

IN THE TERRITORIAL COURT OF YUKON

PRACTICE DIRECTION #10

*Domestic Violence Cases
Domestic Violence Treatment Option Court
Whitehorse*

On occasion, domestic violence cases (other than trials) end up in a court other than the DVTO Court. The treatment professionals and probation officers may be unable to attend and, as a result, decisions may be made with incomplete information. The following directive is intended to minimize these occurrences:

Whitehorse

1. With the cooperation of the RCMP, all first appearances of domestic violence cases should be in DVTO Court (bail hearings excepted).
2. All cases will normally remain in DVTO Court until a “not guilty” plea is recorded. Upon receipt of a “not guilty” plea, the matter will then be adjourned to the next fix date court for an expedited trial date.
3. Any application to deal with a domestic violence matter outside of DVTO Court, must be made in DVTO Court. If the application is granted, treatment professionals and probation staff will have notice of the new Court date and can be available as required.
4. The trial coordinator and court clerks will require cooperation of counsel to determine whether an Information is a “domestic violence” charge.
5. For the purpose of this directive, domestic violence includes physically or emotionally harmful acts between individuals in **intimate** relationships resulting in criminal charges. It includes violence that occurs in dating and courtship relationships, between current and former spouses and between same sex partners.
6. This practice direction applies only to Whitehorse court sittings (including Kwanlin Dun Court).

Chief Judge Faulkner
March 21, 2006