

BILL

No. 144

An Act to amend *The Victims of Domestic Violence Act* and to make a consequential amendment to *The Adult Guardianship and Co-decision-making Act*

(Assented to _____)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Victims of Domestic Violence Amendment Act, 2014*.

S.S. 1994, c.V-6.02 amended

2 *The Victims of Domestic Violence Act* is amended in the manner set forth in this Act.

Long title amended

3 **The long title is amended by striking out “Domestic” and substituting “Interpersonal”.**

Section 1 amended

4 **Section 1 is amended by striking out “Domestic” and substituting “Interpersonal”.**

Section 2 amended

5 **Section 2 is amended:**

(a) **in clause (a):**

(i) **by striking out “or” after subclause (i);**

(ii) **by adding “or” after subclause (ii); and**

(iii) **by adding the following subclause after subclause (ii):**

“(iii) persons who are in an ongoing caregiving relationship, regardless of whether they have lived together at any time”;

(b) **by repealing clause (d);**

(c) by adding the following clause after clause (e):

“(e.1) ‘interpersonal violence’ means:

- (i) any intentional or reckless act or omission that causes bodily harm or damage to property;
- (ii) any act or threatened act that causes a reasonable fear of bodily harm or damage to property;
- (iii) forced confinement;
- (iv) sexual abuse;
- (v) harassment; or
- (vi) deprivation of necessities”;

(d) in clause (g) by striking out “domestic” and substituting “interpersonal”; and

(e) in clause (i) by striking out “domestic” and substituting “interpersonal”.

Section 3 amended

6 Subsections 3(1) to (3) are repealed and the following substituted:

“(1) An emergency intervention order may be granted without notice by a designated justice of the peace if that designated justice of the peace determines that:

- (a) interpersonal violence has occurred; and
- (b) by reason of seriousness or urgency, the order should be made without waiting for the next available sitting of a judge of the court in order to ensure the immediate protection of the victim.

“(2) In determining whether an emergency intervention order should be made, the designated justice of the peace shall consider, but is not limited to considering, the following factors:

- (a) the nature of the interpersonal violence;
- (b) the history of interpersonal violence by the respondent towards the victim or other family members;
- (c) the existence of immediate danger to persons or property;
- (d) the best interests of the victim and any child of the victim or any child who is in the care and custody of the victim;
- (e) the exposure of any child to interpersonal violence;
- (f) a recent change in circumstances for the respondent such as loss of employment or release from incarceration;
- (g) controlling behaviour by the respondent;
- (h) a particular vulnerability of the victim.

“(2.1) In determining whether an emergency intervention order should be made, the following factors must not preclude a designated justice of the peace from making the order:

- (a) whether an order pursuant to this Act or other order of the court, or a restraining order or other order of any other court ordering the respondent not to contact or communicate with the victim, has been granted previously;
- (b) whether the respondent has previously complied with an order pursuant to this Act or other order of the court, or a restraining order or other order of any other court ordering the respondent not to contact or communicate with the victim;
- (c) whether the respondent is temporarily absent from the residence at the time of application for an order;
- (d) whether the victim is temporarily residing in an emergency shelter or other safe place;
- (e) whether criminal charges have been or may be laid against the respondent;
- (f) whether the victim has a history of returning to the relationship or of cohabiting with the respondent after occurrences of interpersonal violence.

“(3) An emergency intervention order may contain any or all of the following provisions:

- (a) a provision granting the victim and other family members exclusive occupation of the residence, regardless of ownership;
- (b) a provision directing a peace officer to remove, immediately or within a specified time, the respondent from the residence;
- (c) a provision directing a peace officer to accompany, within a specified time, a specified person to the residence on one occasion to supervise the removal of personal belongings in order to ensure the protection of the victim;
- (d) a provision restraining the respondent from communicating with or contacting the victim and other specified persons through any form of communication, including electronic communication;
- (e) a provision restraining the respondent from attending at or near or entering any specified place that is attended regularly by the victim or other family members, including the residence, property, business, school or place of employment of the victim or other family members;
- (f) any other provision that the designated justice of the peace considers necessary to provide for the immediate protection of the victim”.

Section 7 amended**7 Subsection 7(1) is repealed and the following substituted:**

“(1) If, on application, the court determines that interpersonal violence has occurred, the court may make a victim’s assistance order containing any or all of the following provisions:

- (a) a provision granting the victim and other family members exclusive occupation of the residence, regardless of ownership;
- (b) a provision restraining the respondent from attending at or near or entering any specified place that is attended regularly by the victim or other family members, including the residence, property, business, school or place of employment of the victim or other family members;
- (c) a provision restraining the respondent from making any communication likely to cause annoyance or alarm to the victim, including personal, written, electronic or telephone contact with the victim and other family members or their employers, employees or co-workers or others with whom communication would likely cause annoyance or alarm to the victim;
- (d) a provision directing a peace officer to remove the respondent from the residence within a specified time;
- (e) a provision directing a peace officer to accompany, within a specified time, a specified person to the residence on one occasion to supervise the removal of personal belongings in order to ensure the protection of the victim;
- (f) a provision requiring the respondent to pay the victim compensation for monetary losses suffered by the victim and any child of the victim or any child who is in the care and custody of the victim as a direct result of the interpersonal violence, including loss of earnings or support, medical and dental expenses, out-of-pocket losses for injuries sustained, moving and accommodation expenses, legal expenses and costs of an application pursuant to this Act;
- (g) a provision granting either party temporary possession of specified personal property, including a vehicle, chequebook, bank cards or other banking instruments, children’s clothing, medical insurance cards, identification documents, keys, passwords or other necessary personal effects;
- (h) a provision restraining the respondent from taking, converting, damaging or otherwise dealing with property that the victim may have an interest in;
- (i) a provision recommending that the respondent receive counselling or therapy;
- (j) a provision requiring the respondent to post any bond that the court considers appropriate for securing the respondent’s compliance with the terms of the order;
- (k) any other provision that the court considers appropriate”.

Section 11 amended

8 Subsection 11(1) is amended in the portion preceding clause (a) by adding “or affirmation” after “on oath”.

S.S. 2000, c.A-5.3, section 13 amended

9 Subclause 13(1)(e)(v) of *The Adult Guardianship and Co-decision-making Act* is amended by striking out “*The Victims of Domestic Violence Act*” and substituting “*The Victims of Interpersonal Violence Act*”.

Coming into force

10 This Act comes into force on assent.

FOURTH SESSION

Twenty-seventh Legislature

SASKATCHEWAN

B I L L

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Violence Act* and to make a consequential
amendment to *The Adult Guardianship
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Received and read the

First time

Second time

Third time

And passed

Honourable Gordon Wyant
