

PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR

Specialty Court Application Process

P.N. (PC) No. 2015-03

Specialty Court Process – St. John’s & Stephenville

ISSUED: October 1, 2015

The following practice note is issued consistent with Rule 6 of the Rules of the Provincial Court of Newfoundland and Labrador in Criminal Proceedings and Section 720(2) of the Criminal Code of Canada.

BACKGROUND

The Domestic Violence Court is a specialized criminal justice court which in law operates in the same manner as traditional criminal justice courts, but is administered in a manner that attempts to better serve victims of domestic violence, hold offenders more accountable and reduce rates of recidivism. Such specialized courts were established in recognition that violence involving family members is different than violence between strangers or acquaintances. Domestic violence courts can support victim safety and offender accountability and change the cycle of relationship violence and the intergenerational nature of violence in the family, thereby contributing to the health and well-being of individuals and families.

The Domestic Violence Court sits in St. John’s two Wednesday afternoons a month and in Stephenville on alternate Wednesday afternoons of the same month.

APPLICATION REQUIREMENT

Only those persons who wish to transfer to the Domestic Violence Court from courtrooms other than first appearance court must make an application to the Domestic Violence Court.

All applications must be made within a reasonable time.

ACTION:

To accommodate the application requirement, the following process will be instituted:

1. When a matter is called and the accused indicates a desire to have the case transferred to Domestic Violence Court, and an application has been filed, the presiding Judge will adjourn the matter until the next available date in Domestic Violence Court to have the merits of the application considered by the Court.
2. Applications should be filed and registered with the Criminal Division.
3. The application shall take the form of the application attached to this Practice Note as Schedule "A".

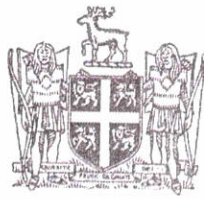


Chief Judge Pamela Goulding
Provincial Court of Newfoundland and Labrador



Wilma MacInnis
Director of Corporate Services
Provincial Court of Newfoundland and Labrador

SCHEDULE "A"
APPLICATION TEMPLATES



Application No: _____

PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR

BETWEEN:

HER MAJESTY THE QUEEN

and

(Applicant's Name)

NOTICE OF APPLICATION

*(Rules of the Provincial Court of Newfoundland and Labrador
in Criminal Proceedings, Form 1)*

TAKE NOTICE that an application will be brought at _____ on the _____ day of _____, 20__, in Courtroom # _____, for an order granting:

That the charges listed below be transferred from Courtroom # _____ to Domestic Violence Court, pursuant to section 720(2) of the *Criminal Code of Canada* and Rule 6 of the *Rules of the Provincial Court of Newfoundland and Labrador in Criminal Proceedings*.

THE GROUNDS FOR THIS APPLICATION ARE:

1. That the applicant is charged pursuant to section(s) _____
_____ of the *Criminal Code of Canada*, alleged to have occurred on or about the _____ day of _____, 20__, at or near _____ in the Province of Newfoundland and Labrador, which charge(s) is (are) currently on the docket of Courtroom # _____.
2. That the applicant desires to explore the possibility of being admitted into the Domestic Violence Court.
3. That the Crown consents to this application.
4. That the applicant is, at present, unaware of any reason why the applicant might be precluded from admission into the Domestic Violence Court.
5. Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE RELIEF SOUGHT IS:

- (a) The transfer of the above noted charge(s) to Domestic Violence Court, pursuant to section 720(2) of the *Criminal Code of Canada* and Rule 6 of the *Rules of the Provincial Court of Newfoundland and Labrador in Criminal Proceedings* to determine the merits of the application.
- (b) Such further and other relief as this Honourable Court may permit.

THE APPLICANT MAY BE SERVED WITH DOCUMENTS PERTINENT TO THIS APPLICATION

1. By service in accordance with Rule 5, at the following address:

Dated at _____ Newfoundland and Labrador this ____ day of _____, 20 ____.

Signature of Applicant or Counsel



PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR

BETWEEN:

HER MAJESTY THE QUEEN Respondent

and

Applicant

ORDER

Upon Hearing _____, counsel for the accused, and
_____, counsel for the Crown,

And after Considering the material filed in support of the application for transfer of the within proceedings to Domestic Violence Court,

It is this day Ordered that the charge(s) listed on the application be transferred to Domestic Violence Court.

Dated at St. John's, Newfoundland and Labrador this ____ day of _____, 20____.

Provincial Court Judge