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Native Counselling
Services of Alberta



Legal Education
& Resource Centre



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Protect Yourself From Family Violence!

EMERGENCY PROTECTION ORDER (EPO)

QUICK HELP

is available locally if you fear for your personal safety due to violence or threats by your intimate partner or other family member.

IMMEDIATELY CALL OR VISIT YOUR LOCAL POLICE OR COURTHOUSE FOR ACTION! They can arrange for an EMERGENCY PROTECTION ORDER!

1. RCMP (or other police)

If you have a local RCMP station this is the best place to go. They have resources to do an emergency intervention, arrest on charges, or investigate. Even if those resources are not needed at present, the Police can also arrange for an Emergency Protection Order (EPO) to be put in place.

2. COURTHOUSE

Your local or regional Courthouse can also arrange for an Emergency Protection Order (EPO) to be put in place. If the police are not immediately available when you call them, go to the Courthouse and they will help you. They are well trained and if you require Police assistance, they will give you instructions.

GETTING AN EMERGENCY PROTECTION ORDER (EPO)

EPOs can be obtained through a Provincial Court Judge at a Courthouse. They can also be obtained through a Justice of the Peace by a telephone call to the Edmonton Hearing Office. EPOs are available even in remote rural communities.

Your local or regional RCMP station or Courthouse will have application forms handy to apply and can arrange a call to a Justice of the Peace. You will complete the application form and then be asked to talk to the Judge or Justice of the Peace about the background of your situation. You will be asked what has happened to cause you to fear for your personal safety, that of a child or other family member, or fear of property damage.

The Judge or Justice may grant an Order restraining the person you fear from having any contact or communication with you or others and prohibiting them from going to your home or work. They may impose other conditions as well to protect your safety.

The Order will be granted without letting the person you fear know about your application. The Police will serve the person you fear (the Respondent) with a copy of the Order which takes effect immediately when he or she is served with the Order. If the Respondent does not live where the person who fears the Respondent (the Claimant) does, the police will send a copy of the EPO to the police station where they live. The police will serve the Respondent, complete the Affidavit of Service, and send the original copies to Court.

The Order will contain information about a Review Hearing set for no more than 9 working days in Court of Queen's Bench following the granting of the EPO.

Free legal counsel can represent the Claimant and Respondent at the hearing. Appear early to talk to the duty lawyers who may be present to see if they can assist you.

Both the Claimant and the Respondent should appear in person at the Court of Queen's Bench for the review or at least have a lawyer appear. If either or both parties fail to appear, the Court will still read the evidence taken for the initial EPO as well as any affidavits filed. At this time, the Court may extend or withdraw the Order depending on what the Court believes is appropriate under the circumstances of each case.

The Court Order or the document showing the results of a review must be served on the Respondent. This is usually done by the Police. After completion by police, the Affidavit of Service must be filed at Court of Queen's Bench.

Immediately report any violations of the Order to the Police. A breach of an EPO can result in fines and/or jail for the Respondent.