

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK

FAMILY DIVISION

JUDICIAL DISTRICT OF _____

UNDER: *The Family Homes on Reserves and Matrimonial Interests or Rights Act (S.C. 2013, c. 20) and the Emergency Protection Order Regulations (SOR/2014-266)*

BETWEEN:

Applicant (s)

and

Respondent (s)

AFFIDAVIT IN SUPPORT OF APPLICATION FOR EMERGENCY PROTECTION ORDER

I, _____ (full legal name), of _____ (city, town etc.) in the County of _____ and Province of New Brunswick, make oath (or solemnly affirm) and say that the following is true:

1. Family Home (please check all boxes below that apply to your situation)

- I currently live with the abusive partner and we are married spouses or common-law partners.
- In the past, the I lived with the abusive partner as married spouses or common-law partners.
- The family home where I live or lived with the abusive partner is located on _____ (name of First Nations Reserve), for which the *Family Homes on Reserves and Matrimonial Interests or Rights Act* applies.

OR

- I am a police officer, lawyer or another person making this application on behalf of the Applicant.
- The Applicant has given their consent for me to apply for an Emergency Protection Order on their behalf.

(Please answer the following questions and attach a separate sheet(s) if necessary. Write "N/A" if any of the sections do not apply.)

1(a) Applicant (Enter your name and details or those of the person requiring protection):

Full Legal Name	Birth Date (d/m/y)	Address (street & number) (village/town/city) (postal code)	Telephone (work/home/cell/alternate)	E-mail address (if any)

During your life, **you** have also been known by the following name(s):

1(b) Your Lawyer or person acting on your behalf:

Lawyer/Law Firm or Name of person acting for Applicant	Relationship of person Acting for Applicant	Address for service of court documents (street & number) (village/town/city) (postal code)	Telephone (work/home/cell/alternate)	E-mail address (if any)

1(c) Respondent (Enter the name and details of the abusive partner):

Full Legal Name of Respondent	Birth Date (d/m/y)	Address for service of court documents (street & number) (village/town/city) (postal code)	Telephone (work/home/cell/alternate)	E-mail address (if any)

During their life, the **Respondent** has also been known by the following name(s):

1(d) Lawyer for Respondent (if known)

Name of Lawyer acting for the Respondent	Name of Lawyers' Law Firm	Address for service of court documents (street & number) (village/town/city) (postal code)	Telephone (work/cell and Fax number if any)	E-mail address (if any)

2. The following people (including children) usually live in the family home on the _____ First Nation reserve:

Person's Full Legal Name	Birth Date (d/m/y)	Your relationship to the person	Abusive partner's relationship to the person	Member of the same First Nation Reserve	Are you or the abusive partner this person's caretaker?

3. The following other people have interests or rights in the family home:

Person's Full Legal Name	Birth Date (d/m/y)	Type of Interest or Right

4. I have been in a marital/common-law relationship with the Respondent since (approximately) _____ for a total of _____ years and/or _____ months.
(day/month/year)

5. I have lived in the family home on the _____ First Nation Reserve for _____ years and/or _____ months.

6. Describe the most recent time you or your children with the Respondent experienced family violence from the Respondent (include dates and locations):

7. Was there a weapon involved? yes no **If yes, what kind of weapon?** _____

8.(a) Are you concerned about the Respondent's access to firearms? yes no
If yes, please explain why you are concerned:

9(a) Describe any other time someone else who usually lives in the family home experienced family violence from the Respondent (include dates and locations):

9(b) Did any children witness this family violence? yes no

If yes, which children? _____

What did they see? _____

When did they see it? _____

9(c) Have the police ever been called about the family violence from the Respondent?

yes no

If yes, how many times? _____

When were they called? (day/month/year): _____

9(d) Did the Police charge the Respondent with any crime? yes no

If yes, was the Respondent convicted and fined or jailed? _____

9(e) Have you ever had to get medical care because of family violence from the Respondent?

yes no

If yes, describe those injuries: _____

10(a) Describe why you believe that the family violence will continue:

10(b) Describe why you believe you or someone in the family home needs protection on an emergency basis:

10(c) Describe why you fear for the immediate safety of the children or another person usually living in the family home:

10(d) Describe why you fear for the immediate risk of danger to property: _____

10(e) Do you believe another person other than the Respondent needs to be removed from the family home? yes no

If yes, enter the name of the person and their relationship to you, and describe why they need to be removed: _____

11. Emergency Protection Orders can be granted for a maximum of 90 days. Are you asking for this maximum length? yes no

If yes, describe why: _____

If no, how long are you requesting the Emergency Protection Order to be in place? _____ (days)

12. Have you ever applied for an emergency protection order before (including in another province)? yes no

If yes, on what dates and what was the result? _____

13. Has the Respondent ever been ordered by the Police or a Court to stop contacting you or another person who usually lives in the family home? yes no

If yes, list the details of these orders: _____

14. List all criminal court cases or orders involving the Respondent and you, your children or another person who usually lives in the family home: _____

15. List all conditions of any release from a hospital or parole from jail against you where the Respondent was the victim, or against the Respondent where you were the victim:

16. Describe any other emergency protection orders, or similar orders, relating to family violence by or against you or the Respondent:

17. List the details of any family law order concerning child custody or access between you and the Respondent or any separation agreement between you and the Respondent:

18. List the details of any family law order concerning child protection between you and the Respondent:

19. I am requesting that this application be kept confidential pursuant to section 19 of the *Family Homes on Reserves and Matrimonial Interests or Rights Act*.

yes no

I make this statement conscientiously and in good faith, in support of this application. I understand that it is an offence to knowingly make a false statement under oath.

SWORN TO (or SOLEMNLY)
AFFIRMED))
)
before me)
)
at _____)
)
in the Province, State or Country)
)
of _____)
)
this _____ day)
)
of _____ , 20____.)
)
)
_____)
A Commissioner of Oaths /)
Notary Public (if outside)
New Brunswick))

Applicant's Signature / Person Acting on Behalf of
the Applicant (**circle one**)