

*The
Emergency Protection
for Victims of
Child Sexual Abuse
and Exploitation
Regulations*

being

[Chapter E-8.2 Reg 1](#) (effective October 1, 2002).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER E-8.2 REG 1

The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act

Title

1 These regulations may be cited as *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Regulations*.

Interpretation

2(1) In these regulations, “**Act**” means *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act*.

(2) For the purposes of clause 2(o) of the Act, “**person**” means a person 12 years of age or older.

(3) A reference in these regulations to a table is a reference to the table as set out in Part I of the Appendix.

(4) A reference in these regulations to a form is a reference to the form as set out in Part II of the Appendix.

27 Sep 2002 cE-8.2 Reg 1 s2.

Child victim’s bests interests

3 If a justice is required to consider the best interests of a child victim, the justice shall take into account any of the factors set out in section 4 of *The Child and Family Services Act* that are relevant.

27 Sep 2002 cE-8.2 Reg 1 s3.

Prescribed persons

4 The persons set out in Table 1, or members of the classes of persons set out in Table 1, are prescribed persons for the purposes of clause 2(n) of the Act.

27 Sep 2002 cE-8.2 Reg 1 s4.

Emergency protective intervention order

5 For the purposes of sections 7 and 8 of the Act, Form 1 is prescribed as the form of an order.

27 Sep 2002 cE-8.2 Reg 1 s5.

Order for substitutional service

6 For the purposes of section 9 of the Act, Form 2 is prescribed as the form of an order for substitutional service of an order.

27 Sep 2002 cE-8.2 Reg 1 s6.

E-8.2 REG 1 EMERGENCY PROTECTION FOR VICTIMS
OF CHILD SEXUAL ABUSE AND EXPLOITATION

Certificate of service

7(1) If a peace officer serves an order by personal service pursuant to clause 7(6) (a) of the Act or by substitutional service pursuant to section 9 of the Act, service of the order is to be proved by means of a certificate of service.

(2) For the purposes of subsection (1), Form 3 is prescribed as the form of a certificate of service.

27 Sep 2002 cE-8.2 Reg 1 s7.

Proof of service and filing of order

8(1) Service of an order may be proved by filing the order, together with the certificate of service completed by the peace officer who served the order, at the nearest judicial centre.

(2) As soon as is practicable after serving an order, the peace officer who served the order shall forward the order to the court at the nearest judicial centre by any of the following means:

- (a) personal delivery;
- (b) ordinary mail;
- (c) courier;
- (d) fax or any other method of telecommunication that produces a written record.

27 Sep 2002 cE-8.2 Reg 1 s8.

Summons

9 For the purposes of subclause 11(1)(a)(ii) of the Act, Form 4 is prescribed as the form of a summons.

27 Sep 2002 cE-8.2 Reg 1 s9.

Service of summons for rehearing

10(1) If a judge directs a rehearing pursuant to section 11 of the Act with respect to an order that was served pursuant to an order for substitutional service, the summons issued for the rehearing may be served in the same manner as the order was served, unless the judge directing the rehearing directs otherwise.

(2) If a judge directs a rehearing pursuant to section 11 of the Act with respect to an order that was not served pursuant to an order for substitutional service and it is not possible to serve the respondent by personal service before the return date of the summons, the judge directing the rehearing may make any directions respecting service that the judge considers appropriate.

27 Sep 2002 cE-8.2 Reg 1 s10.

Service of judge's order varying or revoking order

11 If a judge varies or revokes an order after a rehearing pursuant to section 11 of the Act or a review pursuant to section 12 of the Act and the respondent is not present in court when the judge's order varying or revoking the order is made, the judge's order varying or revoking the order is to be served on the respondent:

- (a) by personal service; or
- (b) if it is not practicable to serve the respondent by personal service, by any other method that the court may direct.

27 Sep 2002 cE-8.2 Reg 1 s11.

Coming into force

12(1) Subject to subsection (2), these regulations come into force on the day on which section 23 of *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 23 of *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

27 Sep 2002 cE-8.2 Reg 1 s12.

Appendix**PART I
Tables****TABLE 1
[Section 4]****Prescribed Persons - Clause 2(n) of *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act***

An employee or class of employees of any the following organizations if:

- (a) the employee or class of employees is designated in writing by that organization; and
- (b) that organization provides a copy of the written designation to the minister, together with evidence to satisfy the minister that the employee or class of employees is competent and able to properly perform the duties imposed on prescribed persons pursuant to the Act.

Organizations

Mobile Crisis Services Inc.

Prince Albert Outreach Program, Inc.

Saskatoon Downtown Youth Centre Inc.

Saskatoon Tribal Council Urban First Nations Services Inc.

27 Sep 2002 cE-8.2 Reg 1.

PART II
FormsFORM 1
[Section 5]**Emergency Protective Intervention Order***[Sections 7 and 8 of The Emergency Protection for
Victims of Child Sexual Abuse and Exploitation Act]*

To: _____

*[Name of respondent]*_____
*[Address of respondent]*_____
*[Month, Day and Year of Birth of respondent]***1 Take notice that:**On _____, 20_____, at _____, Saskatchewan, an *ex parte*
*[Month, day] [Year] [City, town, etc.]*application was made by _____,
*[Name of applicant]*a peace officer, child protection officer or prescribed person within the meaning of *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act* [*Circle appropriate description*] for an emergency protective intervention order pursuant to section 7 of that Act against you, as respondent, in relation to_____
[“the child victim”].**2** Having heard the application and the evidence in support of the application, I am satisfied that:(a) the child victim is a person of _____ (under 18 years of age);
[Insert age of child victim]

(b) either:

(i) you have sexually abused the child victim; or

(ii) you have had contact with the child victim and there are reasonable grounds to believe that further contact between you and the child victim will result in sexual abuse of the child victim; and

(c) it is necessary to make this order to ensure the immediate protection of the child victim.

3 **I order that:** *[Check where applicable]*

- you must not contact or communicate with the child victim directly or indirectly or attempt to contact or communicate with the child victim directly or indirectly;
 - [Any other provision that the justice considers necessary to provide for the immediate protection of the child victim]:*
-
-

4 This order takes effect immediately and remains in force for _____ days or until the order is revoked or varied by a judge of the Court of Queen's Bench.

5 **YOU MUST OBEY THIS ORDER.**

FAILURE TO OBEY THIS ORDER IS AN OFFENCE UNDER THE *CRIMINAL CODE* AND IS PUNISHABLE, ON CONVICTION, BY IMPRISONMENT FOR UP TO TWO YEARS.

6 You have the right to apply to the Court of Queen's Bench to vary or revoke this order.

7 You should contact a lawyer immediately for advice about your rights and obligations under this order.

Dated at _____, Saskatchewan, this ____ day of _____, 20__ .
[City/town, etc.]

[Signature of Justice of the Peace]

[Justice of the Peace Number]

FORM 2
[Section 6]

Order for Substitutional Service

[Section 9 of *The Emergency Protection for Victims of
Child Sexual Abuse and Exploitation Act*]

In the matter of an application for substitutional service of an emergency protective
intervention order pursuant to *The Emergency Protection of Victims of Child Sexual
Abuse and Exploitation Act* against _____ , respondent
[Name of respondent]

TO: _____ , respondent

1 On _____, 20____ , at _____ , Saskatchewan, an *ex parte*
[Month, day] [Year] [City, town, etc.]

application was made by _____ ,
[Name of applicant]

a peace officer within the meaning of *The Emergency Protection for Victims of Child
Sexual Abuse and Exploitation Act* for an order for substitutional service of an emergency
protective intervention order made pursuant to section 7 of that Act against you, as
respondent.

2 Having heard the application and the evidence filed in support of the application,
I order substitutional service of the attached order on the respondent by: [*Describe
method of service*]

_____ .

Dated at _____, Saskatchewan, this ____ day of _____, 20____ .
[City/town, etc.]

[Signature of Justice of the Peace]

[Justice of the Peace Number]

FORM 3
[Section 7]

Certificate of Service of Emergency Protective Intervention Order

I, _____, being a peace officer within the
[Name of peace officer]

meaning of *The Emergency Protection for Victims of Child Sexual Abuse and
Exploitation Act*, certify that on the _____ day of _____, 20 ____ :
[Check where applicable]

I served the respondent _____
[Name of respondent]

by personal service at _____
[Place where respondent was served]

with a copy of the attached emergency protective intervention order.

OR

I served the respondent _____

with a copy of the attached emergency protective intervention order in accordance with
the order for substitutional service, also attached, by: [Describe method of substitutional
service used]

_____.

Dated at _____, Saskatchewan, this ____ day of _____, 20 ____.
[City/town, etc.]

[Signature of peace officer]

FORM 4
[Section 9]**Summons**

[Subclause 11(1)(a)(ii) of *The Emergency Protection for
Victims of Child Sexual Abuse and Exploitation Act*]

In the Court of Queen's Bench

Judicial Centre of _____

In the matter of an emergency protective intervention order pursuant to *The
Emergency Protection of Victims of Child Sexual Abuse and Exploitation Act* against

_____, respondent
[Name of respondent]

TO: _____
[Respondent]

You are subject to the attached emergency protective intervention order made by a
designated justice of the peace on _____, _____, 20____
_____[Month] _____ [Day] [Year]
at _____, Saskatchewan.
[City, town, etc.]

The Court of Queen's Bench has ordered a rehearing to determine whether or not the
order should be confirmed.

You must appear before a judge of the Court of Queen's Bench at _____
_____.
[State judicial centre and address]

Your court appearance is scheduled for _____ at _____.
[Date] [Time]

This court appearance will give you an opportunity to explain why you think that the
attached order should not be confirmed or should be varied.

The court may confirm the order if you do not attend this rehearing.

The order continues in force unless the court changes it at the rehearing.

It is an offence under the *Criminal Code* to disobey this order.

Dated at _____, Saskatchewan, this ____ day of _____, 20____.

Local Registrar

27 Sep 2002 cE-8.2 Reg 1.