

Domestic Violence Court

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The DVC is a therapeutic court that addresses domestic violence and offers the Domestic Violence Court Treatment Option. The DVC Treatment Option allows those who are willing to take responsibility for their actions, who elect to plead guilty, and who will receive a non-incarceratory sentence, to complete a counseling program for domestic violence and address any substance abuse problems they may have.

Individuals will not be sentenced until after they have had a chance to complete the DVC Treatment Program, and if they meet the requirements of the DVC Treatment Option, the individual will receive a reduced sentence. Participation in the DVC Treatment Option is voluntary, and individuals have the right to plead not guilty, or to choose not to participate in the DVC Treatment Option. Individuals who do not participate in the DVC Treatment Option will proceed as they would through the regular court system.

For the purposes of the DVC, domestic violence is defined as any use of physical force, actual or threatened, in an intimate relationship. It may include a single act of violence or a number of acts forming a pattern of abuse. Abuse may include and is not limited to: physical abuse, emotional abuse, psychological abuse, criminal harassment (stalking), or threats to harm children, other family members, pets and property. Additionally, charges related to the violation of bail, probation, conditional sentences or other court orders made in domestic violence cases will be referred to DVC. However, DVC does not deal with sexual assaults.

An intimate relationship is defined as a relationship between opposite-sex or same-sex partners. These relationships vary in duration and legal formality and include: current and former dating relationships, current and former common-law relationships, current and former married relationships, and persons who are the parents of one or more children (regardless of their marital status or whether they have lived together at any time).

Benefits

The benefits of the DVC Treatment Option include, but are not limited to, the following:

- Getting early treatment is a positive step towards ending the cycle of violence;
- Getting help now may lead to better relations with your partner and other family members;
- Meeting the requirements of the DVC Treatment Option is something the judge will consider when he or she sentences you. You will receive a lighter sentence than you would without treatment;
- You will have access to professional help to deal with other issues, such as substance abuse;
- Your treatment team will support you through the process;
- The domestic violence programs use a variety of ways to help you recognize and change controlling/abusive behavior;
- The domestic violence programs recognize cultural differences and individual needs.

Eligibility

Participation in the DVC Treatment Option is open to all adult accused who are charged with domestic violence and are referred, by the Crown, to the Domestic Violence Court Treatment Option. Participants must acknowledge responsibility for their actions by entering a guilty plea and their participation must not pose a risk to public safety. Approximately a third of those who are charged with domestic violence will not be referred to the Domestic Violence Court because the violence involved is too repetitive and extreme, and the Crown will be seeking a significant jail term.

The following are some of the criteria considered by the Crown when determining eligibility:

- The severity of the offence;
- Past compliance or non-compliance with Court orders;
- Past compliance with Corrections Public Safety and Policing; and
- Obvious factors that would result in a negative assessment.

The following are some of the criteria considered by probations during an assessment:

- The acceptance of responsibility by the accused;
- The ability of the accused to attend weekly treatment sessions for several months;
- No other charges pending that involve violence;
- What programming the accused has participated in previously;
- Language and other barriers; and
- No psychiatric or psychological issues that would prevent participation in the program.

How It Works

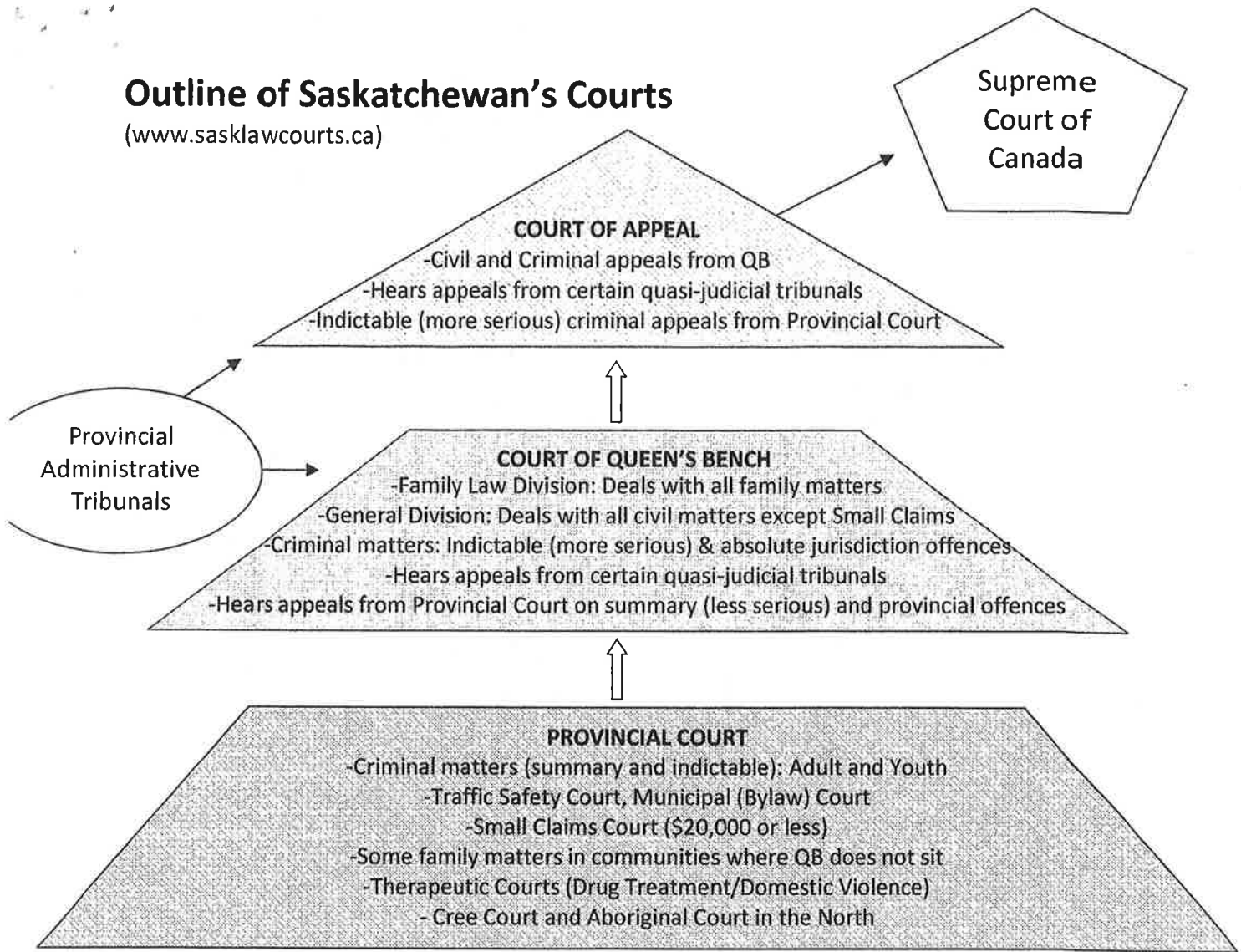
The DVC Treatment Option is voluntary. To participate, individuals must:

- Accept responsibility for the offence by signing an agreed statement of facts and enter a guilty plea (you will have the opportunity to contact a lawyer before choosing how to deal with your charges);
- Meet with Probation Services to participate in an assessment process, and make sure the DVC Treatment Option is suitable to you (after pleading guilty your case will be adjourned for approximately 6 weeks to allow you to do this);
- Waive the right to immediate sentencing and agree to abide by the terms of the program;
- Agree to attend an approved treatment program, and complete domestic violence and, if needed, substance abuse programming;
- Attend approximately 20 weekly sessions (generally 2 to 2 ½ hours in length), however these vary depending on the Court, Program and offender;
- Agree to participate and abide by group rules and expectations;
- Report back to the court as directed;
- Agree that the victim can receive information about your attendance and general involvement in the program;
- Meet the requirements of the DVC Treatment Option.

Successful completion of treatment will be reflected in sentencing. Participants who fail to follow the treatment program will be sentenced by the court accordingly.

Outline of Saskatchewan's Courts

(www.sasklawcourts.ca)





Court of Appeal for Saskatchewan: This is the final Court of Appeal for the province. It consists of the Chief Justice of Saskatchewan, 6 judges and a number of supernumerary (semi-retired) judges who are appointed by the federal government under s. 96 of the *Constitution Act, 1867*. The Court handles appeals only and does not conduct trials or re-hearings.

Court of Queen's Bench for Saskatchewan: The Court consists of the Chief Justice and 32 additional full-time judges (as well as a number of supernumerary, or semi-retired judges) who are appointed by the Federal Government. The judges sit on a rotating basis throughout 11 Judicial Centres in the province. It holds jury trials for both civil and criminal matters. The Family Law Division deals with all family law matters including: separation and divorce, custody and access, child support, spousal support, maintenance enforcement and variation applications.

Provincial Court of Saskatchewan: The Court has civil and criminal jurisdiction defined by Federal and Provincial Statutes. It consists of the Chief Judge and 49 additional judges (as well as a number of temporary/relief judges) appointed by the Provincial Government. Court is conducted throughout the province from 13 permanent court offices located in major towns and cities, as well as almost 70 additional circuit court points. The Court hears summary conviction matters and indictable offences in the absolute jurisdiction of the Court or where the accused has elected to be tried by a Provincial Court judge. Some family law matters are heard here, but usually only in communities where Queen's Bench does not sit.

Criminal Law





Criminal Case
An individual is accused of breaking the law.







Theft **Mischief** **Robbery** **Trafficking**




Regina
Crown approves charge

vs.



Accused
person charged




Decision is based on the Crown proving beyond a reasonable doubt that the accused is guilty.


Provincial Court Trial

Preliminary Inquiry
serious cases

Queen's Bench Court Trial



Provincial Court Judge



Judge or Judge and Jury

Not Guilty

Guilty







Sentence


Civil Law



Civil Case
Two individuals or groups can't come to an agreement.







Personal Injury **Contract** **Divorce** **Contested Will**




Plaintiff
starts case

vs.




Defendant
person sued



Decision is based on the balance of probabilities, which means that the side with the more probable evidence succeeds.

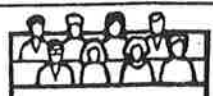
Pre-trial Conference

\$ Pre-trial Settlement



Judge alone

Trial




Judge and Jury

or

Liable

Not Liable



Judgment