

NPP#2018-08
August 3, 2018



COURT OF QUEEN'S BENCH OF ALBERTA
NOTICE TO THE PROFESSION AND PUBLIC
CHANGES TO PROTECTION ORDER PROCESSES
EFFECTIVE SEPTEMBER 1, 2018

For all protection order applications, including review of emergency protection orders granted under the *Protection Against Family Violence Act*, the Applicant will not leave the courtroom/courthouse without a signed order.

As detailed below, template forms of order are available to assist the parties/Counsel and the Court. They are also available online at: <https://albertacourts.ca/qb/areas-of-law/family/family-law-forms>. Parties/Counsel are encouraged to complete draft orders using the template forms of order in advance of an application.

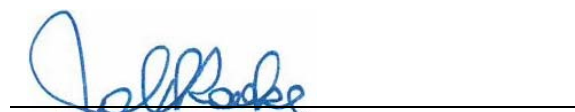
For those applications where there is no Counsel or a draft order has not been provided in advance of the hearing or cannot be provided immediately following the hearing, template forms of order will be available in the Courtroom for the Justice to complete and sign.

The *Alberta Rules of Court* include Forms for Restraining Orders With Notice (FL-31) and Restraining Orders Without Notice (FL-30).

For all review orders under the *Protection Against Family Violence Act*, including those cases where the original Emergency Protection Order is revoked and replaced with a Queen's Bench Protection Order, the attached Review Order may be used by the parties/Counsel. The attached Revocation Order may be used by the parties/Counsel where the protection order is being revoked.

Where a protection order application is being scheduled for an oral hearing, in addition to the Review Order, the attached Emergency Protection Order Review Oral Hearing Order must be used by the parties/Counsel unless the Court orders otherwise.


Mary T. Moreau, Chief Justice


John D. Rooke, Associate Chief Justice

Fillable versions of these templates are available here: <https://www.albertacourts.ca/qb/areas-of-law/family/family-law-forms>

Protection Against Family Violence Act

Clerk's Stamp

COURT FILE NUMBER Enter the Court File Number

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE Choose a Judicial Centre

CLAIMANT(S) Family Member Requesting Emergency Protection Order

RESPONDENT(S) Family Member that Claimant seeks protection from

DOCUMENT **QUEEN'S BENCH PROTECTION ORDER**
 CONFIRMATION ORDER
 ADJOURNMENT ORDER

PARTY FILING THIS DOCUMENT Court Generated Order

DATE ON WHICH ORDER WAS PRONOUNCED: Date
THE HONOURABLE JUSTICE: Enter name of presiding Justice
HEARD AT: Choose a Judicial Centre, **ALBERTA**

THE COURT has reviewed the evidence filed in support of this application;

UPON NOTING that an Emergency Protection Order was granted on Date by the Honourable Judge/Justice of the Peace Name of Judge or Justice of the Peace, of the Provincial Court of Alberta;

AND UPON:

- Hearing from the Claimant / Counsel / Duty Counsel for the Claimant;
- Hearing from the Respondent;
- Hearing from the Counsel / Duty Counsel for the Respondent;
- Hearing from the Respondent, who is requesting an adjournment for Enter time;
- Noting the Respondent having failed to appear, although properly served;
- Noting the Respondent having failed to appear, and not being properly served;
- The Claimant having failed to appear;

IT IS HEREBY ORDERED THAT:

1. The Emergency Protection Order referred to above is hereby:

- Adjourned for review by this Honourable Court at Date, time and address with the terms set out below to apply during the adjournment period.

Protection Against Family Violence Act

- Adjourned for an Oral Hearing to Date, time and address with the terms set out below to apply during the adjournment period.
 - Confirmed, as set out below.

 - Revoked and replaced with this Queen's Bench Protection Order.
2. The Respondent, Enter name of Respondent., is specifically restrained from being within 200 or other distance metres of:
- a. the Claimant's/family member's residence: Enter address
 - b. the Claimant's/family member's place of employment: Enter address
 - c. the Claimant's/family member's other addresses: Enter address
- or from being within 100 metres of the Claimant and family members anywhere else in the Province of Alberta.
3. The Respondent shall not communicate directly or indirectly with or contact the Claimant and the following persons:
List names
4. The Respondent is restrained from harassing, molesting, watching, following, telephoning, or otherwise interfering with or contacting the Claimant, either directly or indirectly, and either personally or by agent, anywhere in the Province of Alberta.
5. A copy of this Order shall forthwith be personally served on the Respondent.
6. On the Respondent being in breach of any of the terms of this Order, any Peace Officer is authorized to forthwith arrest the Respondent, and bring the Respondent, as soon as possible, before a Justice of the Court of Queen's Bench of Alberta to show reason why there should not be a finding of civil contempt. However, the Respondent shall not be arrested unless the Respondent has previously been served with a copy of this Order, or if not served, is shown a copy of this Order by the Peace Officer and, on being given an opportunity to do so, does not then obey it.
7. In making an arrest under this Order, a Peace Officer is authorized to do anything necessary to carry out the arrest, including the use of as much reasonable force as may be necessary to make the arrest, and without warrant to enter any place where, on reasonable and probable grounds, the Peace Officer believes that the Respondent may be found.
8. This Order is sufficient authority for the keeper of a correctional institution to hold the Respondent in custody pending appearance before a Justice of the Court of Queen's Bench of Alberta.

Protection Against Family Violence Act

9. This Order remains in effect up to and including the Date day of Month, 20Year, unless terminated or continued by order of this court.
10. Either party may apply to amend, vary, or strike out the within Order on providing notice to the other party 5 days or more before the date the application is scheduled to be heard or considered.
11. The Respondent shall not be in breach of the restraint provisions of this Order in the following circumstances:
 - a. Any contact between the Claimant and the Respondent through a third party for the purposes of arranging access or parenting time to the child(ren) named above shall not constitute a breach of this order.
 - b. Any custody, access or parenting time granted to the Respondent in relation to the children, and by Order of a court of competent jurisdiction granted hereafter shall not constitute a breach of this Order.
 - c. Any contact between the Claimant and the Respondent for the purpose of attending court, mediation, meetings with legal counsel present, or any contact required for legal proceedings shall not constitute a breach of this Order.
12. Additional terms of this Order:
[Choose from below and initial]
 - a. A Peace Officer shall accompany the Claimant/Respondent to the residence at: Address on one (1) occasion, within seven (7) days to supervise the removal of personal belongings.
 - b. A copy of this Order is to be personally served upon the Respondent as soon as reasonably possible by a Peace Officer.

OR

- A copy of this Order shall be provided to Counsel / Duty Counsel for the Respondent by electronic mail or fax at the following address: Address
- An affidavit of service is not required as the Respondent's Counsel was present in court when the Order was granted.

OR

- A copy of this Order shall be provided to the Respondent by ordinary or electronic mail at the following address: Address or e-mail address

Fillable versions of these templates are available here: <https://www.albertacourts.ca/qb/areas-of-law/family/family-law-forms>

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- An affidavit of service is not required as the Respondent was present in court when this Order was granted.
- c. The Claimant is granted exclusive possession of the residence at: Address for Enter period of time
- d. A Peace Officer is directed to remove the Respondent from the residence at: Address within Enter period of time
- e. A Peace Officer shall seize and store the following weapons:
List weapons
- f. Add other terms as appropriate – see s. 4 Protection against Family Violence Act.
- g. Rule 9.4(2)(c) is invoked.

Justice of the Court of Queen's Bench of Alberta

Protection Against Family Violence Act

Clerk's Stamp

COURT FILE NUMBER Enter the Court File Number

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE Choose a Judicial Centre

CLAIMANT(S) Family Member Requesting Emergency Protection Order

RESPONDENT(S) Family Member that Claimant seeks protection from

DOCUMENT **EMERGENCY PROTECTION ORDER REVIEW**
ORAL HEARING ORDER

PARTY FILING THIS
DOCUMENT Court Generated Order

DATE ON WHICH ORDER WAS PRONOUNCED: Date

THE HONOURABLE JUSTICE: Enter name of presiding Justice

HEARD AT: Choose a Judicial Centre, **ALBERTA**

UPON this Emergency Protection Order coming for review this day;

AND UPON it appearing that the Respondent contests the evidence put forward by the Claimant in support of the Application for the Emergency Protection Order;

AND UPON Hearing the submissions by or on behalf of the parties;

AND UPON it appearing to the Court that there is a need for brief oral evidence as set out in this order;

IT IS HEREBY ORDERED THAT

1. An oral hearing is set in this matter for 1 hour at the Location, in a courtroom to be assigned commencing at Time on Date, where brief oral evidence may be heard on the following terms:

Fillable versions of these templates are available here: <https://www.albertacourts.ca/qb/areas-of-law/family/family-law-forms>

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- a. The reason that the oral evidence is needed is that the Respondent denies the allegations set out by the claimant in the application for the Emergency Protection Order or has a different version of the events.
 - b. The evidence of the Claimant at the hearing shall be the evidence set out in the sworn application form and as set out in the transcript of the proceedings before the justice of the peace or the provincial court judge.
 - c. The Respondent shall file an affidavit (the "Respondent's Affidavit") in response within 14 day of the date of this order and serve a copy of that affidavit on the Claimant. The Affidavit shall be no more than 8 pages.
 - d. The Claimant may file one short affidavit (the "Claimant's Reply Affidavit") within 7 days of receiving the Respondent's affidavit addressing only those matters referred to by the Respondent in his/her affidavit. The Affidavit shall be no more than 5 pages.
 - e. No other affidavits or records may be filed and no other witnesses may be called without leave of the Court obtained, on notice, in advance of the hearing.
 - f. Other matters ordered are: [Click here to enter other orders](#)
 - g. At the hearing, the Respondent shall be entitled to cross examine the Claimant for a maximum total of 20 minutes and the Claimant shall be entitled to cross examine the Respondent for a maximum total of 20 minutes.
2. At the conclusion of the oral hearing, the justice may;
 - a. Revoke the emergency protection order,
 - b. Confirm the emergency protection order or,
 - c. Revoke the order and grant a Queen's Bench Protection Order.
 3. If the parties reach an agreement on the issues in dispute prior to the scheduled hearing date, they shall immediately advise the Court.

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4. Rule 9.4(2)(c) of the Alberta Rules of Court is applied.

Justice of the Court of Queen's Bench of Alberta

COURT FILE NUMBER	Enter the Court File Number	Clerk's Stamp
COURT	COURT OF QUEEN'S BENCH OF ALBERTA	
JUDICIAL CENTRE	Choose a Judicial Centre	
CLAIMANT(S)	Family Member that requested the Emergency Protection Order	
RESPONDENT(S)	Family Member the Emergency Protection Order is against	
DOCUMENT	REVOCATION ORDER	
PARTY FILING THIS DOCUMENT	Court Generated Order	

DATE ON WHICH ORDER WAS PRONOUNCED: Date

THE HONOURABLE JUSTICE: Enter name of presiding Justice

HEARD AT: Choose a Judicial Centre, **ALBERTA**

THE COURT has reviewed the evidence filed in support of this application;

UPON NOTING that an Emergency Protection Order was granted on Date by the Honourable Judge/Justice of the Peace Name of Judge or Justice of the Peace, of the Provincial Court of Alberta;

AND UPON:

- Hearing from the Claimant / Counsel / Duty Counsel for the Claimant;
- Hearing from the Respondent;
- Hearing from the Counsel / Duty Counsel for the Respondent;
- Hearing from the Respondent, who is requesting an adjournment for Enter time;
- Noting the Respondent having failed to appear, although properly served;
- Noting the Respondent having failed to appear, and not being properly served;
- The Claimant having failed to appear;

IT IS HEREBY ORDERED THAT:

1. The Emergency Protection Order referred to above is hereby revoked.

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Protection Against Family Violence Act

Justice of the Court of Queen's Bench of Alberta