	61	6.4.2 Preparation of Pre-Sentence Reports	68
6.2.1 Domestic Violence Defined	61	6.5 Correctional Facilities	69
6.2.2 Receiving a Complaint	61	6.5.1 Admission Procedures.....	69
6.2.3 Pre-entry Procedures	62	6.5.2 Telephone Communication.....	69
6.2.4 Entry Procedures.....	62	6.5.3 Correspondence.....	69
6.2.5 Immediate Action.....	62	6.5.4 Case Planning.....	69
6.2.6 Investigation	62	6.5.5 Temporary Absence.....	70
6.2.6 (a) Injuries	63	6.5.6 Offenders Escaping Custody or Unlawfully at Large.....	70
6.2.6 (b) Arrest Considerations.....	63	6.6 Coroner Services	70
6.2.7 Court Appearance	63	6.6.1 Domestic Violence Death Review Committee	70
6.2.8 Legal Proceedings.....	63	6.7 Victim Services Contact Information	71
6.2.9 Police-Based Victim Assistance Program	64		
6.2.10 Statistics	64		
6.3 Victim Services	65		
6.3.1 Intake and Case Assessment.....	65		
6.3.2 Trauma Counselling Program.....	65		
6.3.3 Court Support and Court Preparation Programs.....	65		
6.3.4 Victim Impact Statements.....	66		
6.3.4 (a) Review Board Hearings	66		
6.3.4 (b) Parole Board Hearings.....	66		
6.3.4 (c) Parole Eligibility Hearings for Offenders Sentenced to Life - Section 745.6 CCC.....	67		
6.3.5 Sentencing Follow-up.....	67		
6.3.6 Compensation for Victims of Crime.....	67		
6.3.7 Continuum of Care	67		

Department of Public Safety

6.1 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 support services and to enable their participation in the criminal justice process.

The protocols outlined in this section are aimed to assist police forces and community and correctional services professionals in better responding to situations where woman abuse has taken place.

6.2 Policing

The police have a duty and a responsibility to investigate crime, including responding to the immediate domestic crisis, gathering sufficient evidence, and consulting with the Crown prosecutor with respect to charges. Woman assault will be treated as any other criminal matter and therefore the onus is on the police, not on the victim, to initiate the criminal justice process. In all cases where a charge is warranted in the circumstances the police will lay a charge.

6.2.1 Domestic Violence Defined

Domestic violence occurs when a person who is or who was involved in an intimate personal relationship, uses abusive, threatening, harassing, or violent behaviour as a means to psychologically, physically, sexually or financially coerce, dominate and/or control their partner / former partner.

“Intimate personal relationship” means:

- Current and former married relationships
- Current and former common-law relationships
- Current and former dating relationships
- Persons involved in a heterosexual or same-sex relationship, who are or who were in an intimate personal relationship.

The fact that the perpetrator and the victim are no longer involved in an intimate personal relationship does not stop a case from being a domestic violence case if the domestic violence is related to or evolved from the former intimate personal relationship (e.g., time lapse is not a determining factor).

Domestic violence is also considered to have occurred when an accused resorts to abusive threatening, harassing or violent behaviour towards the partner’s or ex-partner’s relatives, friends or new partner as a means to psychologically dominate and control the complainant.

Domestic violence resulting in a criminal offence can include, but is not limited to, the following offences if the offence is committed against an intimate (or former intimate) partner:

- All forms of physical assault (including threats)
- All forms of sexual assault and criminal sexual coercion (including threats)
- All forms of homicide (including attempts)
- Threats to harm or kill
- Criminal harassment
- Extortion
- Withholding the necessities of life
- Dangerous operation of a vehicle
- Arson
- Wilful destruction of property
- Break and enter (e.g., into a building occupied or possessed by an intimate partner)
- Cruelty or causing unnecessary suffering to family (or former family) animals and pets
- Invasion of privacy offences (e.g., interception of telephone calls; mail theft)
- Aiding and abetting a third party to commit
- Breach of a court order (e.g., section 127 of the *Criminal Code*), undertaking, peace bond
- Child abduction
- Obstructing justice (section 139 of the *Criminal Code*)

6.2.2 Receiving a Complaint

On receipt of the initial complaint of abuse 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 and whether or not a risk assessment using a validated tool has been completed; and
- any pertinent information regarding the emotional state of the parties involved.

In cases where a dispatcher receives the complaint, all relevant information will be passed on to the investigating police 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.

6.2.3 Pre-entry Procedures

On 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; and
- the latest emotional state of those involved.

6.2.4 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; or
 - eye witness account that a crime has occurred, and that the victim is still in the home.

6.2.5 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;
- determining if language is a barrier, and arranging to provide a translator when necessary and practical (children or family members should not be used as interpreters); and
- conducting an appropriate investigation.

6.2.6 Investigation

Police officers have an obligation to:

- determine the facts and background of the incident;
- assess any imminent danger to the parties involved;
- appropriately divert parties involved away from that danger;
- notify the Department of Social Development if children are present;
- provide the victim with a Victim Services Information Card/ referral card as soon as possible;

- refer the victim to the police-based Victim Assistance Coordinator where operational, or the provincial Victim Services Coordinator; and
- make note of spontaneous statements and take “Warned” statements as required, at the scene or when possible at a later time and place.

The investigating police officer will complete a risk assessment using a validated tool and based on information available during the investigation such as:

- Interview with the perpetrator;
- Interview with the victim;
- Interviews with others including the victim’s family and friends;
- Review of collateral records including police reports, victim statements, statements made by the perpetrator, the perpetrator’s criminal record, and any family court information available.

The level of risk posed by the perpetrator must be taken into consideration when making any decisions, with appropriate documentation and notification to relevant police personnel.

6.2.6 (a) Injuries

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

- Ask victim about injuries and note response;
- Where visible injuries are observed, photographs are appropriate;
- Recommend medical attention as required;
- Ask victim about sexual victimization, as victims frequently do not recognize sexual assault within an intimate relationship as sexual assault;
- In cases involving sexual and physical assault the victim should be offered transportation to the hospital for treatment and forensic evidence collection; and
- Ensure the victim and children are in a safe environment, where necessary.

6.2.6 (b) 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;
- the perpetrator’s attitude;
- threats of further violence;
- previous and current risk assessments; and
- any other pertinent factors that would influence the discretion of the investigator(s).

6.2.7 Court Appearance

When a police officer investigates a complaint of woman abuse and finds there is sufficient evidence to recommend criminal charges, a determination must be made as to whether or not the accused is to be arrested and brought before a judge or released by the police at the time of arrest.

- If the accused is to be released by the police officer, the officer will prepare and serve an Appearance Notice or a Promise to Appear requiring the accused to appear for a plea on a specified date.
- Where warranted, the accused may be released on a Recognizance or an Undertaking to a Peace Officer or officer in charge, placing conditions or restrictions upon the accused (i.e.,: refrain from contact with the victim, not to be at or near a certain place / property).
- Should the accused not be available for service of an Appearance Notice or Promise to Appear or if further investigation is required, the police officer may prepare a summons at a later date which is signed by a judge of the Provincial Court and served upon the accused by the police.
- An information is prepared by the police force which indicates the particulars of the charge such as the time, date, place, victim and nature of the offence. This information is sworn by a police officer before a Provincial Court Judge.
- The accused can consult with a lawyer (legal aid, duty counsel or private) prior to entering a plea.

6.2.8 Legal Proceedings

When an investigation is completed the police officer will 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 police 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 completed risk assessment form;
- a copy of the victim'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; and
- a list of any exhibits which will be needed at a trial.

The investigating officer will ensure that the domestic violence occurrence is appropriately flagged on the prosecutor's Information Sheet. When the decision has been made to refer the matter for criminal proceedings, the police officer or police-based Victim Assistance Coordinator where operational, will 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 6.3 for further detail on the provincial Victim Services Program.

6.2.9 Police-Based Victim Assistance Program

Where a police force operates a police-based victim assistance program, the investigating police officer will refer all cases of violence against women to the police-based Victim Assistance Coordinator.

Through the police-based Victim Assistance Program, the following services can be provided:

- support during the immediate crisis and throughout the criminal justice process;
- facilitate 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;
- referrals to appropriate community agencies;
- support and provision of information relating to the Court process; and
- referrals to the provincial Victim Services Coordinator for all matters pertaining to domestic violence where the level of service will be determined.

In all cases of violence against women, the investigating police officer will 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 will refer the matter to the provincial Victim Services Program. Please refer to section 6.3 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, promise to appear data, plea dates, trial date 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.

6.2.10 Statistics

In accordance with Statistics Canada's Incident-Based Uniform Crime Reporting Survey (UCR2) police forces will keep pertinent information on occurrences involving woman abuse. Incidents of woman abuse are specified in the UCR2 through documentation of the relationship between the victim and the individual charged with an offence.

6.3 Victim Services

The Department of Public Safety, Public Security and Corrections 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; and
- To establish a continuum of services for victims.

The protocols outlined in this section have been developed to specifically address the delivery of services to women victims of violence.

6.3.1 Intake and Case Assessment

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 power and control wheel and the cycle of violence (see page 22 and 23), providing assurances that nothing she has done justifies the abuse;
- Make referrals for services to community agencies as appropriate;
- Provide information on the effects of family violence on children where appropriate;
- As part of the case management process, discuss the importance of assessing risk and making a safety plan, and with the woman's permission, administer various risk assessments particularly those specific to domestic violence;

- Determine in consultation with the Crown prosecutor if the woman should participate in the Trauma Counselling program; and
- Determine in consultation with the Crown prosecutor if the woman and her children who have witnessed the violence should participate in the Moving Forward program.

6.3.2 Trauma Counselling Program

The Trauma Counselling Program is available to assist women who 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 their testifying in court.

Trauma counselling is also available for any children who have witnessed the abuse and are required to testify 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).

6.3.3 Court Support and Court Preparation Programs

The objectives 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; and
- 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 role as a Court witness;

- explain the Court process, roles 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. For example, upon application, the Court may order the use of a testimonial aid if the Court believes that it is necessary to obtain a full and candid account. Testimonial aids include:
 - video recording;
 - closed circuit television; and
 - verbal testimony in the courtroom behind a screen.
- ensure that the necessary Court support and accompaniment is in place prior to court appearances; and
- advise the victim of the outcome of the Court proceedings including special conditions imposed on the offender as it relates to her personal safety (e.g. no contact).

6.3.4 Victim Impact Statements

A victim impact statement is a written statement prepared by the victim that describes the harm or loss suffered by the victim of a criminal offence. Among other sources of information, the Court considers this statement when determining the sentence of the offender. Providing a victim impact statement is voluntary. Once filed with the Court, the statement becomes a matter of public record and the victim may be called upon to testify to its content. The victim may read the statement aloud at the sentencing hearing if she chooses.

A victim impact statement must be completed on an approved form and filed with the Court after an offender has been convicted of the offence, and in advance of the sentencing hearing. In addition, both the offender's counsel and the Crown prosecutor are provided a copy.

Victim Services Coordinators will:

- notify the victim of her 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 and regulation,

- and assist with any reported limitations and disabilities;
- ensure that the victim fully understands that she may be subject to cross-examination on its contents;
- file the completed victim impact statement, signed by the victim and the Coordinator, with the Court prior to the sentencing hearing, in accordance with Court procedure and time limitations;
- advise the victim of her right to read the statement aloud at the sentencing hearing or present it in any other manner that the Court considers appropriate (i.e. teleconference, videotape, audiotape); and
- provide information regarding available assistance to ensure the direct victim or survivors have transportation to the sentencing hearing so they can attend and read their statements in Court if they wish.

6.3.4 (a) Review Board Hearings

A Review Board hearing for a person found Not Criminally Responsible (NCR) will consider the written victim impact statement in accordance with Section 672.5(14) of the *Criminal Code*. Updates of victim impact statements may be made. Also, victims can attend 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 these hearings and will advise of pending hearing dates. Accompaniment to hearings will be arranged at the request of the victim.

6.3.4 (b) Parole Board Hearings

A Parole Board victim impact statement must be completed on the approved Parole Board Canada Form and forwarded to the 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 Board hearing. Victims may describe the impact of the crime, any changes since sentencing, and any concerns they have for their safety or the safety of others.

6.3.4 (c) Parole Eligibility Hearings for Offenders Sentenced to Life - Section 745.6 CCC

The Court will consider an updated victim impact statement when an offender sentenced to life makes an application for a reduction of the parole eligibility period. The victim may 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.

6.3.5 Sentencing Follow-up

The Victim Services Coordinator will:

- provide debriefing to the woman following Court procedures;
- advise the victim of the outcome of the sentencing hearing;
- forward a copy of the victim impact statement to the appropriate correctional facility should the offender be sentenced to a period of incarceration;
- 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; and
- provide, where applicable, information on the Review Board, Parole Board or Parole Eligibility hearings and outcomes.

6.3.6 Compensation for Victims of Crime

Compensation is available to assist victims of a violent crime who have suffered personal injuries or losses as a result of the crime. The intent is to help with critical expenses that are directly the result of being victimized.

In cases of violence against women, Victim Services Coordinators provide the woman with an application form for Compensation for Victims of Crime and explain the program including maximum benefits prescribed in law.

The victim may be eligible for such benefits as short-term counselling to a maximum of 10 sessions, relocation expenses, medical expenses not covered by Medicare, compensation for pain

and suffering. Compensation must be applied for and there are limits on the benefits and assessment will be made on a case by case basis.

6.3.7 Continuum of Care

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

- For diverse groups of women and if requested by the victim, arrange for interpretation services and discuss the need for interpretation services with the Crown prosecutor to ensure these services are in place for court preparation and court support.
- 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.

6.4 Probation Services

The Department of Public Safety, Public Security and Corrections Division, has overall responsibility for the delivery of community and institutional based programs and services to youth and adult offenders.

For offenders serving a community based disposition with supervision, this is made possible through one of 12 probation offices, and 3 satellite offices throughout the province. In cases involving violence perpetrated against women, probation officers are responsible for supervising and case managing perpetrators of domestic violence as established through policies and procedures.

When carrying out their case management function in the case of female offenders, probation officers are knowledgeable of the different pathways to crime that women take as compared to men, especially as it relates to past or current history of trauma and abuse, and the impact it may have on their offending behaviour. With this knowledge, probation officers will develop a case plan that not only ensures accountability but also addresses issues of abuse and trauma.

6.4.1 Supervised Probation and Conditional Sentence Orders

After a plea or finding of guilt, a supervised probation order or a conditional sentence order is imposed upon an offender involved in violence against a woman. The supervising Probation Officer will gather all pertinent information surrounding this case, including discussions with the victim services coordinator and the victim, and meet with the offender as soon as possible.

The purpose of this initial meeting with the offender is to review the conditions of the Order, clarify any questions the offender may have, and immediately begin the case management process.

The case management process is a fluid process in that it is always evolving, and includes the administration of various risk assessments, particularly those specific to domestic violence. The results of these assessments inform the frequency and methods of supervision for that particular offender based on established policies and procedures.

The assessments also play a significant role in the development of a case plan for the offender which often includes the requirement that they participate in spousal abuse treatment and other forms of counselling. To be effective, probation officers maintain open communication with all involved, especially the victim and the victim services coordinators, and act accordingly.

Safety of the victim is paramount when supervising perpetrators of domestic violence. If the probation officer receives information that the offender is contacting the victim when ordered by the Court not to, the Probation officer will either

- refer the matter to police for investigation in the case of probation; in the case of conditional sentence order, prepare a report to the Court, outlining the circumstances of the violation and request that a warrant of arrest be issued, along with a Judicial Breach Hearing date; or
- upon request of the victim, and after discussions with police, Crown prosecutor and others involved in this matter in terms of progress made, arrange for a court hearing to review the “no contact” condition.

6.4.2 Preparation of Pre-Sentence Reports

Another major function of probation officers is the preparation of pre-sentence reports for the Court, once a person has pleaded guilty, or been found guilty after trial and is awaiting sentencing.

In the normal course of their duties, probation officers are often called upon to provide background information on the offender and the content of these reports are dictated by the *Criminal Code* and departmental policy. Some of the information the probation officer will consider when it comes to perpetrators of domestic violence are:

- the offender’s attitude towards the offence and the victim;
- the various problems that the offender presents with, including alcohol and drug addiction, mental illness, cognitive impairment, etc. , and his willingness to participate in treatment programs and services;
- information obtained from the victim directly or through the Victim Services Coordinator including past acts of violence against her or others, the use of weapons, death threats, and overall thoughts about her safety; and
- in cases where Victim Services is not involved, probation officers provide the victim with contact information for the local Victim Services office, and any other resources she may inquire about.

In terms of Aboriginal offenders for whom a probation officer has been asked to produce a report for sentencing purposes, probation officers are directed to ensure that all considerations as outlined in Regina vs. Gladue are thoroughly covered in order to assist the Court in rendering an appropriate sentence for that individual.

These considerations include information about the community and/or band to whom the person belongs, history and responses to Aboriginal approaches and other measures, the community’s interest in Aboriginal approaches to deal with the matter, and unique systemic or background circumstances related to their Aboriginal heritage which is relevant in explaining why the person is before the court.

6.5 Correctional Facilities

The Department of Public Safety, Public Security and Corrections Division, is also responsible for the delivery of programs and services to youth and adult offenders confined to provincial correctional facilities. In the case of adult offenders they are either remanded or under a custodial sentence of two years less a day.

There are five provincial adult correctional facilities in the province, one of which is specifically dedicated to women.

6.5.1 Admission Procedures

Upon admission of an offender to a correctional facility, the institutional programmer will:

- 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 in place to protect the victim.

6.5.2 Telephone Communication

In situations where the offender would like to initiate telephone contact with the victim:

- The institutional programmer will 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 the victim would like the call monitored.
- If the victim agrees to receive the call and requests that it be monitored, a designated correctional staff will be present to monitor the call, ensuring that no harassment or threat is made towards the victim.
- If the offender making the request is under a remand status, the Superintendent will 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, imposed by the superintendent or designated staff member.

6.5.3 Correspondence

If an offender prepares correspondence to their victim:

- The institutional programmer or designated staff will 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 will be screened by a designated correctional staff member prior to mailing, to ensure appropriate content (i.e. no threats, harassment, etc.).

6.5.4 Case Planning

Case planning is a fluid process and begins immediately upon admission to custody.

Programmers will ensure adherence to the following process:

- Where the offender is sentenced to more than 30 days, a case plan will be developed taking into consideration the treatment needs, the dynamics of violence against women and discharge planning.
- The case plan may include services offered within and outside the facility (through temporary absence if appropriate).
- Discharge planning will include referrals for follow-up services and, in cases where probation is to follow the period of custody, probation services will be alerted to the offender's upcoming release plans.
- Victims who have registered for provincial notifications will be notified by the institutional programmer of the offender's release.
- Where a female offender is also deemed to be a victim of abuse, programming is offered within the correctional setting to assist her in dealing with such events.
- All relevant information will be entered into the Client Information System.

6.5.5 Temporary Absence

Temporary absence from a correctional facility may be granted to sentenced offenders for various reasons including medical and humanitarian reasons. For offenders convicted of domestic violence, the following processes will be followed:

- On receipt of an application from the offender for temporary absence, the institutional classification committee and programmer will review the offender's institutional behaviour, involvement in programs, demonstrated attitudinal change and potential risk to the victim and others in the community.
- As part of the community assessment, the programmer or 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. (Note: 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 Director of Institutional Services and/or the Temporary Absence Coordinator or Operational Consultant in Department of Public Safety Head Office).
- If temporary absence is approved, the superintendent or designate will prepare the Temporary Absence Certificate outlining the terms, conditions, and restrictions for the release and explain these conditions to the offender prior to release.
- The designated correctional staff member will attempt to contact the victim (either directly or through the Victim Services Coordinator), for notification of the pending temporary absence and associated conditions.
- In cases where the victim reports having been contacted by the offender during release, contrary to court imposed restrictions, the Temporary Absence may be revoked by the Superintendent or designate.
- Comments made by Probation Services (where applicable) will be considered as part of the community assessment and decision-making process.

6.5.6 Offenders Escaping Custody or Unlawfully at Large

If a perpetrator of domestic violence escapes custody or is unlawfully-at-large, the Superintendent or designate will immediately notify the police. The victim will only be advised of the perpetrator's escape or being unlawfully-at-large if she has registered for notification with Correctional Services Canada or the provincial correctional facility where the perpetrator is incarcerated.

Registration for notification is facilitated by the Victim Services co-ordinator.

6.6 Coroner Services

The Office of the Chief Coroner investigates all sudden and unexpected deaths in pursuit of preventing non-natural deaths.

6.6.1 Domestic Violence Death Review Committee

Chaired by the Deputy Chief Coroner, the Domestic Violence Death Review Committee (DVDRC) is comprised of experts committed to addressing the problem of domestic violence in New Brunswick. The committee conducts comprehensive reviews of all domestic violence deaths in New Brunswick in an effort to understand how and why these victims die, and uses this information to take action to prevent future deaths, reveal systemic gaps and shortcomings, and generally reduce and eliminate domestic violence in New Brunswick.

6.7 Victim Services Contact Information

BATHURST

Telephone: (506) 547-2924
 Fax: (506) 547-2470
 Address: 254 St. Patrick Street
 P.O. Box 5001
 Bathurst, N. B. E2A 3Z9

BURTON

Telephone: (506) 357-4035
 Fax: (506) 357-4032
 Address: Oromocto Provincial
 Court 23 Route 102 Highway
 River Road, Burton, N.B.
 P. O. Box 94
 Oromocto, N. B. E2V 2G4

CAMPBELLTON

Telephone: (506) 789-2388
 Fax: (506) 789-2104
 Address: 113 Roseberry Street,
 4th Floor
 P. O. Box 5001
 Campbellton, N. B. E3N 2G6

CARAQUET

Telephone: (506) 726-2417
 Fax: (506) 726-2844
 Address: 181 St. Pierre Blvd.
 Caraquet, N. B. E1V 1A5

EDMUNDSTON

Telephone: (506) 735-2543
 Fax: (506) 735-2523
 Address: Carrefour Assomption,
 Suite 215
 121 Rue de l'Église
 P. O. Box 5001
 Edmundston, N. B. E3V 3L3

ELSIPOGTOG FIRST NATION ABORIGINAL VICTIM SERVICES PILOT PROJECT

Telephone: (506) 523-4747
 Fax: (506) 523-4746
 Address: Elsipogtog Victim
 Services Elsipogtog Health &
 Wellness Centre
 205-2 Big Cove Road
 Elsipogtog, N. B. E4W 2S1

FREDERICTON

Telephone: (506) 444-5716 or
 (506) 453-2768
 Fax: (506) 457-7228
 Address: 300 St. Mary's Street
 P. O. Box 5000
 Fredericton, N. B. E3B 5H1

GRAND FALLS

Telephone: (506) 473-7706
 Fax: (506) 473-7707
 Address: 430 Broadway Blvd,
 2nd Floor
 P.O. Box 5001
 Grand Falls, N. B. E3Z 1G2

MIRAMICHI

Telephone: (506) 627-4065
 Fax: (506) 624-2038
 Address: 673 King George
 Highway Room 238
 Miramichi, N. B. E1V 1N6

MONCTON

Telephone: (506) 856-2875
 Fax: (506) 856-3315
 Address: Moncton Law Court
 145 Assumption Blvd. 1st Floor
 P. O. Box 5001
 Moncton, N. B. E1C 8R3

RICHIBUCTO

Telephone: (506) 523-7150
 Fax: (506) 743-6673
 Address: 7714, Route 134
 Sainte-Anne-de-Kent, N. B.
 E4S 1H5

SAINT JOHN

Telephone: (506) 658-3742
 Fax: (506) 658-3001
 Address: 15 Market Square, 4th
 Floor
 Saint John, N. B. E2L 1E8

SHEDIAC

Telephone: (506) 533-9100
 Fax: (506) 533-9348
 Address: 432 Main Street
 Shediac, N. B. E4P 2G5

ST. STEPHEN

Telephone: (506) 466-7414
 Fax: (506) 466-7334
 Address: 41 King Street
 St. Stephen, N. B. E3L 2C1

TRACADIE-SHEILA

Telephone: (506) 394-3690
 Fax: (506) 394-3651
 Address: 3514 Principale St.,
 Room 105
 P.O. Box 3131
 Stn. Main
 Tracadie-Sheila, N. B. E1X 1G5

WOODSTOCK

Telephone: (506) 325-4422
 Fax: (506) 325-4698
 Address: Woodstock Victim
 Services
 111 Chapel Street, Unit 1
 Woodstock, N. B. E7M 1G6

CHAPTER 7

Chapter 7

7.0 Department of Justice and Office of the Attorney General	75	7.4 Provincial Court-Domestic Violence Court	82
7.1 Introduction	75	7.5 Woman Victims of Abuse Protocols	82
7.2 Criminal and Family Justice Systems in New Brunswick	75	7.5.1 Related Documents (Public Prosecution Services Operational Manual)	82
7.2.1 Provincial Court of New Brunswick	75	7.6 Family Services Crown Prosecutors	82
7.2.2 Court of Queen's Bench	75	7.6.1 Enforcement of Parenting Arrangements/ Enforcement of Custody and Access/ International Child Abduction	82
7.2.3 Specialized Courts	75	7.7 Role of the Department of Justice	83
7.2.4 Courts-Pilot Projects	77	7.7.1 Introduction	83
7.3 The Role of Public Prosecution Services	77	7.7.2 Family Support Order Services (FSOS)	83
7.3.1 Introduction	77	7.7.3 Court Security-Sheriff Services	84
7.3.2 Police Investigation File to Crown	78	7.7.4 Parent Education Program	84
7.3.3 Role of the Crown Prosecutor	78	7.7.5 Court-Ordered Evaluations Support Program (C-OESP)	85
7.3.3 (a) Initiating the Prosecution	78	7.7.6 Legal Representation in Family and Criminal Law Matters	85
7.3.3 (b) Charge Recommendation/Screening Process	78	7.7.7 New Brunswick Legal Aid Services Commission (NBLASC)	85
7.3.3 (c) Sufficiency of Evidence	78	7.7.8 Contact Information	86
7.3.3 (d) Public Interest Factors	79	7.7.8 (a) Department of Justice Court Services Division Offices (Family Division)	86
7.3.3 (e) Seriousness of the Offence	79	7.7.8 (b) Family Support Orders Service	87
7.3.3 (f) Expeditious Prosecution	79	7.7.8 (c) New Brunswick Legal Aid Services Commission contact information	87
7.3.3 (g) Early Considerations	79		
7.3.3 (h) Peace Bond	79		
7.3.3 (i) Plea Resolution Agreements	79		
7.3.3 (j) Judicial Interim Release	80		
7.3.3 (k) Victims and Witnesses	80		
7.3.3 (l) Reluctant Victims	80		
7.3.3 (m) Sentencing	81		
7.3.3 (n) Firearms	81		
7.3.3 (o) Mental Disorder	81		
7.3.3 (p) Alternative Measures	82		

*Department of Justice and Office of the
Attorney General*

7.1 Introduction

The Department of Justice and Office of the Attorney General plays a critical role in responding effectively to woman abuse. The department defines “spousal/ partner violence” as any and all forms of violence or abusive behaviour between persons who are or who have been involved in a personal relationship. “Personal relationship” is defined as a relationship between persons who are or who have been legally married, living together, and/or dating. For the purposes of this section, the term “spousal/partner violence” is substituted with the term “woman abuse” given the focus of the Woman Victims of Abuse Protocols on violence and abuse directed at and perpetrated on women. 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 and Office of the Attorney General have developed the following protocols which apply to Public Prosecutions and Department of Justice staff working at all levels of court.

7.2 Criminal and Family Justice Systems in New Brunswick

The Province is responsible for the constitution, maintenance, and administration of all levels of courts in New Brunswick: the Court of Appeal, Court of Queen’s Bench (Trial Division and Family Division), Probate Court, Small Claims Court and the Provincial Court.

7.2.1 Provincial Court of New Brunswick

The Provincial Court is the criminal court of first instance. It is the court before which a matter is first brought for all summary conviction (less serious) and indictable (more serious) offences in the province. For trial and disposition of cases, certain indictable offences may, or must, be heard by the Court of Queen’s Bench, as required by the *Criminal Code*. However, all proceedings for offences, from municipal bylaws to murder, commence in the Provincial Court.

The Provincial Court has also been designated as the Youth Justice Court under the *Youth Criminal Justice Act* and deals with persons between the ages of 12 and 17 who have been charged with summary conviction and indictable offences.

7.2.2 Court of Queen’s Bench

The Court of Queen’s Bench of New Brunswick consists of two divisions: the Trial Division and the Family Division. The Court of Queen’s Bench has jurisdiction for both civil and criminal cases arising in the province, except for those matters specifically excluded by legislation.

The Court of Queen’s Bench, Trial Division has jurisdiction over indictable criminal offences tried by judge and jury or by judge alone, civil cases and certain appeals from the Provincial Court.

The Court of Queen’s Bench, Family Division is a unified family court system responsible for child protection, adoption, divorce, spousal rights and obligations, as well as parent and child rights and obligations. The Court of Queen’s Bench is organized into eight judicial districts: Edmundston, Woodstock, Fredericton, Saint John, Moncton, Miramichi, Bathurst and Campbellton.

7.2.3 Specialized Courts

Specialized courts address the special justice related needs of individuals, victims and offenders, who often find themselves before the criminal courts. They usually involve scheduling certain kinds of cases together in a block, the participation of a team of specialized service providers, and customized treatment to better address the special needs of offenders and victims. Domestic violence, substance-addictions, mental illness or severe intellectual disabilities, and cultural specific courts are examples of specialized courts. New Brunswick currently has three specialized courts, the Provincial Court-Domestic Violence in Moncton, the Mental Health Court in Saint John developed and led by the Honourable Judge Brien and the Family Division Case Management Model (Saint John Jurisdiction).

Provincial Court - Domestic Violence (Moncton Jurisdiction)

Operating in the Moncton jurisdiction and serving the counties of Westmorland, Albert and Kent, this court provides for early first appearances by accused individuals charged with crimes of violence against their domestic partners or former partners. It incorporates specialization in domestic violence cases with coordinated community-based resources for support and treatment of both victims and offenders. A Court Coordinator ensures information is exchanged between key stakeholders such as police, Crown, probation and victim services. A specialized risk assessment tool in use by all stakeholders, more intensive monitoring and, follow-up of cases following sentencing are central features of this court.

Mental Health Court (Saint John Jurisdiction)

While adhering to the regular procedures of a criminal court, the court expands the focus of some of the procedures and employs a program to deal effectively with people with mental health issues in the criminal justice system.

Family Division Case Management Model (Saint John Jurisdiction)

In February 2008, a New Brunswick Access to Family Justice Task Force was appointed to undertake a review of the family court system (including pertinent legislation and regulations) and to make recommendations that would decrease court delays, encourage alternative dispute mechanisms and improve access to legal information, as well as to legal assistance. Between 2010-2013, a Family Law Pilot model tested a new way of managing family law cases based in large part upon the recommendations of the Task Force on Access to Family Justice. This model was adopted in the spring of 2013 and the design includes a Case Management Master, a Triage Coordinator, in-house family mediation services, on-site advice lawyer services and a comprehensive on-site Family Law Information Centre (FLIC). The FLIC staff provide information and assistance to family law clients – generally, but not limited to, self-represented litigants. Family law cases are triaged to ensure that every opportunity is used to resolve matters without a hearing or

trial, but that, in any event, cases that do end up needing a hearing will be ‘judge ready’. The special Rule of Court provides more streamlined and user-friendly processes for accessing court proceedings. It also compels greater use of case conferences. The Case Management Master has quasi-judicial authority and may make orders related to process, consent orders as well as interim orders for certain relief under either the *Family Services Act* or the *Divorce Act*.

Staff must be familiar with the contents of the Woman Victims of Abuse Protocols to know what steps to take when encountering someone who has experienced woman abuse.

Family Mediation at the Family Law information Center (Saint John)

Mediation, while effective in many circumstances, is not always appropriate. It is best suited to parties who are in a relatively equitable negotiating position. In cases where there is a history of woman abuse or where there is a clear power imbalance between the parties, mediation may not be the best way to achieve fair and reasonable outcomes. Indeed, it could enable the continuation of one party’s control over the other and, in some cases, even place the disadvantaged party (and their children) at risk. Those who have experienced physical, sexual, emotional, legal, spiritual, social or economic abuse by their former partner and/or who feel intimidated or are otherwise unable to bargain freely and without duress will not be considered for mediation by the Mediator. Family Mediators must interview and assess each party to the mediation separately and complete a Partner Abuse Assessment Checklist in accordance with the Mediation Practice Standards. When indicators of woman abuse are present, mediators must check for immediate safety issues with the victim and if necessary, assist with an immediate safety plan. Family Mediators may also provide general information about peace bonds, restraining orders and criminal charges as well as referrals to other agencies that assist women in abusive relationships. When the Mediator determines that there was a pattern of intimate woman abuse including an abuse of power and control in the relationship by one or both parties, the mediator will not proceed with mediation and instead will provide the victim with information about alternative safe family law options to resolve their dispute.

7.2.4 Courts-Pilot Projects

Pilot courts operate for a defined time period and test innovative and specialized approaches to improve access to justice. Currently, there is one pilot court being operated as follows:

Healing to Wellness Court, Elsipogtog First Nation (2012-2015)

The Department of Justice and Office of the Attorney General, together with other government departments and the Elsipogtog First Nation launched the Healing to Wellness Court (HWC). The Healing to Wellness Court provides a culturally sensitive court with a supervised therapeutic treatment program for Elsipogtog Band members charged with eligible offences. The approach is to address the underlying causes of criminal behaviour, specifically addictions, mental health issues and cognitive impairment using culturally sensitive treatment and programs. Domestic violence related offences which do not involve serious bodily harm and do not carry minimum mandatory sentences can be considered for eligibility into the program, subject to the discretion of the Crown prosecutor and Healing Team. Adult and youth accused are offered the opportunity to have their case adjourned while they participate in an intensive treatment program designed by addictions and mental health professionals and First Nation elders. This treatment plan is ordered and regularly monitored by a provincial court judge. If an accused does not comply with his/her court-ordered program, the judge could impose sanctions in Elsipogtog or send the accused to the “regular” provincial court.

As part of the HWC program, victims have the right to provide input into the development of a treatment plan and to be informed of the outcomes of all court appearances. A victim may also choose to have his or her own healing plan. The Victim’s Assistance Worker serves as the advocate for victims in the pre-court meeting and the Healing Team meeting, ensuring that victims have a “voice” in the discussions regarding whether an accused should be admitted into the program, and if an accused is admitted, the content of the accused’s treatment plan and progress in the program. Court support is also provided to victims who wish to attend court sittings, and updates are shared with victims who do not attend in court.

7.3 The Role of Public Prosecution Services

7.3.1 Introduction

Public Prosecution Services defines “spousal/partner violence” as any and all forms of violence or abusive behaviour between persons who are or who have been involved in a personal relationship. “Personal relationship” is defined as a relationship between persons who are or who have been legally married, living together, and/or dating. For the purposes of this section, the term “spousal/partner violence” is substituted with the term “woman abuse” given the focus of the Woman Victims of Abuse Protocols on violence and abuse directed at and perpetrated on women.

Woman abuse includes, but is not limited to, sexual assault, physical assault or the threat thereof, intimidation, criminal harassment, and damage to property or the threat thereof. Woman abuse is prosecuted in accordance with the Attorney General’s usual charge screening standard, that a charge should be recommended where there is a reasonable prospect of conviction and that it is in the public interest to prosecute. This standard test is set out in the Public Prosecution Services Operational Manual accessible online through the Province of New Brunswick website.

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 a personal intimate relationship, Crown prosecutors are guided by the following considerations:

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

7.3.2 Police Investigation File to Crown

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

Once an investigation is completed by the police, the investigating officer will forward an investigation file to Public Prosecution Services. The file should contain a summary of the officer's investigation; a copy of the complainant's statement; a copy of all witness statements; a copy of the statement of the accused, if a statement is given; a completed risk assessment form, any drawings, maps, photographs, medical reports and any other exhibits that will be needed at trial.

7.3.3 Role of the Crown Prosecutor

7.3.3 (a) Initiating the Prosecution

The police are responsible for investigations and Crown prosecutors, as agents of the Attorney General, have no authority or right to exercise control over police investigations. However, it is the Crown prosecutor who reviews and evaluates the evidence in the investigation file and decides whether to recommend charges against any citizen.

The admissibility of evidence, the sufficiency of the evidence to prove a charge and what, if any, Charter of Rights and Freedoms (the Charter) matters are involved, are all legal issues requiring analysis by a lawyer prior to the laying of a charge.

Thus Crown prosecutors scrutinize and give their recommendation on 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 file, whether a sufficient case is made out and whether a prosecution is justified in the public interest. In order to make this decision, the Crown prosecutor expects to be provided with a full police investigation file on the case.

It is the Crown prosecutor's role to recommend whether a charge is to be laid by the police. If there is strong disagreement with the investigating officer regarding the matter, the Crown prosecutor will 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. It must be borne 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 a private 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 prosecutor will advise the Director of Public Prosecutions whether the charge meets the charge screening standard and whether an investigation is warranted. The Director of Public Prosecutions will then determine whether the appropriate course of action is for the Attorney General to allow the proceedings to continue, to assume carriage of the proceedings, or to stay the proceedings in order to permit an investigation, or to terminate the proceedings.

7.3.3 (b) Charge Recommendation/Screening Process

The Crown 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 to recommend that a charge be laid. This decision is particularly difficult in a woman abuse situation.

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

The test to be applied by the Crown prosecutor is whether there is a reasonable prospect of conviction in relation to any particular charge. This test is composed of the following two equally important components for the Crown prosecutor to consider before recommending a charge:

7.3.3 (c) Sufficiency of Evidence

The Crown prosecutor will draw on his or her legal training and experience in court to determine whether the available evidence is credible and admissible in court; this includes considerations of the credibility of witnesses, the admissibility of any confessions, the reliability and admissibility of any identification and physical evidence among other considerations.

7.3.3 (d) *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.

7.3.3 (e) *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.

7.3.3 (f) *Expeditious Prosecution*

Where a matter involves woman abuse, the Crown prosecutor should proceed expeditiously. To accomplish this, the Crown prosecutor should:

- a. give priority to charge assessment decisions for such matters;
- b. make all reasonable efforts to emphasize to the court that an early court date is necessary because the matter involves woman abuse;
- c. consider with caution any request for an adjournment;
- d. oppose any request for an adjournment that appears to be frivolous or designed to delay the proceedings; and
- e. where a person is charged with breaching a court order or a police undertaking relating to a matter involving woman abuse, the Crown prosecutor will prosecute the offence without delay.

7.3.3 (g) *Early Considerations*

As part of the charge screening process concerning a charge relating to woman abuse, the Crown prosecutor shall:

- a. ensure that the police have contacted Victim Services; and
- b. where a victim or witness is a child, ensure that the police have contacted the Child Protection services of the Department of Social Development.

7.3.3 (h) *Peace Bond*

Where a Crown prosecutor determines that a proposed charge relating to woman abuse does not meet the charge screening standard, the Crown prosecutor shall consider seeking a peace bond pursuant to section 810 of the *Criminal Code*, and shall consider whether the peace bond should include a firearms prohibition condition pursuant to section 810(3.1) of the *Criminal Code*.

7.3.3 (i) *Plea Resolution Agreements*

A Crown prosecutor may enter into a plea resolution agreement where:

- a. it is in the public interest to do so;
- b. the charges to which the accused will plead guilty and the sentence the Crown prosecutor will propose reflect the gravity of the provable offences;
- c. the charge for which a guilty plea is accepted meets the usual charge screening standard, which requires that there be a reasonable prospect of conviction and a prosecution is in the public interest;
- d. the accused has been provided with such disclosure as is available at the stage of the proceeding at which the plea resolution agreement is made; and,
- e. the accused is prepared to accept, at sentencing, legal and factual guilt in relation to the proposed guilty plea.

In determining the appropriateness of a plea resolution agreement, the Crown prosecutor shall consider any known concerns of the victim and the police before entering into a plea resolution agreement. Before entering into a plea resolution agreement, the Crown prosecutor shall advise the victim and afterwards seek a peace bond as appropriate.

7.3.3 (j) Judicial Interim Release

Where a matter involves woman abuse and a Crown prosecutor is to determine whether to object to the release of the accused or what conditions of release to propose, the Crown prosecutor shall consider the following:

- a. a completed risk assessment form;
- b. any history of violence or threats of violence by the accused against the victim or others;
- c. whether the victim fears further violence from the accused;
- d. the nature of the alleged offence and the degree of violence or threats of violence;
- e. whether the alleged offence involved the presence, use or threatened use of a weapon;
- f. whether the alleged offence involved the use of drugs or alcohol;
- g. whether children were present during the alleged violence;
- h. the mental health status of the accused;
- i. any concerns of the victim, including concerns about the likelihood of the accused obeying conditions of release;
- j. the accused person's criminal history;
- k. whether there are any court orders relating to custody and access, including protection orders issued pursuant to the *Family Services Act*; and
- l. any other areas of concern identified by the Crown prosecutor.

Where the accused is to be released, the Crown prosecutor shall consider proposing a "no contact" condition pursuant to subsection 515(4.2) of the *Criminal Code*.

Where the accused is to be detained in custody, the Crown prosecutor shall consider proposing a "no contact" condition pursuant to subsection 515(12) of the *Criminal Code*.

Where the victim seeks a change or amendment to a "no-contact" condition of release or a "no-contact" condition on remand, the Crown prosecutor will notify the victim of the opportunity to meet with Victim Services to review and/or revise the risk assessment data.

Where an accused is charged with breaching a condition of release, the Crown prosecutor shall rely on the reverse onus provisions under section 515 of the *Criminal Code* and request that the court

revoke the original release order and order that the accused be detained in custody, unless detention is not warranted. Where detention in custody is not warranted, the Crown prosecutor shall propose appropriate conditions of release.

7.3.3 (k) Victims and Witnesses

Where a matter involves woman abuse, the Crown prosecutor shall take all reasonable steps to provide an opportunity to the victim and other witnesses to meet with the Crown prosecutor prior to the trial. The Crown prosecutor shall ensure that a police officer, victim services coordinator or suitable third party is present for any such meeting.

The *Criminal Code* provides measures that can be used in particular cases to increase the comfort and security of witnesses. It is the responsibility of the Crown prosecutor to consider whether any of these measures are available and appropriate in a given case, and to seek to rely on them accordingly. Such measures may include using a screen that partially obstructs the victim's view of the accused, the use of a support person beside the victim while she testifies in court, etc.

At trial, the Crown prosecutor shall consider applying for one or more of the following:

- a. an order that the accused not be permitted to cross-examine the victim (in cases of self-represented accused only);
- b. an order regarding the use of a testimonial aid (to be coordinated with Victim Services and Court Services); and
- c. a publication ban.

7.3.3 (l) Reluctant Victims

In matters involving woman abuse, victims often request that a prosecution be discontinued, recant their allegations, refuse to testify or fail to appear for trial.

Where a victim requests that the prosecution be discontinued, the Crown prosecutor shall consider the views and concerns of the victim and determine whether the discontinuation of the prosecution is in the public interest. As there is a societal interest in addressing the problem of woman abuse

and where the victim may be under pressure to discontinue, the victim's views and concerns alone are not a sufficient basis upon which to discontinue a prosecution.

Where a victim requests that the prosecution be discontinued, the Crown prosecutor shall consider the views and concerns of the victim and determine whether the discontinuation of the prosecution is in the public interest.

Where a victim recants or refuses to testify, the Crown prosecutor shall consider doing one or more of the following things:

- a. request that the police conduct inquiries into the background of the victim's recantation or refusal to testify, to determine the cause;
- b. request that the police take a statement from the victim concerning the recantation or refusal to testify;
- c. request that Victim Services or another support service assist the victim with the court process;
- d. attempt to meet with the victim, in the presence of a police officer, victim services coordinator or a suitable third party, to discuss the reasons for the recantation or refusal to testify;
- e. consider the availability of other evidence;
- f. request leave to cross-examine the victim as to a previous statement pursuant to subsection 9(2) of the *Canada Evidence Act*; and
- g. attempt to have the victim's statement to police admitted into evidence.

Where a victim fails to appear for trial in response to a subpoena, the Crown prosecutor shall take all reasonable steps to ensure that the Crown retains, and appears to retain, control of the prosecution. The Crown prosecutor will consider doing the following:

- a. request an adjournment;
- b. request that a warrant be issued and held for sufficient time to determine the reason the victim failed to appear; and
- c. where appropriate, and with the Regional Crown prosecutor's approval, request that the warrant be released.

Where the Crown prosecutor requests an adjournment and the court refuses to grant one, the

Crown prosecutor shall:

- a. offer no evidence; or
- b. enter a stay of proceedings, after obtaining the consent of the Director of Public Prosecutions.

7.3.3 (m) Sentencing

Under subparagraph 718.2(a)(ii) of the *Criminal Code*, evidence that the offender abused his or her spouse or common-law partner is an aggravating circumstance that should result in an increased sentence. The Crown prosecutor should, where appropriate, bring this provision to the court's attention.

Where an accused is to be sentenced for a matter involving woman abuse and the Crown prosecutor is seeking a term of incarceration of two years or less, the Crown prosecutor shall consider proposing, in addition to the term of incarceration, a period of probation with appropriate conditions, including the condition that the offender participate in treatment related to woman abuse, subject to program availability.

7.3.3 (n) Firearms

Where a matter relating to woman abuse involves the use or possession of a firearm, it may be particularly appropriate for the Crown prosecutor to seek a peace bond with a preventative firearm prohibition condition. In such circumstances, the Crown prosecutor shall consider, in consultation with the police, doing one of the following:

- a. request that the police apply for a preventative firearm prohibition order; or
- b. seek a peace bond with a firearm prohibition condition.

7.3.3 (o) Mental Disorder

In the event a matter is referred for disposition to the Review Board pursuant to sections 672.1 to 672.95 of the *Criminal Code*, the Crown prosecutor will request victim impact statements in court prior to the court referral to the Review Board. This will facilitate the immediate referral to the Victim Services Program of the Department of Public

Safety to make contact directly with the victim for the preparation of the statement in time to meet the 45 day time limit for a disposition hearing by the Review Board.

7.3.3 (p) Alternative Measures

A Crown prosecutor will not refer a matter involving woman abuse to an alternative measures program unless recommended by the appropriate Regional Crown prosecutor.

7.4 Provincial Court-Domestic Violence Court

Crown prosecutors who appear before the Provincial Court specializing in domestic violence follow the guidelines set out in the court's Operational Procedures, except insofar as they conflict with any policies set out in the Public Prosecution Services Operational Manual.

7.5 Woman Victims of Abuse Protocols

Any conflict between the Woman Victims Abuse Protocols and the Public Prosecution Services Operational Manual is resolved by Crown prosecutors observing the directives set out in the Operational Manual.

7.5.1 Related Documents (Public Prosecution Services Operational Manual)

Policy 9	Alternative Measures
Policy 11	Pre-charge Screening
Policy 15	Stay of Proceedings and Remencement of Proceedings
Policy 23	Judicial Interim Release
Policy 30	Sentencing and Plea Resolution
Policy 32	Witnesses
Policy 33	Victims
Policy 40	High Risk Offenders
Policy 41	Mentally Disordered Accused Persons
Policy 43	Firearms

7.6 Family Services Crown Prosecutors

7.6.1 Enforcement of Parenting Arrangements/ Enforcement of Custody and Access/ International Child Abduction

Parents may have rights of custody, access, parenting time or contact pursuant to a written agreement or a court order. Third parties, such as grandparents and others, may also have rights of custody, access, parenting time or contact pursuant to an agreement or order. When a right of custody, access, parenting time or contact is denied, there is a wide range of legal remedies and options available to enforce it. Some options are only available if a court order exists; others only apply to children of certain ages. Options range from informal negotiations between the parties and/or their legal counsel, to mediation, to taking legal action through the family justice system and, in some cases, the laying of criminal charges.

The *Hague Convention on the Civil Aspects of International Child Abduction* (the Hague Convention) governs international child abduction situations, not those of an inter-provincial/territorial nature. The Hague Convention applies only between countries that are party to it. The purposes of the Hague Convention are to secure the prompt return of wrongfully removed or retained children to the country where they habitually resided before their removal, and to thereby ensure that rights of custody and of access under the law of that country are respected.

The Hague Convention applies to children up to the age of 16 whose removal from their country of habitual residence or retention in another country (e.g. where the parent exercising access rights does not return the child at the end of the visitation period) breaches rights of custody as defined in the Convention. These rights may arise by operation of law or pursuant to a court order.

The Hague Convention requires that wrongfully removed or retained children be promptly returned to their home country where any disputes regarding custody and access may be resolved in the best interests of the child. There are some limited exceptions to this requirement; such as if the left-behind parent consented to the removal of the child or if a child would be exposed to grave risk of harm

if returned. The Province of New Brunswick has designated the Executive Director of Family Crown, Office of Public Prosecutions, Attorney General as its Central Authority. The Central Authority may further delegate this authority to the Family Crown Counsel in the various regions of the Province.

7.7 Role of the Department of Justice

7.7.1 Introduction

The Court of Queen's Bench, Family Division is a unified family court system responsible for child protection, adoption, divorce, and rights and obligations, as well as parent and child rights and obligations. The Court of Queen's Bench is organized into eight judicial districts - Edmundston, Woodstock, Fredericton, Saint John, Moncton, Miramichi, Bathurst and Campbellton.

The Provincial Court is the criminal court of first instance and all proceedings for offences, from municipal bylaws to murder, commence in the Provincial Court.

Provincial Court and Family Court Services staff including Clerks, Client Services, Court Attendance and Family Support Orders Service, are familiar with the contents of the Woman Victims of Abuse Protocols. Staff know what steps to take when encountering someone who has experienced woman abuse, always keeping in mind the needs of the client. Staff provide information about community and government resources for victims of woman abuse (refer to the end of this chapter and the Community Resources chapter (12) of these Protocols). All Court Services employees are sensitive, supportive and non-judgmental when assisting any person who may have experienced woman abuse.

7.7.2 Family Support Order Services (FSOS)

Enforcement of all support orders, regardless of origin, is within the authority of the New Brunswick Office of Support Enforcement. Support orders made under provincial law can be made enforceable in other provinces, territories, and countries in accordance with inter-jurisdictional support laws and reciprocal agreements with

other jurisdictions. Support orders made under the federal *Divorce Act* are enforceable throughout Canada and can be made enforceable in other countries in accordance with the inter-jurisdictional support laws of the province and the laws of that reciprocating country.

The Office of Support Enforcement has the responsibility to enforce family support provisions in court orders and agreements filed with the Office. The Office, known as the Family Support Orders Service (FSOS), collects support payments from payers and their income sources, and takes enforcement measures when support has not been paid.

FSOS support enforcement actions may include:

- the garnishment of wages, benefits or other income sources;
- reporting to credit bureaus;
- suspension of some government issued licenses (driver's license, passports etc);
- bringing the payer to court to explain non-payment, which can result in jail time; and
- holding a payer owned or controlled company liable for support payments.

FSOS payments are processed at a central unit and payments may be made over-the-counter at local Service New Brunswick centres in approximately 40 locations.

Enrolment in FSOS happens automatically for every new family support order made by the courts and every family support agreement filed with the courts in New Brunswick. The existence of the program and the automatic enrolment normalizes the process, in order to reduce the risk to victims of intimate partner violence. FSOS is a neutral third party who is responsible for the decisions with regard to what enforcement action is taken and at what point in time. Having a support order registered with the FSOS service can be helpful for victims of abuse because it can serve to redirect anger away from the support recipient.

At enrolment, recipients are asked to complete a confidential enrolment FSOS form, which includes the following questions about the history of the relationship:

Have you ever had a Peace Bond against the payer? Is there a history of intimate partner

violence on the part of the payer? Are you aware of any charges against the payer for threats, assaults etc.? If yes, provide a brief explanation. If information is provided on these forms, or at any later date about safety concerns, violence, threats etc., they are recorded in an electronic record. This type of record creates a visual flag that is always visible on the case record. The enforcement officer can then follow up with the client to see if they prefer that any special precautions are taken with regard to the support enforcement. Such precautions might involve providing advance notification to the recipient before enforcement actions are taken, in order that the client can assess what impact such an action might have on her safety. In some instances, enforcement actions may be delayed or modified if there are particular aggravating factors in play at a given time.

FSOS services staff is required to follow strict privacy rules in accordance with legislated provisions in the *Support Enforcement Act* (S.N.B., 2005, c. S-15.5) and the accompanying regulations. Enforcement Officers must be sensitive to the needs of those who may have experienced intimate partner violence, supportive and non-judgmental of the situation.

FSOS works in partnership with support enforcement programs across Canada, United States, and other partner countries to ensure that support enforcement can continue when clients move out of the New Brunswick jurisdiction. The information form that is completed when sending a file to another jurisdiction for enforcement will also provide details of any safety concerns related to domestic or other violence.

For more information about these services, FSOS contact information is listed at the end of this chapter.

7.7.3 Court Security-Sheriff Services

Sheriff Services provide security for the Court of Queen's Bench, and the Court of Appeal, and have assumed responsibility for security in most Provincial Court locations. Sheriff Services also serve legal documents, including family law documents, for private counsel, private citizens, the New Brunswick Legal Aid Services Commission, the Department of Social Development, and other government Departments and Agencies.

Sheriff Services are sensitive to safety concerns of victims of woman abuse with respect to potential violence in response to service or an attempt to serve a court document, particularly in family law matters. A victim of woman abuse with personal safety concerns can make a request verbally or in writing through her legal counsel or through the initiating agency arranging service of documents, to have Sheriff Services provide timely notice once the document has been served or will be served.

Victims of woman abuse who are not represented by legal counsel can also contact the Sheriff's Office to request timely notice once the documents have been served. Before agreeing to provide notification, the Sheriff may require the person making the request to provide proof of identity. Sheriff Services would not normally be able to provide advance notice as to the date and time the documents will be served. It is usually not possible to predict when, or if, the individual to be served will be located. In high risk situations, where feasible, the Sheriff will provide advance notice to the victim requesting such notice, before attempting to serve the documents and upon completion of service.

7.7.4 Parent Education Program

For the Sake of the Children (FTSOTC), is a province wide parent information program managed by the Department of Justice for separated parents. Instructors provide information on the social, economic, emotional and legal aspects of separation and divorce, as well as the impacts of separation on children at all ages and stages of development. Instructors also teach separated parents, skills to communicate effectively with their children and with each other, to help reduce conflict and minimize the negative impacts of separation and divorce on children. This program is designed with the safety of participants in mind such that parents of the same relationship are never placed in the same session and security is present at each session. Upon registering for the session, registrants are asked for information that will enable the registrar to cross-reference their names in the database. This process also serves to safeguard against the possibility that someone is calling for information about a parent - possibly to stalk, harass, and so forth. Contact 1-888-236-2444 to register for this program.

7.7.5 Court-Ordered Evaluations Support Program (C-OESP)

A service managed by the Department, C-OESP provides income-scaled financial assistance to eligible parents or guardians whom the Court has ordered to undergo an assessment to help determine the post-separation parenting arrangement that would be in the best interests of the child(ren). Courts make such orders when they want more detailed and objective information about family and individual functioning, parenting capacities, and the preferences, needs and interests of the children in order to make the best possible decisions about custody and access. Parents are responsible to seek out and arrange the services of an appropriate evaluator which normally include experienced social workers, psychologists, family counsellors, or psychiatrists, with appropriate expertise.

At a minimum, a custody evaluator should have knowledge and training in the context of separation and divorce in the following domains: family dynamics; child development; parenting after separation – including post-separation parenting plans; Family violence and its impact on family members and; Family law. However, in the absence of any regulatory or other standards, an evaluator may be considered qualified if a court has deemed them to be. The court's use of the evaluation information is discretionary and such evaluations are subject to being examined at a court hearing. The courts provide the means for parties and their lawyers to challenge, question and even refute the findings of an evaluation. Applications for the Court Ordered Evaluation Support Program can be obtained at Court Services Division Offices (see contact list at the end of this chapter) or by downloading the forms from the PLEIS website at: www.familylawnb.ca. For more information, contact the Family Law Information Line (PLEIS) at 1-888-236-2444.

7.7.6 Legal Representation in Family and Criminal Law Matters

To find a private lawyer, call the Law Society of New Brunswick (506) 458-8540 or, search in the Yellow Pages, under "Lawyers". Private lawyers usually request a retainer fee in advance and charge a fee for services.

Public Legal Education Information Services (PLEIS) operates a toll free Family Law Information line where the public can receive general information on family law matters and explain family law forms and court procedures; 1-888-236-2444

For general legal information, PLEIS produces brochures available online at www.legal-info-legale.nb.ca or by calling 506-453-5369. PLEIS also manages an interactive website www.familylawnb.ca which includes access to family law publications, videos, self help guides and online annotated "fillable" family law forms.

Family Advice Lawyer services provided by the Department of Justice in collaboration with the N.B. Legal Aid Services Commission allow self-represented litigants to access a lawyer who can explain family law-related procedures and assist with forms for a time limited consultation. To request an appointment to meet with a Family Advice Lawyer, members of the public can call toll free 1-855-266-0266 (call 506-658-2261 for those who reside in the Saint John jurisdiction).

7.7.7 New Brunswick Legal Aid Services Commission (NBLASC)

The NBLASC provides legal assistance to low income individuals for certain family and criminal matters. A financial means test will be applied to determine eligibility. Applicants will be required to provide their complete financial information – income, assets, debts, expenses. Legal Aid will provide a lawyer to clients who meet the eligibility requirements and for legal services defined within their mandate. The client may have to pay a monetary contribution and/or agree to a lien placed on their real property to receive services. This means that, if they ever sell or re-finance the property, they will have to satisfy the debt owed to NBLASC to discharge the lien. The Commission operates at arm's length from government.

Refer to the contact information for each NBLASC regional office at the end of this chapter or visit the Legal Aid website at www.legalaid.nb.ca

7.7.8 Contact Information

7.7.8 (a) Department of Justice Court Services Division Offices (Family Division)

<p>Judicial District of Saint John (Counties of Saint John, Kings & Charlotte)</p> <p>Palais de Justice Saint John Law Courts P.O. Box 5001 10 Peel Street Saint John, N. B. E2L 3G6 (506) 658-2400</p>	<p>Judicial District of Fredericton (Counties of York, Sunbury & Queens)</p> <p>P.O. Box 6000, 427 Queen Street Room 207, Justice Building Fredericton, N.B. E3B 5H1 (506) 453-2015</p>	<p>Judicial District of Woodstock (Counties of Carleton & Victoria excluding the parish of Drummond and Town of Grand Falls)</p> <p>P.O. Box 5001, 689 Main Street Woodstock, N.B. E7M 5C6 (506) 325-4414</p>
<p>Judicial District of Moncton (Counties of Westmorland, Kent & Albert)</p> <p>145 Assumption, Blvd. Moncton, N.B. E1C 0R2 (506) 856-2349</p>	<p>Judicial District of Miramichi (County of Northumberland)</p> <p>673 King George Highway Court House Miramichi, N.B. E1V 1N6 (506) 627- 4023</p>	<p>Judicial District of Edmundston (County of Madawaska, parish of Drummond and Town of Grand Falls)</p> <p>121 Church Street Carrefour Assomption Edmundston, N.B. E3V 1J9 (506) 735-2029</p>
<p>Judicial District of Bathurst Bathurst (County of Gloucester)</p> <p>254 St. Patrick St. P.O. Box 5001 Bathurst, N.B. E2A 3Z9 506-547-2150</p>	<p>Judicial District of Campbellton (County of Restigouche)</p> <p>157 Water St. Mall Centre Ville P.O.Box 5001, Campbellton, N.B E3N 3H5 (506) 789-2364</p>	

7.7.8 (b) Family Support Orders Service

FSOS has a 24 hour Toll-Free Infoline. This line is available 7 days a week to answer questions about support payments. The FSOS computer is updated daily by 7 a.m. and provides the most current information about the person's file. Fredericton Clients can call 444-FSOS (3767). All other NB clients can call 1 (888) 488-FSOS (3767). Clients who live outside NB can call 1 (506) 444-FSOS (3767) and long distance charges will apply. Clients are expected to have their FSOS file number and PIN number ready when they call.

Bathurst Phone : (506) 547-2408 Fax : (506) 547-7656	Campbellton Phone : (506) 789-2370 Fax : (506) 789-2062	Edmundston Phone : (506) 735-2028 Fax : (506) 737-4419
Fredericton Phone : (506) 453-4286 Fax : (506) 444-5778	Miramichi City Phone : (506) 627-4215 Fax : (506) 627-4069	Moncton Phone : (506) 856-2305 Fax : (506) 869-6168
Saint John Phone : (506) 658-2400 Fax : (506) 658-3762	Woodstock Phone : (506) 325-4414 Fax : (506) 325-3932	FSOS Central Payment Unit Phone : (506) 444-4131 Fax : (506) 453-2234

7.7.8 (c) New Brunswick Legal Aid Services Commission contact information

New Brunswick Legal Aid Services Commission Contact Information:		
Bathurst 506-546-5010	Campbellton 506-753-6453	Edmundston 506-735-4213
Fredericton 506-444-2777	Miramichi 506-622-1061	Moncton 506-853-7300
Saint John 506-633-6030	Woodstock 506-328-8127	Tracadie-Sheila 506-395-1507

CHAPTER 8

Chapter 8

8.0 Department of Health	91
8.1 Introduction	91
8.1.1 Ambulance New Brunswick	91
8.1.2 Emergency Department	91
8.1.3 Addiction and Mental Health Services	91
8.1.4 Public Health	92
8.1.5 Extra-Mural Program	92
8.1.6 Tele-Care	92
8.1.7 Community Health Centres	92
8.1.8 Health Care Professionals	92
8.2 Components of the Health Services	
Protocols	92
8.2.1 Detection/screening	92
8.2.2 Confidentiality Limits and Informed Consent	93
8.2.3 Assessment	93
8.2.4 Intervention/Client Safety	94
8.2.5 Referrals	95
8.2.6 Reporting to Police	95
8.2.7 Client Records	96
8.2.8 Accessibility of Services to a Diverse Population	96
8.2.9 Professional Development	97
Appendix 1	97

8.1 Introduction

It is recognized that intimate partner violence is a widespread societal problem, and that minimizing its impact requires special consideration when working with victims.

For the purpose of the Woman Victims of Abuse Protocols, and notwithstanding the reality that men are also victims of intimate partner violence and will be treated with equal respect within the Health Department, this chapter will refer in large part to women who have been subjected to violence in intimate relationships. All interactions with women who are, or are suspected to be victims of intimate partner violence, must be firmly based on the key principles that ensure victims do not get re-victimized or put at greater harm; that they be empowered through validation of their experience of violence and services be centered on their needs and goals; and, that they be treated with respect and dignity.

The information set out herein is intended to:

1. Describe the various front-line health care providers who may encounter victims of intimate partner violence; and
2. Provide guidance to health care providers and others who work directly with women.

These guidelines are meant to provide guidance only. It is recommended that service providers consult their employers' policies and procedures for working with victims of intimate partner violence. Where an employer policy differs from these guidelines, the employer policy governs.

8.1.1 Ambulance New Brunswick

Pre-hospital care providers understand the unique problems inherent where they encounter, or suspect intimate partner violence. The role of first responders includes detection of intimate partner violence; an understanding of patterns of abuse and how this affects care; care of the victim using standard protocols and procedures; ensuring safety of women and any children; safety of the provider; preservation of evidence when called to a crime scene; and documentation of the incident, including

reporting and informing the receiving facility of their assessment of the situation.

8.1.2 Emergency Department

Emergency Department personnel provide urgent or emergency care to women, men and children who are victims of intimate partner violence.

The role of emergency room staff includes detection of women who are victims of intimate partner violence; ensuring the safety to the victim and any children; ensuring safety of health care providers; the assessment and prioritizing of treatment needs (triage); treatment and management of immediate medical needs; referrals for support and counselling, both immediate and long term; and documentation.

Some New Brunswick hospitals have the Sexual Assault Nurse Examiner (SANE) program. Sexual assault nurse examiners are trained to collect forensic evidence and to respond to the complex medical and psychological needs of women who are victims of sexual assault. They are familiar with community resources to support women.

8.1.3 Addiction and Mental Health Services

Addiction and Mental Health Services are offered by both Regional Health Authorities (RHA's). Addiction and Mental Health professionals may encounter women who have been subjected to violence in intimate relationships in the course of their work with clients. Addiction and Mental Health services provided include initial screening for intimate partner violence; assessment of depression, anxiety/post traumatic stress and other psycho-social problems (e.g. experiencing the accumulated stress of living in a violent relationship); crisis intervention for situational crisis, or in suicidal crisis; provision of supportive counselling; and referral to community-based resources as indicated by victim/family/client centered approach.

8.1.4 Public Health

Public health staff is in a unique front-line position to make a significant contribution to primary prevention, early identification and referral of women who experience intimate partner violence. The role of public health providers, being broadly involved and working in intimate and non-threatening relationships with individuals, families and communities, enables detection of intimate partner violence and facilitates systemic response to reports of violence.

8.1.5 Extra-Mural Program

This program provides comprehensive health care services to New Brunswickers in their home and/or community. Extramural professionals may encounter or suspect that a woman is experiencing intimate partner violence 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 intimate partner violence where the nurse provides triage advice, preliminary counselling and referral.

8.1.7 Community Health Centres

Community Health Centres provide a comprehensive range of community-targeted primary care services, making them a valuable part of the system in responding to women who experience intimate partner violence. Such services may be provided by doctors, nurses, nurse practitioners and/or para-professionals, depending on the services available at the given Centre. The role of Community Health Centres in intimate partner violence includes detection of intimate partner violence; ensuring the safety of the victim and any children; ensuring the safety to the Health Care providers; the assessment and prioritizing of treatment needs (triage); treatment and management of immediate medical needs; referrals for support and counselling, both immediate and long term; and documentation.

8.1.8 Health Care Professionals

Health care providers are a key link not only in the treatment of immediate medical needs of women who have been subjected to violence in intimate relationships, but also in ensuring appropriate follow-up support and specialized counselling. Women who experience intimate partner violence may need support with accessing the family court system, accommodation, and financial support. An effective referral system is critical in empowering those affected by intimate partner violence to break that cycle in their lives.

Health care professionals, either in their office, at the hospital, or in the community, may be the first point of contact for women experiencing intimate partner violence. Their role includes detection, assessment, treatment, counselling, and referral.

8.2 Components of the Health Services Protocols

1. Detection/screening
2. Confidentiality Limits and Informed Consent
3. Assessment
4. Intervention/Client Safety
5. Referrals
6. Reporting to Police
7. Client Records
8. Accessibility of Services to a Diverse Population
9. Professional Development

8.2.1 Detection/screening

Health care facilities, agencies and professionals play a key role in the detection and identification of victims of intimate partner violence. Screening of intimate partner violence is often a part of a routine health assessment, as victims may not present with an abuse-related complaint or obvious injury. Accessing health care services can be an opportunity to identify abuse and access resources.

- Staff with direct client contact are familiar with signs and symptoms of intimate partner violence, as well as the contributing historical, economic and socio-cultural factors.
- In-depth screening for women who have been subjected to violence in intimate relationships may be undertaken for women presenting with warning signs which may be established through the use of a screening tool for instance the Woman Abuse Screening Tool (WAST) Appendix 1 or other validated tool.
- Determine if there are any special cultural conditions that may need to be considered in addressing the victim's needs. See section 8.2.8 for further guidance.

Certain considerations must be kept in mind before approaching a woman who is, or may be a victim of intimate partner violence. These considerations include:

- Service providers must be aware of their own assumptions, biases and personal perspectives to ensure that these do not interfere with maintaining a respectful manner with the person being assisted.
- The safety of victims, children and workers is paramount.
- When seeing a client, service providers must take appropriate precautions for their own safety.
- There are clear and firm guidelines which exclude suspected perpetrators during examination of those presenting with signs of intimate partner violence. Every effort is made to find a private location in every situation for the assessment in question.

Suggestion for direct questions:

- Are you in a relationship with someone who physically, sexually or emotionally hurts or threatens you?
- Has your partner or ex-partner ever hit you or physically, sexually hurt you?
- Has your partner or ex-partner ever threatened to hurt you or someone close to you?
- Do you feel controlled or isolated by your partner?
- Do you ever feel afraid of your partner? Do you feel you are in danger? Is it safe for you to go home?

8.2.2 Confidentiality Limits and Informed Consent

Privacy and confidentiality is maintained except in specific circumstances where the staff deems that there is a risk to the client's or the perpetrator's lives, or that of any children (18 years of age or younger), or in the case where the disclosure is ordered by the Court. It is the individual service provider's responsibility to be aware of their respective agency's policies and procedures concerning confidentiality and disclosure obligations, and to clearly communicate them to the client/patient.

Disclosing Abuse and Personal Health Information:

Information about a person's health (including injuries, and the origin of those injuries), or the mental state of the client, is protected personal health information. In limited circumstances, personal health information may be disclosed when withholding the information could cause harm to the subject individual or to some other persons' health or safety (see *Personal Health Information Privacy and Access Act* s. 39(1)). Additionally, there are obligations and ability to report abuse of children and adults under other legislation, such as the *Family Services Act*.

Disclosure of personal health information can only occur in accordance with the applicable legislation, and must occur where required by law, and in the manner set out under that law. The requirements of the health service professional in dealing with personal health information and reporting abuse will depend on the department or agency that they work for and the nature of the work that they perform. Specific guidelines for protecting health information and how and when to report abuse can be found in **your employer's policy on personal health information.**

8.2.3 Assessment

A supportive and holistic assessment that reflects physical, psychological, cultural, spiritual and social needs of women experiencing intimate partner violence is undertaken. The client's safety, dignity and privacy is regarded as paramount.

Considerations when working with a person who has been identified as a victim of intimate partner violence:

- Explain the client's right to privacy as well as the limits on confidentiality of information gathered in treating a person who may be the victim of intimate partner violence. For example, advise the victim that the cause of the medical condition – i.e. can only be disclosed in accordance with the law.
- 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 and given an opportunity to consent or not consent.
- Avoid gender-specific pronouns and say 'partner' until it is known how the client refers to their partner. Intimate partner violence is not just a heterosexual phenomenon. Lesbian, gay, transgender and bisexual, two-spirited clients may also be abused, and will more easily disclose if they perceive you as accepting of their sexual orientation.
- When assisting a person who has experienced violence, inform the victim that they are not alone and did not cause the abuse; acknowledge that the responsibility for the violence lies with the suspected perpetrator.
- When assisting a client and hearing the experience of violence, be careful to communicate in a way that will not be interpreted as judgmental or blaming.
- Service providers must obtain consent from the client prior to any and all interventions when there is NOT a risk of serious harm to the mental or physical health or safety of the client or their family.
- Respect the client's self-determination and control in making decisions about the future and provide enough information to assist in making these decisions.
- The victim is always the focus of any intervention.
- Ensure that you have answered all of the victim's questions.
- Also, refer to General Guidelines for Service Providers Chapter 13 Appendix C.
- Initial client entry and triage documentation includes essential components that identify victims of intimate partner violence.

When recording assessment information, the following details are important to glean where possible:

- frequency, severity and type of abuse;
- determination that injuries are a result of the abuse;
- victim's strengths that have allowed her to make it this far;
- natural support system; and
- risk of secondary occurrences of violence as well as risk of harm to children of 18 years of age or younger.

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

8.2.4 Intervention/Client Safety

The safety of women and their children, both at the present time and for the future, is regarded as paramount in the intervention of intimate partner violence.

Intervention can include but is not limited to:

- Treating the victim's injuries; possible documentation of physical injuries (through Sexual Assault Nurse Examiners, police, etc.)
- Assessment of risk
 - If the victim and/or the victim's children are deemed in immediate danger, staff support the victim to develop a safety plan and to consider alternative courses of action, and/or direct her to appropriate community resources.
 - The Department of Social Development's Child Protection Services is informed if there is suspected neglect or abuse of children (18 years of age or under) (Section 30(1) of the *Family Services Act*)

Suggestions for safety planning questions:

1. I'm concerned about what will happen when you go home, how can I help you stay safe with your kids?
2. Can you tell us what you did in the past that was helpful in keeping you and your kids safe?
3. Can we connect you with someone to do safety planning? What if we call them right now?

All interventions must be linked and respect the client's goals.

Addiction and Mental Health Services may be used to help the victim and/or the children cope with the impact of intimate partner violence (i.e. post traumatic stress disorder (PTSD), depression, anxiety, drug or alcohol addiction, etc.)

8.2.5 Referrals

Promotion of multi-disciplinary intervention and appropriate inter-agency cooperation for women who are victims of intimate partner violence is critical to enhancing client outcomes. Information and resources provided to clients allows them to make informed decisions.

- A collaborative, regional team approach is considered best practice when supporting victims of intimate partner violence.
- A multi-disciplinary approach recognizes the diverse impacts of intimate partner violence for patients/clients and their family; and
- To ensure continuity of service delivery, a case conferencing model can be used if/when appropriate.
- Refer the client to appropriate follow-up services (includes counselling, financial assistance, protection and legal services), with respect given to the client's inherent right to self-determination as well as the right of refusal.
- Provide clients with relevant information to assist them in making informed decisions about accessing available referral options.
- Encourage clients to receive follow-up support from either social work or community support agencies prior to being discharged from the hospital.
- There are additional obligations to report abuse or suspected abuse of children. 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 18 years of age or younger.
- If the victim(s) or the perpetrator have access to firearms or other weapons and you have

reason to believe that disclosure is required to prevent or reduce risk of serious harm to an individual or to prevent or reduce a risk of significant harm to the health and safety of the public or group of people; you have authority to communicate this information to law enforcement. (See *Personal Health Information Privacy and Access Act* s. 39(1) (a and b)).

- In legal proceedings, such as criminal prosecution against the perpetrator, the service provider (as well as the client's file) may be required to give evidence by testifying in court.

8.2.6 Reporting to Police

Acts of intimate partner violence are crimes. The police have an important role to play in reducing violence.

- As set out above, If you believe that the victim(s) or the perpetrator have access to firearms or other weapons, and there is reason to believe that disclosure is required to prevent or reduce risk of serious harm to an individual or the public; you have authority to communicate this information to law enforcement.
- When there is not a risk of serious harm to the mental or physical health or safety of the client or her family, the health service provider must get informed client consent before reporting abuse or incidents to the police (including potential, current or past threats). Specific guidelines for protecting health information and how and when to report abuse can be found in your employer's policy on personal health information. In the event that your employer does not have a policy on health information, refer to the *Personal Health Information Privacy and Access Act*.
- During a police investigation of the incident(s) of intimate partner violence, staff must comply with employer policies and the applicable privacy law. Further, they must ensure that police have authority to access information under the law.

Preservation of Evidence

All acts of violence are crimes. Access to the justice system is central in reducing the occurrence of intimate partner violence.

- Ambulance NB, extra- mural staff, or any health service providers who provide home-based services need to have knowledge of the importance of preserving evidence and be familiar with agency policies.
- All staff must be aware that documentation and proper recording are critical for future medical and legal interventions.
- In order to facilitate access to legal remedies, women who are victims of intimate partner violence may be referred to social work or related victim services.

8.2.7 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 is paid to recording all relevant information obtained during assessment.
- Relevant photographic evidence, body maps/ schematic drawings are used where relevant.
- Staff should be aware that clients, other service providers, police, and/or parties involved in a legal matter related to the clients injuries, may access any part of the record in the future.
- Health service providers must record their name and signature on all records they create.

8.2.8 Accessibility of Services to a Diverse Population

Service providers recognize and respond to the diverse nature of the client population, ensuring accessibility and relevance.

- Staff are aware of the complex nature of intimate partner violence.
- Staff maintain cultural and social sensitivity,

and where possible participate in various cultural awareness training sessions that include culturally relevant topics, cultural competency and cultural safety.

- Certain hospitals have a skilled Aboriginal liaison worker available, with a key role in translating, advocating and supporting the Aboriginal client where appropriate. Staff are familiar with appropriate referral options for Aboriginal clients.
- When clients are immigrants or from culturally and linguistically diverse backgrounds, staff make interpreters available if possible or engage mentors with the linguistic capacity to help health service providers deliver appropriate care. 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 must not use partners or children to act as interpreters.
- Staff are aware of factors that increases women's' vulnerability to intimate partner violence in rural and remote areas.
- Staff will be aware of factors that increase the vulnerability to intimate partner violence in lesbian, gay, bisexual and transgender (LGBT) or two spirited relationships.
- Staff are knowledgeable of the impact that intimate partner violence can have on a person's mental health (as well as those that have witnessed violence) and the referral process to Mental Health Services.
- When supporting a client, staff are knowledgeable of the increased risk of intimate partner violence where substance abuse and problem gambling is also present, and the referral process to Addiction Services.
- Staff take into account the capabilities and limitations of a client with special needs when making intervention and management plans.
- Information at the appropriate level for the client is provided to assist them in understanding their rights and options. Clients with special needs, such as those intellectually challenged, may require additional time, explanations and information.
- Staff are cognizant of the psychological and emotional impact that children growing up in abusive households may experience even if all of the abuse has been directed solely at the woman. Referral to the Department of Social

Development's Child Protection Services as specified in Section 30(1) of the *Family Services Act*. (See also: Child Abuse Protocols)

8.2.9 Professional Development

Staff are encouraged to pursue professional development opportunities to gain necessary skills in identification and intervention pertaining to victims of intimate partner violence and are recommended but not limited to:

1. Trauma Informed Practice
2. Social context of violence including power, control and gender;
3. Clinical aspects of intimate partner violence intervention, ie. detection, assessment and intervention;
4. Legislation, legal issues;
5. Safety, consent and confidentiality issues;
6. Impact of intimate partner violence on children;
7. Supporting clients from a diverse population base;
8. Referral agencies, and the roles and responsibilities of other members of regional teams;
9. Impact on staff that provide services to victims of intimate partner violence.

Appendix 1

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" (Brown, et al, 2000).

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 (Brown, et al, 2000).

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?

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CHAPTER 9

Chapter 9

9.0 Department of Social Development	103
9.1 Introduction	103
9.1.1 Goal.....	103
9.1.2 Principles.....	103
9.1.3 Intervention Guidelines.....	104
9.2 Social Development's Integrated Service Delivery Process: The Point of Entry to All of Social Development's Programs and Services	104
9.3 Community and Individual Development Branch	105
9.3.1 Income Support	105
9.3.2 Housing	107
9.4 Child Welfare and Youth Services	107
9.4.1 Intervention with families	107
9.4.2 Ongoing services.....	108
9.5 Adult Protection Program	108
9.6 Referrals	108
9.7 Contact Information	109

Department of Social Development

9.1 Introduction

The Department of Social Development (SD) is a client focused organization that is committed to providing programs and services to help families, children, seniors and other vulnerable client groups by providing encouragement and support; and helping clients to be more self-sufficient. The Department of Social Development is considered a last resort for New Brunswickers who cannot provide for themselves or their dependents. The Department wants to ensure that all available resources have been explored by their clients.

Through our vision of self-sufficiency, we are dedicated to taking a woman-centred 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.

SD employees will follow the present protocol pertaining to women in transition and will consult with other sources in order to discern any and all programs, services and supports available to this priority group. SD employees will provide the name and contact information of the appropriate community resources and will help the woman establish communication with them if she so desires.

SD employees will work with women who are victims of violence and abuse, in order to explore all of the options available to them, including contacting the police. If SD employees suspect that a criminal act has been committed, such as an assault or sexual assault, they will inform the woman that physical and/or sexual violence is a crime and that she has the option of reporting these types of acts to the police. SD employees will help her report these incidents.

In conclusion, economic security and the availability of a steady and reliable source of income to sustain daily living for oneself and one's family are critical to allowing a woman to plan for the future. Affordable and safe housing and childcare, employment opportunities, financial

assistance, and basic health services, must all be considered as key elements to a woman's successful transition to self-sufficiency.

9.1.1 Goal

One of the goals of SD is to assist 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.

9.1.2 Principles

SD employees consider "women in transition", or women who are identified as being in an abusive relationship, a priority group when determining eligibility for social assistance benefits and other services.

SD employees are familiar with the Women in Transition Protocols including the indicators of woman abuse and the cycle of violence.

SD employees provide the appropriate and relevant assistance to a woman in transition by referring them to adequate community agencies and resources. SD employees are at all times sensitive to the client's freedom of choice – assisting the woman who has left or is leaving an abusive situation. Staff is always responsive to the woman's needs and stated requests.

The safety and well-being of neglected or abused women with disabilities are of paramount consideration. All neglected and abused women with disabilities are entitled to be protected from abuse, neglect, family violence, and harm or threat of harm.

If the security and development of neglected or abused women can be maintained with available support services, these services should be provided.

SD employees ensure assistance is available through Regional Offices during regular business hours and after hours through After Hours Emergency Social Services (AHES).

9.1.3 Intervention Guidelines

- It is the responsibility of SD employees to provide assistance to help meet the financial needs of the woman by assisting her to gain/re-gain control of her life.
- Interventions focus on helping women explore available options and make informed decisions that reflect their stated needs and goals. This includes providing information about available services and facilitating her voluntary involvement in available services. If safety planning is a priority, the woman will be referred to the appropriate government department and/or community resources.
- SD staff will ask the woman about the safety of her children. If there are children and there is reason to believe that there is abuse and that the security and development of a child is in danger, a child protection referral is made to Centralized Intake of Social Development. 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 the Centralized Intake for determination.
- SD employees believe what she says, take her seriously, take the violence seriously, and do not judge her. SD employees do not hold her responsible for her partner's violence.
- SD employees do not place the woman in a position where she is forced to contact her abusive partner for information.
- SD interventions must recognize that women with disabilities have the right to autonomy and self-determination and the right to enjoy the fundamental rights and freedoms prescribed in the *Canadian Charter of Rights and Freedoms*. It is the responsibility of SD to investigate all situations where there is reason to believe that a woman with disabilities is abused or neglected.

- SD interventions must ensure that the neglected or abused woman's wishes, where they can be expressed and where she is capable of understanding the nature of choices that may be available, shall be given consideration in determining her interests and concerns, and her interests and concerns shall be given consideration as distinct interests and concerns, separate from those of any other person.
- Where the wishes of a neglected or abused woman have not been or cannot be expressed or she is incapable of understanding the nature of the choices that may be available, the Minister shall make every effort to identify her interests and concerns and shall give consideration to them as distinct interests and concerns separate from those of any other person.
- SD employees provide any basic information required such as an estimate of the amount of financial assistance she could receive, how other expenses could be covered, as well as the timing for receiving assistance, etc.
- SD employees maintain an accurate record of all incidents reported either by the woman or another party: dates, names, relevant comments from clients or others.
- SD employees provide information, brochures, lists of community agencies and other resources that may be useful to the woman.

9.2 Social Development's Integrated Service Delivery Process: The Point of Entry to All of Social Development's Programs and Services

Social Development employees often come into contact with women who are in transition or who are victims of violence through the course of their daily work. It is the employee's 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.

Once SD staff has a greater understanding of the woman's situation, they will be able to make the appropriate recommendations. For example, women who have self-identified as "victims" of

abuse can be referred to the regional domestic violence outreach workers, transition house, etc. In addition, SD staff who suspects abuse can give general information to the client on community resources for women, such as the family resource centres, etc.

In order to determine what SD programs and services a woman in transition is eligible for, she will need to contact the Regional Social Development Office. The following section will illustrate the steps she will need to take and detail how SD employees will assist her:

- **Automated telephone system**

The first step a woman in transition will have to make is to call SD's toll-free number, which will give her access to all areas of the Department's business.

The model recognizes that a call related to the protection of a child or the protection of an adult is a matter for a Social Worker who is specifically trained in the area of protection and therefore the call will by-pass the screening unit and be routed to the protection services unit to be screened.

- **Integrated Reception and Switchboard**

All women in transition contacting the Department will be assisted by SD employees that can provide general information related to any program or service offered by the Department or re-direct them within the Department to the appropriate resource.

- **Integrated Screening**

The Integrated Screening process initiates the application by telephone and advises the individual on possible eligibility for assistance. The Screener will conduct a telephone interview to determine the probable eligibility by gathering basic demographic information from the individual.

If the applicant is identified as a victim of abuse, a note will be made on the file. If it is determined the woman is in immediate danger, the Screener will provide the appropriate information to secure her safety. Contact

numbers for Transition Houses and community resources are in the Community Resource Chapter. Please refer to Appendix D, "Creating a safety plan".

- **Integrated Needs Assessment**

The Needs Assessor completes the intake/application process. A Needs Assessor works collaboratively to assess an individual's needs in a holistic manner. They are trained to undertake an assessment of the applicant's unmet needs to ensure that they are offered the appropriate programs and/or services.

If requested, the Needs Assessment Specialist will visit the woman in a Transition House. The woman is 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, community resources and Police).

9.3 Community and Individual Development Branch

9.3.1 Income Support

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

Individuals who leave abusive situations are identified as "In Transition". This group is identified as a priority group for special benefits.

Case Manager

The Case Manager will 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 a liaison between SD, the client and other departments and/or agencies when requested to do so.

In addition, the Case Manager will work with her to determine her needs, which may include housing, household set-up, transportation, daycare, safety planning, financial assistance, employment, education and training, etc.

If it becomes apparent and if there are indicators during any of these processes that a client is abusive to his or her partner, the staff person will advise the client's partner, in a private setting, of services that are available for victims of intimate partner violence.

The Department has policies to assist victims of abuse who are moving or have moved from an abusive situation.

All income must be considered when determining the amount of assistance to be provided.

Existing clients or applicants are eligible to receive the full amount of the Comfort and Clothing allowance regardless of the day they enter the Transition House. Applicants who choose not to go to the Transition House should be assessed for Basic Social Assistance benefits and would not receive the Comfort and Clothing allowance.

All persons who have been victims of abuse, and who are "In Transition" (staying in a Transition House, living with friends or in other safe accommodations) are eligible for Basic Social Assistance for a period of nine (9) months as part of any household except the household in which the abuse took place, unless the abusive partner has left that household.

Please note that this exemption to the Household Income Policy applies to all women or men with or without dependents who have been victims of abuse and are leaving the abusive situation.

Existing clients or applicants who leave the abusive situation and live in their parental home will have 25% deducted for shelter costs.

The following are the various Income Support Programs that the woman may be eligible to receive:

- **Transitional Assistance Program (TAP):** Financial assistance to persons who have potential to become self-sufficient once certain barriers are addressed.

- **Extended Benefits Program (EBP):** Financial assistance for individuals who are 18 years of age or older and have been certified by Medical Advisory Board as blind, deaf or disabled.
- **Special Benefits:** Special benefits refer to assistance that is above and beyond a client's Social Assistance. Special benefits may be issued on a one-time basis or on an on-going basis in addition to the monthly assistance cheque. This benefit would be issued to help meet client's predetermined needs which occur for a period of two (2) or more consecutive months at fixed monthly rates. On-going benefits may be issued for a period of up to and including twelve (12) months. Special benefits are provided to priority groups such as Women in Transition, and include the following benefits: daycare assistance, pre and post natal benefits, etc.:
 - **Health Card** – an applicant is eligible to receive Startup Basic Health Card Coverage (ex: prescription drugs). An existing client's Health Card coverage is not affected due to entering a Transition House. In addition, a new Dental and Vision Program, "Healthy Smiles Clear Vision", is provided for low-income children and youth (0-18 years of age).
 - **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 (FSOS) Program:** The FSOS program 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 Social Development. The FSOS Liaison Worker will make the necessary referrals to the appropriate resources in cases where abuse or violence is evident.
- **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.

- **Youth Services:** personal and career counseling, and training and employment development services for young people fifteen years of age and older.

9.3.2 Housing

SD employees in the Housing Unit assisting a woman in transition will determine the housing needs of the woman and explain all of the SD Housing programs and services available to her.

Program Officers

The Program officers will 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, assists the Case Managers, working with the woman, in developing a Case Plan.

The following are the various Housing Programs that the woman may be eligible to receive:

- **Transition Houses:** Transition Houses are short term residential services for women and children who are victims of family violence.
- **Rental Assistance:** Rental assistance programs are subsidized rental units for low-income households.
- **Homeowner Assistance:** Homeowner Assistance is financial assistance to enable modest or low-income households to buy a first home.

9.4 Child Welfare and Youth Services

Exposure to domestic violence is itself a form of psychological abuse. Children exposed to domestic violence are also more likely to become direct victims of abuse. In fact, some research suggests that 30 to 60 percent of families where domestic violence or child maltreatment has been confirmed, it is likely that both forms of abuse exist

(The Interdisciplinary Research Center on Family Violence and Violence against Women: Children Exposed to Domestic Violence, 2009).

Under Section 30 (1) of the *Family Services Act*, it is mandatory to report suspected child abuse and neglect. All accepted reports or information of suspected child abuse and neglect are assessed to determine the most appropriate response. At all times, the safety and wellbeing of the child is paramount in determining the most appropriate response.

Factors considered in determining the most appropriate response include:

- the child's age and level of development;
- the type and severity of current risks to the child;
- the history of abuse or neglect in the family;
- the past record of reports concerning this family.

When it is determined that a child is a member of a First Nations community, SD will ask the permission from the woman and child, members of a First Nation, if they wish to have their community notified. Operational Protocols between Social Development and First Nation Child & Family Service Agencies may involve a case being transferred to a First Nation Child and Family Service Agency if all are in agreement.

The Department of Social Development adheres to "Jordan's Principle", which states that the government of first contact with the child will fund service without delay or disruption. It applies to disputes at all levels of service planning and provision, i.e. between individual social workers, units or regions. The intent is to act quickly and purposefully in the best interest of the child.

9.4.1 Intervention with families

When a report of abuse against a child is screened-in, a social worker is assigned to conduct an investigation on the allegations or to complete a Family Enhancement Services Assessment.

At the end of a Child Protection Investigation, the department must make a formal finding both as to whether maltreatment occurred, and whether on-going services are needed.

Reports assigned to a Family Enhancement Response undergo a Family Enhancement Assessment which underlines the conditions or factors that may jeopardize the child's safety and areas of the family functioning that need to be enhanced.

9.4.2 Ongoing services

Child Protection Services: Child Protection Services provide support services to families to ensure that a child will only be removed from home if other, less intrusive measures are not sufficient to protect the child.

Family Enhancement Services: Family Enhancement Services require the collaboration of the parent(s)/caregivers to work toward change in the family. Children receiving services under Family Enhancement remain in their parent(s)/caregivers' care. The social worker works collaboratively with the family, along with formal and informal supports, in order to address the family's needs.

The following criteria must be met to qualify for Family Enhancement Services:

- the child is in need of protection, as defined by the *Family Services Act*;
- the child's need for protection can be satisfied by family enhancement services and the child's safety can be assured while in the custody of the parent;
- less intrusive measures cannot adequately protect the child;
- the parent of the child is willing to participate in an intervention plan.

Collaborative approaches, such as family group conferencing and mediation, are considered when developing intervention plans for children. A Family Group Conference Coordinator (FGC) and a Child Protection (CP) Mediator consider the safety needs of all participants by assisting family members to develop a plan to help them feel safe during the Family Group Conference or Child Protection Mediation process, if an FGC or CP mediation participant identifies safety concerns during the FGC or CP Mediation preparation phase. The FGC Coordinator and the CP Mediator discuss the safety plan explicitly at the opening of the conference/mediation.

In consulting with participants, an FGC Coordinator and a CP Mediator may need to exclude a person from the conference where the exclusion is in the best interest of the child or is necessary for the physical or emotional safety of another conference or mediation participant. Where a parent or other family member is excluded from the conference or mediation, the FGC Coordinator and the CP Mediator work to obtain the views of the excluded person and ensures those views are presented to the participants in the conference or mediation.

A FGC or a CP Mediation will not proceed if there is a threat of violence.

(Immediate Response Conference and Family Group Conference Practice Standards, March 2011).

Family Supports for Children with Disabilities (FSCD): The program provides social work support and financial resources to assist families in meeting the extra ordinary unmet needs of the child with disabilities and their family.

Child Witness of Family Violence Program: This program provides crisis interventions through play based strategies to children in Transition Houses by child support workers, who are staff of the transition house.

9.5 Adult Protection Program

Social Development is mandated under the *Family Services Act* to investigate and address reported incidents of abuse and neglect of women with disabilities. If Social Development is made aware of a situation of abuse or neglect, they will investigate and take steps to stop the abuse.

Adult Protection Services may include investigations, protective care, case management, referrals for services, court ordered supervision, warrants to remove offenders, and trustee/ guardianship duties.

Women with disabilities are subject to various forms of abuse including: chemical, neglect, physical, sexual, psychological/emotional and financial. Abuse occurs in the home, community and institutional settings.

9.6 Referrals

SD employees determine any other needs the woman may have and make appropriate referrals within the Department and when necessary to other departments or agencies.

SD employees use the Women in Transition Protocols and other sources to identify programs, services and assistance available. Staff always provides a contact name and telephone number and assists the woman in making the contacts if requested to do so.

SD employees work with women in situations of abuse and violence by exploring options with them, including reporting to police. If there is a possibility that a crime, including physical or sexual assault, has been committed, SD staff may inform the women that sexual assault and physical violence are crimes and she has the option to report these incidents to the police. SD staff can assist the women should she choose to report these incidents to the police.

9.7 Contact Information

A list of the Regional Social Development Offices follows.

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 Social Development. 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 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 in New Brunswick by dialing **1-800-442-9799**.

Regional and Satellite Offices

Region	Phone #	Address	Fax # Centralized Intake: 506-856-3013
Moncton	1-866-426-5191	770 Main Street Moncton, NB E1C 8R3	506-869-6501
Richibucto	1-866-426-5191	9550 Main Street Richibucto, NB E4W 4E4	506- 523-7677
Sackville	1-866-426-5191	170 Main Street, Unit C-1 Sackville, NB E4L 4B8	506- 364-4304
Shediac	1-866-426-5191	342 Main Street, Unit 143 Shediac, NB E4P 2E7	N/A
Saint John	1-866-441-4340	1 Agar Place Saint John, NB E2L 5A3	506-658-3034
St. Stephen	1-866-441-4340	41 King Street St. Stephen, NB E3L 2C1	N/A
Sussex	1-866-441-4340	30 Moffatt Ave., Suite 1 Sussex, NB E4E 1E8	506-432-2053
Fredericton	1-866-444-8838	460 Two Nations Crossing Fredericton, NB E3B 1C3	506-444-5158
Woodstock	1-866-444-8838	200 King St. P.O. Box 5001 Woodstock, NB E7M 1Z7	506-325-4517
Perth-Andover	1-866-444-8838	19 Station St., Unit 1 P.O. Box 488 Perth-Andover, NB E7H 4Y2	506-273-2195
Edmundston	1-866-441-4249	121 Church Street Edmundston, NB E3V 1J9	506-735-2217
Restigouche	1-866-441-4245	113 Roseberry Street, Suite 204 Campbellton, NB E3N 2G6	506-789-4992
Chaleur	1-866-441-4341	275, rue Main Street, Suite 200 Bathurst, NB E2A 1A9	506-547-2586
Miramichi	1-866-441-4246	1809 Water Street 1809, rue Water Miramichi, NB E1N 1B2	506-778-8976
Péninsule acadienne	1-866-441-4149	20E St-Pierre Ouest Boul. P.O. Box 5516 Caraquet, NB E1W 1B7	506-726-2076

CHAPTER 10

Chapter 10

10.0 Department of Post-Secondary Education, Training and Labour	115
10.1 Mission and Mandate	115
10.2 Regional Offices and Contact Information	116
10.3 Role of the New Brunswick Human Rights Commission	117

Department of Post-Secondary Education, Training and Labour

10.1 Mission and Mandate

The mission of the Department of Post-Secondary Education, Training and Labour (PETL) is to ensure that the New Brunswick workforce is competitive by making strategic investments in people through innovative programs, services and partnerships. PETL contributes to a fair, equitable, productive and inclusive environment in which to learn, work and live through programs and services in several key areas:

- employment standards, industrial relations;
- adult learning, literacy and post-secondary education, student financial assistance, apprenticeships and certification;
- employment;
- libraries;
- immigration, settlement and multiculturalism; and
- occupational health and safety.

While PETL's mandate does not directly address woman abuse, the department's approach to policy making and service provision is based on the understanding that:

- Woman abuse incurs a cost through the loss of their productivity and participation in the New Brunswick economy;
- Economic self-sufficiency is key to personal autonomy and security, and financial dependence on their abusers impedes some women's ability to leave the situation and make change in their lives;
- Women experiencing violence and abuse are entitled to the programs and services that will provide them with the opportunities available to all citizens in the province; and
- The ability of some of our clients to access, participate in, and successfully complete PETL programs and services may be compromised by violence and abuse in their private lives.

Based on this, and recognizing that the mandate and expertise to address these issues directly resides elsewhere, PETL cooperates with all partners in working to remove the barriers to work, training and education for women experiencing violence and abuse. This includes providing referral

services and the special role that public libraries play in providing safe access to resources related to woman abuse.

PETL programs and services that are of special interest to women experiencing violence and abuse are:

- Student Financial Services (SFS) facilitates access to post-secondary education for approximately half of New Brunswick citizens who are pursuing post-secondary studies by administering and delivering federal and provincial loan, grant and bursary programs;
- The Community Adult Learning Network (CALNet) uses both traditional and information technology-based modes to deliver adult literacy and learning programs and services in partnership with the voluntary and private sectors;
- Apprenticeship provides training in 54 apprenticeable occupations and certification services for 72 designated occupations;
- Regional Employment Offices deliver programs and services that assist unemployed New Brunswickers to acquire the skills and experience necessary to secure full-time employment. Employment Counsellors help individuals in their searches for permanent employment, starting with an employment action plan. Based on interests, skills and hopes for the future, the Employment Counsellor will help define career goals and assist in making a plan to achieve them. In addition to employment counselling, the regional employment offices can assist women with accessing financial assistance, career information and job placement services

Information about the locations of regional offices, websites and contact information can be found at the end of this chapter.

PETL recognizes that staff needs to be prepared with information for referring clients to appropriate support services in the community. This is because, at any given time, PETL's clients will likely include women who are experiencing violence and abuse.

Women may disclose this information to PETL staff, in an employment counselling meeting, for example, or staff may have reason to suspect that their clients are experiencing violence or abuse.

This means that PETL staff may sometimes find themselves in a position to assist their clients in accessing the services they need in order to move forward in their lives. The Department's role is to increase awareness among staff and ensure that they have the information they need to manage the situation and refer their clients to the appropriate support services.

The Department ensures that:

- All staff are aware of the Woman Victims of Abuse Protocols and they are readily accessible;
- All staff are oriented to the General Guidelines for Service Providers in the Woman Victims of Abuse Protocols (Chapter 13, Appendix C);
- All staff have access to basic referral information about supports for women experiencing violence and abuse in their communities (Community Resources – Chapter 12); and
- Every effort is made to provide safe and secure workplaces and service delivery points.

10.2 Regional Offices and Contact Information

1. Employment Programs and Regional Offices

http://www2.gnb.ca/content/gnb/en/departments/post-secondary_education_training_and_labour/TrainingAndEmploymentServices.html

Regional Office - Bathurst
Telephone: (506)549-5766
Fax: (506)549-5782
275 Main Street, Suite 300
Bathurst, NB E2A 1A9

Regional Office - Campbellton
Telephone: (506)789-2411
Fax: (506)759-6696
157 Water Street, Main Floor, Suite 100
Campbellton, NB E3N 3L4

Regional Office - Caraquet
Telephone: (506)726-2639
Fax: (506)726-2728
20E St-Pierre Ouest Blvd., P. O. Box 5644
Place Bellevue
Caraquet, NB E1W 1B7

Regional Office - Edmundston
Telephone : (506)735-2677
Fax: (506) 735-2527
121 de l'Église Street, Carrefour Assomption
Suite 308, P. O. Box 5001
Edmundston, NB E3V 3L3

Regional Office - Fredericton
Telephone : (506)453-2377
Fax: (506)444-5189
300 St. Mary's Street, P. O. Box 6000
Fredericton, NB E3B 5H1

Regional Office - Miramichi
Telephone: (506)627-4000
Fax: (506)624-5482
152 Pleasant Street
Miramichi, NB E1V 1Y1

Regional Office - Moncton
Telephone : (506)869-6944
Fax: (506)869-6608
200 Champlain Street,
Suite 320, P. O. Box 5001
Dieppe, NB E1A 1P1

2. Employment Standards

Toll-free: 1-888-452-2687
Fax: 506- 453-3806
Employment Standards Branch
Department of Post-Secondary Education, Training
and Labour
P.O. Box 6000
Fredericton NB E3B 5H1
http://www2.gnb.ca/content/gnb/en/departments/post-secondary_education_training_and_labour/labour.html

Bathurst Office:
275 Main Street
Harbourview Place
Suite 300, 3rd Floor
Bathurst NB E2A 1A7

Dieppe Office:
Place 1604
200 Champlain Street
Suite 320
Dieppe NB E1A 1P1

Edmundston Office:
Carrefour Assomption
121 rue de l'Église
Suite 308
Edmundston NB E3V 1J9

Saint John Office:
1 Agar Place
Saint John NB E2L 5G4

3. New Brunswick Public Library Service

<http://www.gnb.ca/0003/index-e.asp>

4. Student Financial Services and funding

http://www2.gnb.ca/content/gnb/en/departments/post-secondary_education_training_and_labour/post-secondary_education/content/funding_and_financialinformation/student_financialservices.html

Kings Place
440 King Street
Suite 420, 4th Floor
Fredericton, NB E3B 5H8

10.3 Role of the New Brunswick Human Rights Commission

The Human Rights Commission may investigate discrimination or harassment complaints filed under the *Human Rights Act*. In some cases women experiencing abuse may be able to file a complaint with the Human Rights Commission.

Women who believe they have been discriminated against or harassed may file a complaint if the discrimination or harassment is based on one of the 14 grounds: age, sex (includes pregnancy and gender identity), marital status, race, colour, national origin, place of origin, ancestry, religion, sexual orientation, physical disability, mental disability, social condition (includes source of

income, level of education and occupation), political belief or activity.

The *Human Rights Act* prohibits discrimination in employment; housing; services, facilities or accommodations (i.e. schools, stores, motels, hospitals, police and most government services); publicity; and professional, business and trade associations.

Filing of a human rights complaint starts with a phone call to the Human Rights Commission to determine if the Human Rights Commission has jurisdiction in the matter.

The Human Rights Commission investigates and attempts to mediate and settle such complaints, and in many cases, complaints are settled before an investigation takes place. In these cases, the terms of settlement remain confidential.

If a complaint cannot be settled, it may be referred to a Human Rights Board of Inquiry. After hearing the evidence, the Board of Inquiry may dismiss the complaint or issue an order to remedy the discrimination. For example, financial compensation, an order that the discrimination or harassment stop, or an order to provide housing or employment where it was denied.

When considering filing a human rights complaint remember:

- Individuals are provided with information about the various options that are available.
- It is not necessary to provide a name to receive information.
- 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.
- The process is free of charge.
- It is not necessary to have a lawyer. You can hire a lawyer if you are willing to pay for these services yourself.

The Human Rights Commission recognizes that woman abuse may occur in all types of family relationships, including married, common-law, and same-sex relationships. Human Rights Commission staff always respect the woman's choice to go to the police regarding the abuse she experienced.

In responding to woman abuse, the Human Rights Commission:

- Ensures that where there is reported information of women abuse, the woman is provided with information on where she can obtain appropriate service.
- Are familiar with the province's Woman Victims of Abuse Protocols and of services available to women who have experienced abuse.
- Respect the wishes of the woman to report, or not report, the abuse situation.
- Participate with other government and community organizations to work towards a collaborative response to violence against women.

A woman who believes that she has been discriminated against or harassed under the grounds indicated in the *Human Rights Act* may contact the Human Rights Commission for information.

To obtain a complaint form contact the Human Rights Commission by phone at

Toll free: 1-888-471-2233

The Commission may also be contacted

TTY: 506-453-2911

Email: hrc.cdp@gnb.ca

The Human Rights Commission Web site:
<http://www.gnb.ca/hrc-cdp>

CHAPTER 11

Chapter 11

11.0 Department of Education and Early Childhood Services	123
11.1 Introduction	123
11.2 Roles	123
11.3 Disclosure	123
11.4 Youth and Dating Violence	123
11.5 Support	124
11.6 Education and Prevention Programs and Policies	124
11.7 Early Childhood Services	124
11.7.1 Early Intervention Services	125
11.7.2 Pre/Postnatal Benefit Program	125
11.7.3 Day Care Assistance Program	125
11.7.4 Child Day Care Services Program	125
11.7.5 Services for Preschool Children with Autism Spectrum Disorders	126
11.7.6 Talk with me Program	126

Department of Education and Early Childhood Development

11.1 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 as a result, experience varying degrees of emotional harm. There are also children who are accidentally hurt when caught in the crossfire of physical disputes, those who are physically harmed when they try to protect their parent/guardian or those who are intentionally abused as part of the cycle of spousal abuse. Children exposed to parental violence often experience emotional and developmental difficulties, and have higher levels of post-traumatic symptoms.

11.2 Roles

In cases of child abuse, school staff's primary obligation and legal responsibility is to report suspicion of abuse to the Department of Social Development. 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.)

School staff's secondary responsibility is to support the child in his/her ongoing education as well as to ensure a safe learning environment. This includes dealing with situations that may arise from unresolved custody issues. In those instances, principals must ensure that*:

- Parents/guardians are notified annually that they must make the school aware of any custody issues that could impact the safety of their child.
- 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.
- Information such as home address, phone number or place of work, must not be disclosed about one parent/guardian to the other, unless consent for information sharing has been received.

- Access to student records includes access by the non-custodial parent/guardian unless that parent/guardian is barred from access to the student and their records by a court order. When student records are released to a non-custodial parent, information such as home address or phone number of the child and custodial parent will be removed unless the school has the consent of the custodial parent to release this information.
- When a person who is authorized to pick up a child is not familiar to school staff, the principal or designate must ensure that proof of identity is provided.

Lastly, school staff is strongly encouraged to participate on the Regional Family Violence Network as delineated in Chapter 4 of the Protocols. Participation may range from a consultative role to more intensive 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 in a holistic manner.

11.3 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 Road Map to Empowerment (Chapter 5) and the Community Resources (Chapter 12) so that she can make informed decisions on the service she might want to access.

11.4 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. Friendship, activities outside the home and a sense of independence become more important than 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.

11.5 Support

School personnel such as teachers, guidance counsellors, administrators, school social workers, healthy learners nurses and school psychologists may provide young people with the first line of support such as listening, counselling, facilitating contact with police, liaising with victim/witness programs, assisting them to contact Child Protection Services or Mental Health, and providing them with factual information. 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.

11.6 Education and Prevention Programs and Policies

The Department of Education & Early Childhood Development 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 supportive services for youth.

The Department of Education & Early Childhood Development is currently offering the following education/prevention programs and policies 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.

Policies

- **Policy for the Protection of Pupils (Policy 701)** helps to ensure students are protected from abusive behaviour by adults including physical, sexual and emotional abuse and discrimination.
- **Positive Learning and working Environment Policy (Policy 703)** requires each school to establish a process for fostering positive learning and working environments.
- **Release of Students and Access to Student Information (Policy 710)** helps schools handle requests for access to student information and the physical release of students when child custody is a factor.

11.7 Early Childhood Services

Responsible for the planning, design and monitoring functions for all departmental early childhood services. Programs and services in this area include Early Intervention Services, Prenatal and Postnatal Benefit Program, Early Learning and Child Daycare Services Care, Day Care Assistance

Program, Services for Pre-school Children with Autism Spectrum Disorder and the Talk with Me Program.

11.7.1 Early Intervention Services

Offers targeted services to families of children aged 0 to 8 who are at greatest risk of developmental delays. Early Intervention Services provides screening, assessment, intervention and case management services to families and connects families to other helpful resources when intensive services are not recommended. Early Intervention Services are responsible to provide the following programs:

- In-Home Visitation
- Infant-Parent Attachment Program
- Group based Parent Support
- Creative Outreach
- Transition to School Activities
- Developmental Child Care Services

English:
Family and Early Childhood

Anglophone South - Family and Early Childhood
South: 1-855-383-5437
Anglophone West - Family and Early Childhood
West: 1-855-454-3762
Anglophone North - Family and Early Childhood
North: 1-855-778-6532
Anglophone East - Family and Early Childhood
East: 1-855-238-3694

Francophone:
Famille et petite enfance

Francophone Nord-Est - Famille et petite enfance
Nord-Est : 1-855-993-0993
Francophone Nord-Ouest - Famille et petite
enfance Nord-Ouest : 1-855-480-4060
Francophone Sud - Famille et petite enfance Sud :
1-855-840-6269

11.7.2 Pre/Postnatal Benefit Program

The Prenatal/Postnatal Benefit Program is designed to improve the health of pregnant women and their newborns by providing women with the funding they need for healthy food and lifestyle choices during pregnancy. Access to information about prenatal services in New Brunswick is available by calling the following toll-free number 1-888-987-6789.

For a description of the program and contact information visit www.gnb.ca/000/ELCC.asp for information on other services available to expectant and new mothers visit http://www2.gnb.ca/content/gnb/en/departments/ocmoh/healthy_people.html
French link: http://www2.gnb.ca/content/gnb/fr/ministeres/bmhc/gens_en_sante.html

11.7.3 Day Care Assistance Program

Helps families access financially affordable, quality child care at an approved child day care facility. If a parent is working, attending school or undergoing medical treatment they may be eligible for funding. The calculation of eligibility is based on the monthly net income of the family.

Contact for Prenatal Benefit Program, Postnatal Benefit Program and Day Care Assistance Program:

English: http://www2.gnb.ca/content/gnb/en/services/services_renderer.14136.html#serviceLocation

French: http://www2.gnb.ca/content/gnb/fr/services/services_renderer.14136.html#serviceLocation

11.7.4 Child Day Care Services Program

The Department of Education and Early Childhood Development (EECD) is responsible for the approval and monitoring of child day care facilities in the province. The Minister of (EECD) is provided with the authority to represent the public interest for the safety and healthy development of young children, up to age 12, who are in non-parental early learning and child care arrangements. The department approves, renews, monitors and investigates day care facilities, as defined under the Day Care Regulation 83-85.

List of approved day care centers:
<http://www1.gnb.ca/0000/Daycare/index-e.asp>

French link:
<http://www1.gnb.ca/0000/Daycare/index-f.asp>

List of Approved Community Day Care Homes:
<http://www1.gnb.ca/0000/CommunityDayCare/index-e.asp>

French Link:
<http://www1.gnb.ca/0000/CommunityDayCare/index-f.asp>

11.7.5 Services for Preschool Children with Autism Spectrum Disorders

The province contracts with authorized agencies across the province to provide intervention services to preschool age children with Autism Spectrum Disorder. The child must be diagnosed with Autism Spectrum Disorder and must be a resident of New Brunswick including children living on a First Nations reserve. The child is eligible until the beginning of the school year in which they become 5 years of age.

List of Autism Agencies:

<http://www.gnb.ca/0000/ECHDPE/ELCC-AutismAgencies.asp>

French link:

<http://www.gnb.ca/0000/ECHDPE/AGJE-OrganismeAgrees.asp>

11.7.6 Talk with me Program

Offers free information and training to parents, community partners and the general public. It helps prevent communication and learning difficulties for all children from birth to 5 years of age.

To find out more on the programs and services available in your area, contact your local school district:

Anglophone North School District: 1-888-623-6363

Anglophone East School District: 506-856-3617

Anglophone South School District: 1-877-492-8255

Anglophone West School District: 506-453-3316

Francophone North-West School District:

506-475-2863

Francophone North-East School District :

506-544-2492

Francophone South School District:

506-869-2040

CHAPTER 12

Chapter 12

12.0 Community Resources	131	12.11 Resources for Women with Disabilities	135
12.1 Introduction	131	12.11.1 Premier's Council on the Status of Disabled Persons	135
12.2 Domestic Violence Outreach Program	131	12.11.2 DisAbled Women's Network Canada (DAWN-RAFH Canada)	135
12.3 Transition Houses	131	12.11.3 Adult Victims of Abuse Protocols	136
12.4 Second Stage Housing	131	12.12 Resources for Lesbian, gay, bisexual, transgender and two- spirited people/ population	136
12.5 Safe for Pets too...in transition with you	132	12.12.1 PFLAG Region 6 – Atlantic Region	136
12.6 Sexual Assault Services	132	12.12.2 Greater Fredericton Gender and Sexual Minority Services:	136
12.6.1 24 Hour Sexual Assault Crisis Lines and Support	132	12.12.3 Égale Canada	136
12.6.2 Sexual Assault Counselling and Support	132	12.12.4 CHIMO Helpline	136
12.6.3 Sexual Assault Nurse Examiner Program/Services	132	12.12.5 Support for Students and Educators:	136
12.7 New Brunswick Universities	132	12.12.5 (a) Pride in Education	136
12.7.1 University of New Brunswick (UNB - Fredericton)	132	12.12.5 (b) Spectrum	136
12.7.2 University of New Brunswick (UNB - Saint John)	132	12.12.5 (c) OutLaw	136
12.7.3 Saint Thomas University	132	12.12.5 (d) UNB/STU Sexuality Centre	136
12.7.4 Mount Allison University	133	12.12.5 (e) UnSurDix	136
12.7.5 Université de Moncton	133	12.12.5 (f) Catalyst	137
12.7.6 Université de Moncton - Edmundston Campus	133	12.12.6 Gai Écoute	137
12.7.7 Université de Moncton - Shippagan Campus	133	12.12.7 Greater Moncton's River of Pride	137
12.8 New Brunswick Community Colleges	133	12.12.8 AIDS New Brunswick Inc.	137
12.9 New Brunswick Association of Family Resource Centres	133	12.12.8 (a) AIDS Moncton	137
12.9.1 Military Family Resource Centre	134	12.12.8 (b) AIDS Saint John	137
12.10 New Brunswick Multicultural Council	135	12.12.9 Moncton Transgender Support Group	138
		12.13 Information	138
		12.13.1 Public Legal Education and Information Service	138
		12.13.2 Family Law NB	138
		12.13.3 New Brunswick Human Trafficking Working Group	138

Community Resources

12.1 Introduction

This section provides information about resources to assist women who are subjected to abuse in their personal relationships.

12.2 Domestic Violence Outreach Program

Domestic Violence Outreach is a service for victims of relationship abuse, including sexual assault. Outreach workers have sexual assault crisis training. Outreach workers provide both emotional and practical support to victims of relationship abuse. They offer encouragement, accompaniment when possible and referrals to other appropriate services.

Chaleur Region (Bathurst): (506) 545-8952
 Campbellton: (506) 790-1178/ (506) 753-4703
 Charlotte County: (506) 469-5544
 Edmundston: (506) 263-0888
 Fredericton: (506) 458-9774
 Miramichi: (506) 778-6496
 Saint John: (506) 649-2580/ (506) 632-5616
 Moncton: (506) 855-7222
 Kennebecasis Valley: (506) 847-6277
 Kent County: (506) 743-5449
 Beausejour (Shediac): (506) 533-9100
 Sussex: (506) 433-6579
 Woodstock: (506) 328-9680
 Acadian Peninsula: (506) 395-6233; (506) 395-1500 (506) 395-7632

12.3 Transition Houses

Provides shelter for up to 30 days, crisis intervention and referral services for women and their children who are victims of relationship violence and abuse.

- Edmundston – 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 (Aboriginal women) (506) 458-1236
- Bouctouche – Ste Anne de Kent (506) 743-5449

12.4 Second Stage Housing

Second Stage Housing provides rental units with rent supplement to women, with or without children, who have left abusive relationships. Individual and group support, crisis intervention, safety planning and advocacy are provided in a healing environment.

Liberty Lane Inc., Fredericton
 (506) 451-2120
 Second Stage Safe Haven, Saint John
 (506) 632-9289
 Crossroads for Women Second Stage, Moncton
 (506) 857-4211
 Maison Oasis, Ste. Anne de Kent
 (506) 743-5449
 Maison de l'espoir/Residence of Hope Shediac
 (506) 533-9100

12.5 Safe for Pets too...in transition with you

A province wide service that provides temporary boarding and care for animals belonging to individuals seeking refuge from domestic violence.

To get help, call the nearest transition house, domestic violence outreach program or police.

12.6 Sexual Assault Services

12.6.1 24 Hour Sexual Assault Crisis Lines and Support

- Acadian Peninsula: Libère toi – sexual assault crisis line: (506) 395-3555
- Shediac: Beauséjour Family Crisis Resource Centre (506) 533-9100
- Fredericton: Fredericton Sexual Assault Crisis Centre line: (506) 454-0437

12.6.2 Sexual Assault Counselling and Support

- Fredericton Sexual Assault Crisis Centre (Fredericton): (506) 454-0460
- Beauséjour Family Crisis Resource Centre (Shediac): (506) 533-9100
- Services à la Famille de la Péninsule (Tracadie/Caraquet): (506) 727-1866
- Family Plus Life Solutions (Saint John) (506) 634-8295.

12.6.3 Sexual Assault Nurse Examiner Program/Services

- Moncton Hospital (506) 857-5111; Emergency Department (506) 857-5353
- Saint John Regional Hospital (506) 648-6000
- Dr. Everett Chalmers Hospital in Fredericton (Limited service) (506) 452-5400

12.7 New Brunswick Universities

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.

12.7.1 University of New Brunswick (UNB - Fredericton)

- Counselling Services - (506) 453-4820 - counsel@unb.ca
Professional, confidential counselling, 24 hour telephone support, career resource centre
- Student Health Centre (for full time students only) - (506) 453-4837 - 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.
- Student Affairs and Services - (506) 453-4527 - staffair@unb.ca
Qualified resource people listen to their concerns and direct them to the appropriate contacts, resources or services.

12.7.2 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: sjcounsellor@unb.ca or contact Student Life and Support Services: (506) 648-5501

12.7.3 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 contact the STU Student Services office: (506) 453-7202 or contact directly the services shared with UNB Counselling Services (506) 453-4820 - counsel@unb.ca

Student Health Centre (for full time students only)
(506) 453-4837 - shc@unb.ca

12.7.4 Mount Allison University

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.

Contact the Mount Allison Wellness Centre (506) 364-2163

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

Sexual Harassment Advisor: (506) 364-2613.

Sexual Harassment Assault Response and Education (SHAR) (506) 540-7427

12.7.5 Université de Moncton

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

Health and psychological services: (506) 858- 4007
(physician, nurse, psychologists)
Security Services: (506) 858-4100 (24 h)

Sexual Harassment Consultant:
(506) 858-4430 (if the abuser is a student or an employee at the university, interventions could be done with this person).

12.7.6 Université de Moncton - Edmundston Campus

Health and Psychological Services:
(506) 737-5295
Sexual Harassment Consultant:
(506) 737-5295

12.7.7 Université de Moncton - Shippagan Campus

Health and Psychological Services: (506) 336-3459
Sexual Harassment Consultant:
(506) 336-3459 or (506) 336-3607

12.8 New Brunswick Community Colleges

NBCC provides students with professional counselling services. Support services could include personal, educational, career and financial counselling, as well assessment and information services. Potential students can receive assistance with understanding program information, course descriptions, application process and investigating employment opportunities.

Campus	Phone Number
Fredericton	(506) 444-3495
Miramichi	(506) 778-6008
Moncton	(506) 856-2742 (506) 856-2222
Saint John	(506) 658-6789 (506) 658-6788
St.Andrews	(506) 529-5697
Woodstock	(506) 325-4368
Bathurst	(506) 547-2145 1-800-552-5483
Campbellton	(506) 789-2377 1-888-648-4111
Dieppe	(506) 856-2200 1-800-561-7162
Edmundston	(506) 735-2500 1-888-695-2262
Péninsule acadienne	(506) 336-3073 1-866-299-9900

12.9 New Brunswick Association of Family Resource Centres

Family Resource Centres offer a variety of programs and activities for parents and their children ages 0 - 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. NBAFRC - 13 Family Resource Centres:

1. Miramichi

A Family Place,
miramichi@frc-crf.com
Miramichi, NB
Tel: (506) 622-5103
Fax: (506) 622-6879

2. Chipman

Care 'N' Share Inc.
chipman@frc-crf.com
Chipman, NB
Tel: (506) 339-6726
Fax: (506) 339-6726

3. Péninsule Acadienne

Centre de Ressources Familiales de la Péninsule
Acadienne
caraquet@frc-crf.com
Caraquet, NB
Tel: (506) 727-1860
Fax: (506) 727-1862

4. Bathurst

Centre de ressources Chaleur pour parents
bathurst@frc-crf.com
Bathurst, NB
Tel: (506) 545-6608
Fax: (506) 546-3816

5. St. Stephen

Family Resource Centre of Charlotte County Inc.
ststephen@frc-crf.com
St. Stephen, NB
Tel: (506) 465-8181
Fax: (506) 465-8196

6. Saint John

Family Resource Centre (SJ) Inc.
saintjohn@frc-crf.com
Saint John, NB
Tel: (506) 633-2182
Fax: (506) 633-7417

7. Fredericton

Fredericton Regional Family Resource Centre
fredericton@frc-crf.com
Fredericton, NB
Tel: (506) 474-0252
Fax: (506) 474-0253

8. Moncton

Greater Moncton Family Resource Centre
moncton@frc-crf.com
Moncton, NB
Tel: (506) 384-7874
Fax: (506) 869-9916

9. Kent

Centre de Ressources Familiales de Kent
richibucto@frc-crf.com
Richibucto, NB
Tel: (506) 524-9102
Fax: (506) 524-9915

10. Sussex

Kings County Family Resource Centre
sussex@frc-crf.com
Sussex, NB
Tel: (506) 433-2349
Fax: (506) 433-3463

11. Grand Falls

Madawaska/Victoria Family Resource Center
grandfalls@frc-crf.com
Grand-Sault, NB
Tel: (506) 473-6351
Fax: (506) 473-5211

12. Campbellton

Restigouche Resource Center for Parents
campbellton@frc-crf.com
Campbellton, NB
Tel: (506) 753-4172
Fax: (506) 753-0007

13. Woodstock

Valley Family Resource Centre
woodstock@frc-crf.com
Woodstock, NB
Tel: (506) 325-2299
Fax: (506) 328-8896

12.9.1 Military Family Resource Centre

The Gagetown Military Family Resource Centre is a non-profit organization proud to support and provide services to Canadian Forces members, their families and the communities that share the unique military lifestyle.

Services offered include: Personal Development and Community Integration, Outreach, Child and Youth Development and Parenting Support, Family Separation & Reunion (Deployment Services), Prevention, Support and Intervention, Family Liaison Services and Volunteer Development and Community Involvement.

Gagetown Military Family Resource Centre (GMFRC)

A45 St. Lawrence Avenue
Oromocto, NB E2V 4J5
Telephone: (506) 422-3352 /
Toll-free: 1-800-866-4546
Fax: (506) 422-1444
Email: mfrcgage@rogers.com
(www.familyforce.ca)

12.10 New Brunswick Multicultural Council

The New Brunswick Multicultural Council Inc (NBMC) is the non-profit, umbrella organization for immigrant-serving agencies, multicultural and ethno-cultural associations in the province. NBMC facilitates member, government and community efforts to make New Brunswick the province of choice for both newcomers and residents, through enhancing the economic, social and cultural value of diversity.

Our goal is to offer our multicultural, ethno-cultural and immigrant-serving agencies access to the knowledge, skills and expertise required to provide effective programs and services for newcomers and our cultural diverse communities

Contact to find out about local resources

Address:

494 Queen St. Suite 200,
Fredericton, NB, E3B 1B6

Phone: (506) 453 - 1091

E-Mail: nbmc@nb-mc.ca

Internet Address: <http://www.nb-mc.ca/>

12.11 Resources for Women with Disabilities

12.11.1 Premier's Council on the Status of Disabled Persons

The Premier's Council on the Status of Disabled Persons has directories on specific topics of interest to persons with disabilities available online at www.gnb.ca/council or by contacting our office at 1 (800) 442-4412. The topics individually covered include: career and job search; bursaries and financial aid for students; financial aid; barrier-free funding sources; sources of rehabilitation equipment; vehicle retrofitting and accessible transportation options.

The Council's office has information covering a wide range of subjects related to persons with disabilities. We also have access to other systems and we continuously receive information on new topics.

The Directory of Services Offered to Persons with Disabilities in New Brunswick is updated annually and is available in alternate formats in both English and French.

Directory of services
<http://www.gnb.ca/0048/PCSDP/DirectoriesForPersons/DirectoryofServices/TableOfContents-e.asp>

Contact to find out about local resources

**440 King Street, Suite 648
Fredericton, N.B. E3B 5H8
Telephone/TTY: (506) 444-3000
Toll-free: 1-800-442-4412
Fax: (506) 444-3001**

12.11.2 DisAbled Women's Network Canada (DAWN-RAFH Canada)

DAWN-RAFH Canada – DisAbled Women's Network of Canada. Its mission is to end the poverty, isolation, discrimination and violence experienced by women with disabilities and Deaf women. DAWN-RAFH is an organization that works towards the advancement and inclusion of women and girls with disabilities and Deaf women in

Canada. Our overarching strategic theme is one of leadership, partnership and networking to engage all levels of government and the wider disability and women's sectors and other stakeholders in addressing our key issues.
<http://www.dawncanada.net/en/>

12.11.3 Adult Victims of Abuse Protocols

<http://www2.gnb.ca/content/dam/gnb/Departments/sd-ds/pdf/Protection/Adult/AdultProtocol-e.pdf>

12.12 Resources for Lesbian, gay, bisexual, transgender and two-spirited people/population

12.12.1 PFLAG Region 6 – Atlantic Region

<http://www.pflagcanada.ca/en/region-list-e.php?RegionNo=6>

PFLAG NB Contact:

Mike Connors, 117 Dolan Avenue - Unit 2,
Miramichi NB E1V 1C3

12.12.2 Greater Fredericton Gender and Sexual Minority Services:

Provides education, support and advocacy for gender and sexual minorities and allies in the Greater Fredericton area. Will gladly provide email support to New Brunswickers outside of the Greater Fredericton area.
GFGSMServices@gmail.com

12.12.3 Égale Canada

Égale's vision is of a Canada free of homophobia, biphobia, transphobia and all other forms of discrimination so that every person can achieve their full potential, unencumbered by hatred and bias. Our mission and values help pave the way for our vision to become reality. <http://egale.ca/>

12.12.4 CHIMO Helpline

CHIMO is a telephone crisis line accessible 24 hours a day, 365 days a year for all residents of New Brunswick. 1-800-667-5005

12.12.5 Support for Students and Educators:

12.12.5 (a) Pride in Education

Includes a listing of all schools in NB that have a GSA (gay-straight alliance) in the NB GSA Network.
<http://www.pienb.com/>

12.12.5 (b) Spectrum

Support group for all UNB and STU LGBTQ students and allies:
<http://www.unb.ca/clubs/spectrum/spectrum@unb.ca>

12.12.5 (c) OutLaw

LGBTQ support for UNB Law students
<https://www.facebook.com/pages/UNB-OUTLaw/136424304071?fref=ts>

12.12.5 (d) UNB/STU Sexuality Centre

Resource centre for sexuality and gender issues:
sexuality@unb.ca
<http://www.unb.ca/fredericton/studentsservices/health-wellness/sexuality/>

12.12.5 (e) UnSurDix

The Mission of UnSurDix is to ensure the wellbeing of gay, lesbian, bisexual and transgender students and their allies on the Université de Moncton campus, as well as to put an end to homophobia and heterosexism.
<http://etudiants.umoncton.ca/umcm-unsurdix/>

12.12.5 (f) Catalyst

Catalyst is Mount Allison University's student organization for gay, lesbian, bisexual, transgender, two-spirited, questioning, asexual, and queer individuals, and their allies!

Our purpose is to provide a community in which students can feel safe, share experiences, gain support, promote acceptance on campus, and enjoy social events. Our meetings are absolutely confidential, which means everything that is said at Catalyst stays within the group. We also ensure anonymity for anyone attending.

<http://www.mta.ca/mtaclubs/catalyst/index.html>

12.12.6 Gai Écoute

Gai Écoute is a francophone helpline and centre for support and information for people interested in issues related to sexual orientation. The helpline services are offered free across all of Quebec, seven days a week. <http://www.gaiecoutte.org/>

12.12.7 Greater Moncton's River of Pride

The mission of River of Pride is to guarantee the presence of the LGBTQ community in the Greater Moncton Area. Their goal is to defend LGBTQ rights, advocate for equality and ensure greater acceptance and understanding for all. They celebrate their gains every year by organizing festivities for their community and allies.

<http://www.fiertemonctonpride.ca>

12.12.8 AIDS New Brunswick Inc.

A provincial organization that aims to promote and support the health and well-being of people living with and affected by HIV/AIDS while helping to reduce the spread of HIV, Hepatitis C and other sexually transmitted and blood borne infections in New Brunswick through the provision of prevention, education, and support initiatives.

Phone (toll free) : 1 800-561-4009

Fax: 1 888-501-6301

Press 3 for the **InfoLine** (English)

Fredericton Office

e-mail : info@aidsnb.com

Address:

AIDS New Brunswick (Head Office)

65 Brunswick St, Suite G17

Fredericton, NB

E3B 1G5

12.12.8 (a) AIDS Moncton

AIDS Moncton's focus and mission is to improve the quality of life of those infected and affected by HIV/AIDS and to reduce the spread of HIV and other sexually transmitted infections.

- AIDS Moncton partners with community stakeholders throughout southeastern New Brunswick to provide education and support related to GLBTTQ issues.
- AIDS Moncton continues to work toward creating safer communities in which GLBTTQ youth can live, learn and love safely

80 Weldon Street

Moncton, NB

E1C 5V8

Phone: 506-859-9616

Fax: 506-855-4726

<http://www.sida-aidsmoncton.com/>

12.12.8 (b) AIDS Saint John

AIDS Saint John is a non-profit community-based organization aimed at:

- a. improving the quality of life of those infected and affected by HIV/AIDS, and
- b. striving to reduce the spread of HIV by promoting healthy choices in the community at large. This will be accomplished through education and public awareness, support and advocacy.

Phone: 506-652-2437

Fax: 506-652-2438

Email: info@aidssaintjohn.com

Address:

62 Waterloo St

Saint John, NB

E2L 3P3

<http://www.aidssaintjohn.com/>

12.12.9 Moncton Transgender Support Group

The Moncton Transgender Support Group is a bilingual support group. be_tgmoncton@live.com

12.13 Information

12.13.1 Public Legal Education and Information Service

PLEIS-NB is a non-profit organization and a registered charity. Our mandate is to develop bilingual educational products and services about the law for the general public in order to promote access to the legal system. Our goal is to assist the public in identifying and understanding their legal rights and responsibilities, and attaining self-help skills where appropriate, to improve their ability to deal with legal issues.

http://www.legal-info-legale.nb.ca/en/about_us

12.13.2 Family Law NB

<http://www.familylawnb.ca/english/>

This website is an initiative of the Public Legal Education and Information Service of New Brunswick (PLEIS-NB). It offers general information and resources about family law in New Brunswick. If you have questions about how the courts work, court rules, and court procedures, you can call our toll-free Family Law Information Line at 1-888-236-2444. However, PLEIS-NB staff cannot provide legal advice or comment on your specific situation.

<http://www.familylawnb.ca/french/>

12.13.3 New Brunswick Human Trafficking Working Group

New Brunswick Human Trafficking Working Group works to raise awareness in New Brunswick about human trafficking, both domestic and international. Its members include representatives of provincial and federal departments, the RCMP (Atlantic Region Immigration & Passport Office, as well as J Division, Criminal Intelligence Unit), and community groups. For more information: Women's Equality Branch, 506 453-8126; web-edf@gnb.ca

CHAPTER 13

Chapter 13

13.0 Appendices	143
13.1 Appendix A - Critical Point of Access - screening	143
13.2 Appendix B - Basic Guidelines for screening for woman abuse	143
13.3 Appendix C - General Guidelines for Service Providers	144
13.4 Appendix D - Creating a Safety Plan	146
13.4.1 Safety Planning for Abused Women: The Role of Service Providers	146
13.4.2 Safety in an Emergency	147
13.4.3 Safety for Children Witnessing the Abuse of their Mothers	151
13.5 Appendix E - Terms of Reference for Regional Family Violence Networks	152
13.6 Appendix F - Legislative Provisions	154

Appendices

13.1 Appendix A - Critical Point of Access - screening

The critical point of access for any service is where the woman chooses to enter. This may occur as a result of injury or a crisis call to the local police force. 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 access service 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, the clinic and emergency department for injuries, signs of depression, fatigue, etc. may indicate violence in her relationship. It is helpful for service providers to be aware of the possible indicators of woman abuse and inquire into the nature and possible causes of the presenting problem.

Voluntary, informed disclosure of abuse is encouraged. Two strategies - universal notification and routine screening - facilitate voluntary disclosure. These approaches are not mutually exclusive.

- Universal notification means that all service users are provided with information about domestic violence in multiple, easily understood formats that explain the nature of woman abuse as well as available services.
- Screening involves a trained worker asking appropriate questions which the client may answer if she chooses. Routine screening means that inquiry about abuse in personal relationships 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 abuse and violence 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 Basic Guidelines for screening).

13.2 Appendix B - Basic Guidelines for screening for woman abuse

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

Benefits to screening:

- Identify women who are being abused so they can get help.
- By sharing information with affected women, service providers can help to reduce women's sense of isolation and stigmatization.
- The provision of simple information on the existence of specialized domestic violence services and how to contact them is relevant to all women.
- Routinely asking women about abuse is a form of prevention.

Barriers to screening:

- Time constraints
- Discomfort with the topic
- Fear of offending the client or client's partner
- Perceived powerlessness to change the situation for the client

Questions regarding abuse should be posed to a client when she is alone so as not to compromise her safety.

In a private, confidential setting where the potential abuser is not present, introduce the topic:

- "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 common in 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 or sexually 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?”

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 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:

- No abuse present in her life
- Embarrassment or shame
- Fear of retaliation by partner
- Lack of trust in others
- Economic dependence
- Desire to keep the family together
- Religious or cultural expectations
- Unaware of alternatives
- Lack of support system
- Many other reasons for a “no” response

13.3 Appendix C - General Guidelines for Service Providers

Along with the service provider’s familiarity with the Woman Victims of Abuse Protocols, this guideline is meant to provide some basic information on how to work effectively with clients who may be experiencing violence and abuse in their personal relationships. Whether the client has specifically turned to you for assistance, or the issue has come up in the course of addressing another matter, this guideline can be used by all service providers as a supplement to departmental policies and procedures.

How a service provider responds to a client, and the rapport between them, is critical to whether or not they will be able to build the trust necessary for the client to disclose and begin to address the abuse and violence in her life. Therefore, it is imperative that the service provider be able to validate the client’s experience of violence and recognize the impact that it has had on her.

1. Follow the legal requirements

Informed, voluntary, written consent must be obtained from the client with regard to all interventions. Any information provided by and/or relating to the client is confidential and can only be disclosed in accordance with the law. You should be familiar with your own departmental policies in relation to the *Right to Information and Protection of Privacy Act* (RTIPPA) and *Personal Health Information Privacy and Access Act* (PHIPAA). Some departments have specific legislation that allows disclosure notwithstanding RTIPPA.

Make sure that the client understands that you have a responsibility under the *Family Services Act* to report to Child Protection Services when children are exposed to abuse in their home or are being directly abused.

The messages you want to convey: For the client’s protection and your own, you are required to follow the law with respect to limited necessary disclosure and protection of personal information.

2. Be safe

The safety of clients and service providers is paramount. Do not discuss issues to do with abusive relationships with clients in the presence of the suspected perpetrators. Find a private location to meet with the client if necessary, but do not meet outside of your workplace.

For more information refer to Chapter 2, Exploring Woman Abuse.

The messages you want to convey: Sexual assault, physical assault, and other forms of abuse such as stalking are criminal offences. While not all forms of abuse are criminal offences, all forms of abuse are serious. The client should be encouraged to seek support regardless of the type of abuse she has experienced. The client's safety and that of any children she may have is the most important issue.

3. Be practical

Be honest about what you can and cannot do based on your role as a service provider. Ask the client if she is getting help to access the services she needs. If not, provide her with referrals to supports and services that you do not provide, always respecting what she wants or does not want to do. See Community Resources, in Chapter 12.

Ensure that you have answered all of her questions, provide her with resource information and keep the door open to future communication.

Get the advice and support of your supervisor if you are in doubt about anything.

The messages you want to convey: Help is available to her and her children. You have some responsibilities and some limits in your position, but you are able to connect her with other services in the system.

4. Be non-judgmental

Clients come from diverse backgrounds including ethnic and cultural differences and disabilities. Your approach and response to her can make an important difference to a woman's ability to talk to

you comfortably. Service providers must be aware of their own assumptions, biases and personal perspectives to ensure that they do not interfere with maintaining a respectful manner towards the client. When assisting a client and hearing of her experiences, do not draw conclusions or make assumptions about a woman based on what you think you might know about her or her experience. Respectfully ask questions to better understand her personal experiences keeping in mind that "Why?" questions often imply judgment.

Avoid gender-specific pronouns and say 'partner' until you know how the client refers to their partner. Intimate partner violence is not just a heterosexual phenomenon. Lesbian, gay, transgender and bisexual (LGTB) clients may also be abused. They will more easily disclose their experience of violence if they perceive you as accepting of their sexual orientation.

For more information refer to Chapter 2, Exploring Woman Abuse.

The messages you want to convey: It is okay for her to talk to you about these things because you can handle it both personally and professionally. You will not judge her. It is safe for her to talk to you about these things because this kind of conversation is supported by the Woman Victims of Abuse Protocols.

5. Be respectful

Respect the client's self-determination and control over her own decision-making and provide enough information to assist her in making these decisions.

Be patient as the client may not know what her options are or what she wants to do. She may not even name what she is experiencing as abusive or violent. She may not know what to do.

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 when she is ready.

The messages you want to convey: You respect her ability to do what is best for her and her children and to make her own decisions. You will be honest with her and you will help by providing her with the information she needs.

6. Be compassionate and supportive

When assisting a client who has experienced violence, inform her that she is not alone and is not to blame. While ensuring that the client is always the focus of any intervention, acknowledge that the responsibility for the violence lies with the abuser.

If you are her first point of contact to services, reassure her that she is taking care of herself by talking to you.

The messages you want to convey: She is not the cause of her abuse. Violence is never okay. She is not alone.

13.4 Appendix D - Creating a Safety Plan

13.4.1 Safety Planning for Abused Women: *The Role of Service Providers*

In most domestic violence cases the violence escalates over time. Research has also shown that the violence often escalates after separation. Having a safety plan or a strategy for staying safe whenever a risk of harm is identified can increase the safety of an abused woman and her children.

Service providers assisting women to make safety plans should understand that personal safety is the paramount concern in any situation. If she is in danger, she should leave immediately, if possible.

The role of service providers should be to explore the different options with an abused woman. She will have a sense of her own safety requirements and these must be explored and incorporated into her safety plan.

It is important for service providers working with abused women to know that there is no “one size fits all” safety plan. Each safety plan should be tailored to the unique situation of the particular abused woman and what she needs to feel safe. Encourage her to hide her safety plan or leave it with a trusted person to avoid an abusive partner finding it. Her safety should never be compromised.

Assisting abused women to prepare their safety plans requires that service providers be aware of the unique barriers that some women may face and address these barriers. For example, rural women, immigrant women, disabled women, illiterate women, Aboriginal women, and impoverished women, to name a few, have specific concerns that need to be addressed and incorporated into each individual's safety plan. Gaps in available services need to be identified and alternatives provided, if possible.

The following documents “Safety in an Emergency” and “My Children's Safety Plan” are helpful tools when considering safety planning. They can be copied and used by service providers when working with a woman or provided to a woman to be completed on her own.

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13.4.2 Safety in an Emergency

Some abused women have to leave the home they share with the abusive partner during a violent incident. Try to plan ahead for leaving in an emergency. Even if you are not planning to leave your partner, it is important to have an emergency safety plan for leaving in case the violence escalates and you have to get out quickly. In order to increase safety during a violent incident, here are some strategies for you to consider:

1. It may not be safe to inform my partner that I am leaving.
2. What are the possible escape route(s) from my home? What doors, windows, elevators, stairwells, or fire escapes could I use: _____

3. Should I need to leave quickly, it would be helpful for me to have some emergency cash, an extra set of house and car keys and extra clothes. I will leave these things with _____
_____, and _____
4. I can keep my purse/wallet and keys handy, and always keep them in the same place (_____), so that I can locate them easily if I need to leave in a hurry. I can also have a second set of keys made in case my (ex) partner takes the first set.
5. It may be helpful to have a code word to use with my children or other family members if I should need them to call for help.
My code word is _____.
6. My children's safety is central to my safety plan. I will prepare them for getting to safety when I use the code word with them.
7. If it is safe for me, I could tell the following people about the violence and request that they call the police if they suspect I am in danger. _____
8. Safe places that I can go if I need to leave my home:
A place to use the phone: _____
A place I could stay for a couple of hours: _____
A place I could stay for a couple of days: _____
A local transition house: _____

9. During an abusive incident I will try to avoid places in the house where I may be trapped or where weapons are readily available. Bigger rooms with more than one exit may be safer. The places I would try to avoid are: _____

10. The places I would try to move to are:

11. In abusive situations, women sometimes say or do things that in an equal non-abusive relationship they would not. For some women this involves survival skills such as claiming to agree with abuser even when it's not true in order to increase safety. On other occasions, women may retaliate against the abuser with violence; however be aware that such actions could lead you to be charged with a criminal offence.

12. Calling the Police can increase safety. Woman abuse is a crime; it is against the law. If your partner is assaulting you, the Police are mandated to lay a charge of assault.

13. Given my past experience, other protective actions that I might help me to stay safe are:

Things I can do to prepare for Emergency Leaving include:

- a. I will take the time to practice how to get out safely.
- b. If possible, I will teach my children a safety plan specifically for them in these circumstances. (See the fact sheet Safety for Children Witnessing Abuse of their Mother.)
- c. I can open a savings account to increase my freedom to leave. I will make sure to alert the bank not to send any correspondence to my home address.
- d. I can get legal advice from a lawyer who understands woman abuse. I will make certain the lawyer knows not to send any correspondence to my home address. (It is critical to consult with a family lawyer if you have children.) I can contact Legal Aid at _____ to see if I qualify.
- e. I can contact a Transition House at _____ or Domestic Violence Outreach office at _____ (both are listed in the front of the telephone book with other crisis numbers or in chapter 12 of the Woman Victims of Abuse Protocols). I can seek safe shelter and support by calling one of these numbers.

- f. I can keep change for phone calls on me at all times. I must be careful if I am using a telephone credit card because my (ex) partner could see the numbers I have called on next month's telephone bill. To keep telephone communications confidential, I can use a pay phone, a friend's phone, or a friend's calling card
- g. These are people that I could ask for assistance:
- money: _____
 - childcare: _____
 - support persons: _____
 - transportation: _____
 - other: _____
- _____
- h. If I need to return home to get personal belongings, I can ask the police whether they are able to come with me and stand by to keep the peace. Depending on the situation and how it might affect my safety and their safety, they may not be able to do this.
- i. I will make copies of important documents. I will pack a bag that has copies of these documents and try to keep it stored outside the house. I may pack other items that are important to me. Keeping them all together in one location makes it much easier if I have to leave in a hurry.
- *identification for myself*
 - *children's birth certificates*
 - *protection order papers/ documents*
 - *my birth certificate*
 - *social insurance cards*
 - *immigration papers*
 - *school /vaccination records*
 - *jewellery*
 - *money*
 - *chequebook, bank book/cards*
 - *credit cards*
 - *keys - house/car/office*
 - *Indian status card,*
 - *Children's status cards*
 - *driver's license and registration*
 - *medications (for you and children)*
 - *passports*
 - *health cards*
 - *medical records*
 - *divorce/separation papers*
 - *lease, mortgage and insurance*
 - *address book*
 - *pictures/photos*
 - *children's favourite toy/blankets*
 - *items of special sentimental value*

- j. I can keep my important documents and items at _____.
- k. If I have pets that may be at risk of abuse or neglect when I leave, I will contact the nearest transition house or domestic violence outreach office and ask them to help me get my pet in the Safe For Pets Too program. This service provides temporary shelter for pets of abused women up to 30 days.
- l. Telephone Numbers I Need to Know:
For safety reasons it may be necessary to keep these telephone numbers hidden (but accessible!) and/or memorize the numbers:
- *Police Department:* _____
 - *Transition House:* _____
 - *Domestic Violence Outreach:* _____
 - *Counselling:* _____
 - *Chimo Help Line (24 hours) 1-800-667-5005*
 - *Lawyer:* _____
 - *Work:* _____
 - *Minister/Rabbi/Priest/Elder:* _____
 - *Other:* _____
- m. Other protective actions I could consider are: _____

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13.4.3 Safety for Children Witnessing the Abuse of their Mothers

What is a safety plan for children?

A safety plan for children means giving them a simple, concrete strategy that will help prepare them to deal with a dangerous situation and get to safety.

This safety plan is based on the belief that the most important thing that children can do for their mothers and their families is get out of harm's way!

Children cannot stop the abuse, although they often try by distracting the abuser or directly interfering in the abusive episode. By doing that, they could get hurt.

It is important to tell your child that the best and most important thing for him or her to do is keep themselves safe.

Here are some strategies to help you develop a safety plan with your child(ren).

1. Have your child identify a safe room/place in the house, preferably with a lock on the door, and a phone. The first step of any plan is for the children to get out of the room where the abuse is occurring.
2. Stress the importance of being safe. Share key messages with them. Explain that the abuse is not their fault and it is not their responsibility to make sure that their mother is safe.
3. Teach the child how to call for help. It is important to explain that the child should not call for help in view of the abuser. This puts them at risk.
4. Teach them how to contact police at the emergency number - 911.
5. Ensure that the child knows their full name and address (rural children may need to know their Concession and Lot#).
6. Rehearse what they will say. In the case of young children it should be simple yet specific, i.e. "someone is hurting mommy".
7. It is important for children to leave the phone off the hook after they are done talking. The police will call the number back if the child hangs up. This could create a dangerous situation for you and the child.
8. Teach the child about safe places to go such as a friend's or grandparent's house. If appropriate teach them the Neighbourhood Block Parents and how to use them.
9. Have a code word that the children know means to leave and get help.

It is important to help children and youth learn ways to protect themselves. Children who experience woman abuse can be profoundly affected. It is very traumatic for them to be faced with violence directed at them or at someone they love.

Personal safety is extremely important and safety planning is always necessary for children whose families are experiencing violence.

My Children's Safety Plan

This is your child's own personal safety plan.

Key Messages to Tell Your Child....

1. You are not to blame for the abuse.
2. You must not put yourself in danger
3. Abuse is very dangerous, and it is against the law.
4. If you have a safe place, go there when the abuse is happening.
5. You are not responsible for your mother's safety, but you may be able to get help.
6. If you can get to a phone in your own house, a neighbour's house, or a pay phone, you can call for help.

Here's what to do when you call for HELP:

Dial: 9 1 1

Someone will answer and say: "POLICE, FIRE, AMBULANCE"

You answer: Police

Then say:

My name is _____.

I am _____ years old.

I need help. Send the police. Someone is hurting my mom.

The address here is _____.

The phone number here is _____.

It may not be safe for you to stay on the phone. If it is not safe tell the person that and just put the phone down.

DO NOT HANG UP. If you hang up, the police may call you back.

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13.5 Appendix E - Terms of Reference for Regional Family Violence Networks

Resource based network to address the needs of women who experience violence and abuse in their personal relationships.

This latest edition of the Woman Victims of 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 was 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 reinforced following the launch of the last (2004) Woman Abuse Protocols. Currently, there are 14 regional family violence networks in New Brunswick which each function in their own unique manner.

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 and 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:

- respect the mandates and roles of partners;
- exemplify integrity, trust and competence;
- are honest 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 time frames 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
- 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 Victims of 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 interdisciplinary/inter-agency network with equal participation of all representatives. 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 departmental signatories of the Woman Victims of Abuse Protocols including:

- Social Development (Income Assistance Case Manager, Child Protection Social Worker, Family Enhancement Social Worker, Housing Program Officer)
- Justice (Prosecutions, Court Services)
- Education and Early Childhood Development (Guidance Counselor or Student Counselling Services)
- Public Safety (Police, Victim Services, Probation, Correctional Services)
- Post-Secondary Education, Training and Labour (Employment Programs)
- Health (Public Health, Addiction and Mental Health, Health Authorities)

Government departments need to identify their most appropriate participant(s) and level of participation.

Representatives from other areas/agencies can also be included as well as participants that the team believes would best serve the interests of the local community, such as;

- local transition house or shelter;
- domestic violence outreach services;
- private counselling service providing services to women and/or abusive men;
- child and family services agencies;
- First Nations;
- crisis intervention services;
- multicultural agency;
- survivors and secondary survivors;
- community members;
- universities and colleges.

In the event that the regional network is providing consultation to service providers regarding a specific situation or case, as described in the Objectives, 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 select their Chairperson.
- Leadership of the network may rotate through the team members.
- Network members will be responsible to represent their respective agency/department and to share information as appropriate.
- The network chairperson will be responsible for preparation of agendas and recording of its decisions.
- A secretary will be determined by the network members and could be rotational, if desired.

13.6 Appendix F - Legislative Provisions

Criminal Code

The *Criminal Code* includes several sections which may 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 apply.

Assault

According to the definition of “assault” in the *Criminal Code*, a person commits an assault when:

1. without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
2. 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
3. while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

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 - with a Weapon or causing Bodily Harm

Aside from assault, there is an offence known as assault with a weapon or assault 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 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 if it is of a relatively minor nature and carries a maximum \$2,000.00 fine, 6 months imprisonment or both. 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 determination of the honesty of the accused’s belief, to consider the presence or absence of reasonable grounds for that belief.

Case law indicates that there can be no legally recognized consent 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 current law relating to self-defence is set out in sections 34 and 35 of the *Criminal Code*. It has been made more simple to apply than past versions of the law. Under the new section 34, persons will not be guilty of an offence if:

- they believe on reasonable grounds that force, or a threat of force, is being used against them or another person;
- the actions that constitute the offence are committed for the purpose of defending or protecting themselves or the other person; and
- the act committed is reasonable in the circumstances.

This test has mixed subjective and objective elements: a person must believe that he or she is under threat (subjective test) and this belief must be reasonable in the circumstance (objective test).

“Reasonableness” is assessed using a non-exhaustive list of factors that includes:

- the nature of the force or threat;
- the extent to which the use of force was imminent and whether there were other means available to respond to the potential use of force;
- the person’s role in the incident;
- whether any party to the incident used or threatened to use a weapon;
- the size, age, gender and physical capacities of the parties to the incident;
- the nature, duration and history of any relationship between the parties, including any prior use or threat of force and the nature of that force or threat;
- any history of interaction or communication between the parties to the incident;
- the nature and proportionality of the person’s response to the use or threat of force; and
- whether the act committed was in response to a use or threat of force that the person knew was lawful.

Self-defence also applies in cases of defence of property. Section 35 states that a person will not be guilty of an offence if he or she:

- believes on reasonable grounds that he or she is in peaceable possession of property or that they are acting under the authority of, or lawfully assisting, a person whom they believe on reasonable grounds is in peaceable possession of property;
- believes on reasonable grounds that another person:
 - is about to enter, is entering or has entered the property without being entitled by law to do so,
 - is about to take the property, is doing so or has just done so, or
 - is about to damage or destroy the property, or make it inoperative, or is doing so;
- commits the act that constitutes the offence for the purpose of:
 - preventing the other person from entering or removing the person from the property, or
 - preventing the other person from taking, damaging or destroying the property or making it inoperative, or retaking the property from that person; and
- the act committed is reasonable in the circumstances.

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 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 had the specific intent 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 defence is available to a person who on reasonable grounds believes force is being used or threatened against them and they act to defend themselves or to protect another person from the force or the threat of force. The act of defence or of protection must in the totality of the circumstances be reasonable. The “reasonableness” of the act of defence or of protection is assessed using a multitude of factors set out in the *Criminal Code*, which include a consideration of the imminence of the force or threat and a consideration of any relationship history between the two persons. This defence is also available to a person who acts in defence of their property from a person who has entered, attempted to enter, damaged or attempted to damage the property, without lawful authority, provided the act is again reasonable in the totality of the circumstances.

The Supreme Court of Canada acknowledges that in certain extreme cases where expert testimony establishes 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 she uses deadly force to protect herself. This is an expansion of a 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 law 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 violence 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 of 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 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.

Prospective Provisions of the *Criminal Code*

Some provisions of the *Criminal Code* are prospective in nature meaning they are intended to prevent criminal behaviour as opposed to the retrospective provisions that apply only after a crime has been committed. Two such prospective provisions are the peace bond application and the firearms prohibition order:

Peace Bond:

A peace bond can be 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.

Procedurally in New Brunswick a peace bond application is made in the presence of a judge by the swearing of an information. This procedure is used despite the fact that the conduct complained of is not an "offence" under the *Criminal Code*. 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 6 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.

In rare situations, with the express consent of the Attorney General a person may apply for a peace bond on the reasonable grounds that another person will commit a "serious personal injury offence". Such an application can be made without naming the person against whom it is feared the offence will be committed. A "serious personal injury offence" is specifically defined in section 752 of the *Criminal Code*. The recognizance ordered can be up to 12 months in duration. If the person subjected to the recognizance has previously been convicted of a serious personal injury offence, the recognizance can be extended up to two years in duration. Other conditions can include firearms prohibition and close monitoring and reporting conditions.

Firearms Prohibition Order:

In the interests of safety, an application may be made to provincial court for an order prohibiting a person from possessing a "firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, or all such things". A peace officer, firearms officer or chief firearms officer may apply to the court for an order if he or she has reasonable grounds to believe it is not safe for a person to possess these items.

Family Services Act

The Minister of Social Services is responsible for the administration of the *Family Services Act* and to intervene when children are living in situations of domestic violence and disabled and elderly persons are being 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 has a disability or is 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 Social Development to intervene if a child's 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 domestic violence" or "the child is living in unfit or improper circumstances". Collaborative approaches, such as family group conferencing and mediation, are considered when developing intervention plans for children. The Minister can place a child in protective care if the security and development of a child cannot be adequately protected by any other means.

Mandatory Reporting

The *Family Services Act* requires any person to inform the Minister of Social Development, without delay, 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, including sexual exploitation through child pornography or otherwise abused.

The Act states that a professional person who fails to comply with this obligation if they have acquired the information in the discharge of their professional responsibilities commits an offence.

"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 or of damage to property. 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. A no-contact provision 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.

