
**APPLYING FOR A QUEEN'S
BENCH PROTECTION ORDER
(On Notice to the other party)**

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The Family Law Information Centre and Queen's Bench Chambers Office cannot give you legal advice or financial guidance, or predict the outcome of court decision.

This booklet provides general information only. You should speak to a lawyer for legal advice about your own situation.

APPLYING FOR A QUEEN'S BENCH PROTECTION ORDER (On Notice to the other party)

INTRODUCTION

This booklet has been prepared for you by the staff at the Family Law Information Centre. You can reach us at:

Calgary

Family Justice Services
7th floor, Calgary Courts Centre
601 - 5 Street SW
Phone 403-297-6981

Edmonton

Family Law Information Centre
Main Floor, Law Courts
1A Sir Winston Churchill Square
97 Street & 103A Avenue
Phone 780-415-0404

Grande Prairie

Law Information Centre
Main Floor, Court House
10260 - 99 St.
Phone: 780-833-4234

Lethbridge

Family Justice Services
1st Floor, Court House
320 - 4 St. S
Lethbridge AB T1J 1Z8
Phone: 403-388-3102

Red Deer

Family Justice Services
Main Floor, Court House
4909 - 48 Ave
Phone: 403-755-1468

Medicine Hat

Family Justice Services
Court House
460 First Street SE
Medicine Hat, AB T1A 0A8
Phone 403-529-8716

Outside these centres, contact us toll free at 310-0000

Options and Resources

If you have been assaulted, or are in a family violence situation, call your local police or RCMP detachment or have a neighbour or friend call for you.

If the threat of danger is immediate, call 911 or your local police emergency number if you do not have 911 service.

If you are in a family violence situation where the threat of danger is immediate, the police can apply for an Emergency Protection Order to provide you with immediate protection.

Besides a Protection Order, there are other types of applications you can make.

There are community resources that can help you with safety planning, advice and counseling.

More information is provided at the end of this booklet.

When to use this booklet

This booklet tells you what steps to take when:

- You and the other party are “family members”, which includes people who have lived together in an intimate relationship and people who have had a child together;
- The other party has committed “family violence” – caused injury or property damage, threatened to cause injury or property damage, forcibly confined you or your child, sexually assaulted you or your child or stalked you or your child.
- You believe that giving the other party advance notice of your court application will not put you or your children in danger; and
- You have chosen not to get a lawyer and will be representing yourself throughout the court process.



Tips:

The *Protection Against Family Violence Act* sets out who is considered to be a family member and what will be considered family violence. If you are not sure whether your case applies, you can look at the definitions in the Act.

The instructions in this booklet are general and apply to most cases. There are cases where different rules apply. The Alberta Rules of Court tell you the process and procedure for all kinds of cases in the Court of Queen's Bench. You can find the Rules of Court in the library in your courthouse or at : www.qp.alberta.ca

Important things to know about Protection Orders

A Protection Order is an order made by the court and enforced by the police. It will limit the contact the respondent (the other party) can have with you and your children.

Usually, the Order will state that the respondent can have no contact, either directly or indirectly, and in person or by other means (for example, by telephone). The respondent will also be prevented from coming within a certain distance of certain places (for example, your residence or place of employment).

If the Protection Order includes your children, you may need to deal with sharing parenting decisions and parenting time at some point in the future.

You should not contact the respondent during the time the Protection Order is in place unless your order says that you can (eg to arrange access).

When court is over, in most cases, you will have to have someone personally serve the respondent with a copy of the Protection Order. Court staff and the police do not serve Protection Orders.

If you change your mind and want to end the Protection Order early, you will have to make a court application on notice to the respondent.

Should you hire a lawyer?

The staff at the court house cannot give you legal advice and cannot do your work for you.

Lawyers can help with steps along the way. They can:

- Tell you about your legal rights and obligations;
- Give you an opinion about what your chances are, or how the judge might decide;
- Tell you which option is the better choice for you;
- Complete the court forms and other necessary paperwork;
- Do legal research to find case law to help convince the judge;
- Tell you which court materials would be helpful to your case;
- Help you decide which facts the judge will want to hear;
- Negotiate with the other side;
- Rehearse the court hearing with you;
- Represent you in meetings or in court;
- Go to court for you if you can't go yourself;
- Prepare the Order after court;
- Prepare any letters needed as your matter goes through court; and/or
- Prepare any follow up documents.



Tip:

Many lawyers are willing to give “unbundled legal services.” This means that you can choose which steps the lawyer will do and which steps you will do yourself. If you are interested in this, talk to a lawyer about how unbundled legal services can work in your case.

In **Calgary and Edmonton**, Duty Counsel is available at court. The Duty Counsel program is funded by Calgary Legal Guidance and Legal Aid. The Duty Counsel Lawyers (or students) will speak with you on the day you are in court, and will help you present your case to the judge. If both parties do not have a lawyer, Duty Counsel will present both sides to the judge.

You should hire a lawyer if:

- You don't want to or can't do the paperwork yourself;
- You don't want to or can't make several trips to the courthouse during business hours;
- You will have problems speaking for yourself in the court hearing; or
- The judge recommends to you that you hire a lawyer.

The Court File

The court keeps a file folder with all of the court materials that have been filed in your case. That folder is labeled with a court file number. You must put the court file number on all of your court forms, so that they can be properly filed.

If you need to get copies of any of the materials on your court file, you can ask for them. You will be charged \$10 to pull the file, plus \$1 per page for photocopying. If you want a certified copy of any of the court materials, there will be an extra \$10 fee.

You must ask for the copies of the court materials from the court where your file is located. For example, if your court file is in Red Deer, you must make your request for copies of the materials to the courthouse in Red Deer.

Other provinces' courts also keep court files, and will give you copies of court materials if you ask. Their fees may be different. If you are asking for a copy of an Order from another province, always ask for a certified copy.



Tip:

A certified copy of a court form has a stamp on it saying that it is a certified (or true) copy of the original. It is signed by a court official under the stamp. To be a certified copy, the copy must have this original stamp and signature.

Find the Other Party

In almost every court application, the other party must be given notice of the application. You do this by serving them, which is by handing them copies of the court forms that you have filed.

If you do not know where the other party is, you must try everything you can think of to find them. Some ideas:

- Talk to their friends or family members.
- Talk to the staff where they worked.
- Look them up in the phone book or on www.canada411.com.
- If you know their phone number, try a reverse search at the phone company's website.
- Look them up on social networking sites. Even if they do not reply to you, see if you can contact their friends for information.

Getting Ready

Before you start to prepare your court forms, you should think about what kinds of documents you will need to prove your case. You will have to attach all of the documents to your application form, so you will need to collect them ahead of time.



Tips:

If you have made a report to the police, it can be helpful to attach a copy of the report.

You only have one chance to make your case to the court. The judge makes their decision using only the materials that are on the court file. Make sure you have all the information that the judge will need.

Getting Help

It is always a good idea to get legal advice before you start.

Legal Aid 310-0000, then ask for the Legal Aid office near you.

If you are a low income Albertan, and need a lawyer to take your case, you can apply for help from Legal Aid.

Pro Bono (Volunteer) services by lawyers

Calgary Legal Guidance	403-234-9266
Lethbridge Legal Guidance	403-380-6338
Grande Prairie Legal Guidance	780-882-0036
Central Alberta Community Legal Clinic (Red Deer)	403-314-9129

Check the Pro Bono Law Alberta website www.pbla.ca to see if there are any other services that can help you.

Lawyer Referral Service 1-800-661-1095

This service will refer you to lawyers in private practice. When you call, ask for a family law lawyer. You will be given the names of 3 lawyers who practice in the area of family law, and in your area. You can speak to any of them for the first ½ hour for free.

There are other services that may be able to help you with legal information (not advice) and the filling in of forms. Some of these are:

- Student Legal Services (Edmonton) 780-492-8244
- Student Legal Assistance (Calgary) 403-220-8637
- Immigration Services in your area
- Paralegal Companies in your area

Courthouse Libraries

There are libraries located in most courthouses in Alberta. You can go to the library to:

- Do research on cases with facts similar to yours;
- Find sample court forms for other kinds of court applications; or
- Look for specific procedures in the Alberta Rules of Court.

The library has reference librarians who can answer questions and get you started, however, they can not give you legal advice.

PREPARING YOUR COURT MATERIALS

When you are making an application to the Court of Queen's Bench, you must prepare two court forms – an **Originating Application** and an **Queen's Bench Protection Order Questionnaire**. These two forms let the Court know "what" you want, and "why". An **Originating Application** is a brief summary for the Court of "what" you want. The Court wants to know, on one or two pages, what kind of an Order you are asking for. The **Questionnaire** is your story. It is a summary of the "why" that supports what it is that you are asking for.

These two court forms make up your entire application materials. If you want the Court to know something, it has to be in these court forms. For example, you can't ask the Court for something that you haven't already asked for in your Application. Also, you can't say anything to the Court that you haven't already written in your Questionnaire.



Tip:

If you have already started a court action, eg. for divorce, parenting or child support, you would use an **Application** form rather than the Originating Application form. Ask us for that.

At the beginning of every form

Fill in the following:

- Court File Number – Your file number as written on your other court documents. (You may not have a file number yet)
- The Judicial Centre, e.g. Edmonton
- Both parties' full names.
- Your complete address and phone number.



Tip:

You may not want to put your own address and phone number on this form, if you think it will put you in danger. However, you **MUST** have an address on the form where court documents can be delivered to you. It is OK to use a friend's address or a work address as your address for service, so long as the people there know that the Respondent may be coming there to deliver documents.

You do not have to put your phone number on this form if you do not want the Respondent to have it.

When filling in your **Originating Application**, complete the sections that apply to you:

1. *Basis for this claim:* Fill in the date that your Questionnaire was sworn.
2. *Remedy sought:* This has been filled in for you.
3. *Affidavit or other evidence to be used in support of this application:* Again, fill in the date that your Questionnaire was sworn.
4. *Applicable Acts and Regulations:* Check off a box if it applies. If you check off "other", fill in applicable Act or Regulation. Note: Rules 12.30–12.32 allow you to ask for a Protection Order using this process.

When filling in your **Questionnaire**, be sure to:

- Only state the facts that you know to be true
- Only state the facts that are relevant to what you are asking for
- Attach copies of all the documents that you want the Court to see
- Number all of your pages, starting with the first page of your Questionnaire and finishing with the last page of your attachments

Your Questionnaire is your evidence and the judge will use this to help make their decision. There are serious consequences for not telling the truth in your Questionnaire.

Fill in each section of the Questionnaire.

Relationship between Claimant and Respondent: Say whether you are married, divorced, living together, mother and son, etc.

Date and action number...: If you or the other party have applied for a Protection Order, Restraining Order or EPO before, list the dates, court file numbers, and whether or not an order was granted. If you do not know, say "unknown".

Names and dates of birth of children...: List all of the children under age 18 living with you.

Reasons: Here is where you tell your story to the judge. Give details of the family violence and explain why you are afraid the respondent will cause you harm.

I request...: Check off the conditions that you want included in your Protection Order.



Tip:

Be specific when writing out your story. Write down what the Respondent did and give dates whenever you can. For example:

Too vague

My ex is violent.

I am afraid of my ex.

My ex has made threats.

More Specific

My ex has slapped me and punched me several times in the last year. The last time was last Tuesday, when he punched me 4 or 5 times in the face.

I am afraid that my ex will come to my house when he is drinking and try to break down the door so that he can get to me.

My ex has said to me that I had better watch my back.

Once you have finished filling in your Originating Application and Questionnaire, you must have your Questionnaire declared before a Commissioner for Oaths.

You may come to the Family Justice Services/Family Law Information Centre or the Clerk's office to have your Questionnaire sworn. Bring photo identification with you when you come.



Tips:

Remember that you want your court materials to be as neat and easy to read as possible. The easier you can make the job for the judge, the better.

Make sure all of your pages have print only on one side (no double sided printing or copying!).

If you want to attach documents to your Questionnaire that are smaller than 8½ by 11 inches, tape them to a piece of paper.

Make sure to bring a photocopy of your attachments(s) with you when you have your Questionnaire sworn otherwise you may lose your original.

DO NOT photocopy your Originating Application or Questionnaire until AFTER it is sworn.

FILING AND SERVING YOUR COURT MATERIALS

Once you have had your Questionnaire sworn, there are several steps you need to follow to get ready for court.

- Step 1:** Make copies of your Originating Application and Questionnaire.
- Step 2:** Go to the Court of Queen’s Bench Chambers Clerk’s office to speak to the clerk about a court date and to file your court materials
- Step 3:** Serve your court materials on all other parties
- Step 4:** Prepare your Affidavit of Service

Step 1- Make copies of your Originating Application and Questionnaire

Remember that you should not make photocopies of your Originating Application and Questionnaire until after you have had your Questionnaire sworn. After this is done, you should make **2 copies** of both your Originating Application and Questionnaire (including all attachments).

Step 2 – Go to the Court of Queen’s Bench Chambers Clerk’s office to speak to the Clerk about a court date and to file your court materials

Go to the Chamber’s clerk’s office in the Court of Queen’s Bench and hand them your completed court materials. You will speak to the clerk about setting a court date.



Tip:

Each court location has a different name for the counter that files these types of forms. Ask us, or ask one of the court staff where the proper filing counter is.

When you set a court date, you are not just picking a date that is convenient for you. You must provide the other party (the Respondent) with enough notice of the court date or else the judge may refuse to hear

your application. The clerk at the Chambers office can help you pick a date but be aware that the Respondent must have **10 days notice** of your application.



Tip: If you already have a court file and are using an Application form, rather than an Originating Application form, then the Respondent must have **5 days notice** of your application.

When you are setting your court date, make sure you allow enough time for service. It may take a few days for you to get the documents to him/her. Keep this in mind and don't schedule your court date too soon.

After you have picked a suitable court date, make sure the court date is written on the first page of all copies of your Application.

The clerk will stamp and keep the original copies of your Originating Application and Questionnaire and return 2 copies to you. These copies are what you will need for the next step.



Tip: **Counting the days for service:** You do not count the day you serve the document when you are counting the number of days notice you are giving. If you must give 10 days notice and you can serve on March 1st, March 2nd is day 1, and March 3rd is day 2, so the earliest court date you can pick is March 11th.

Step 3 – Serve your court materials on all other parties

A person over the age of 18 must serve the Respondent with copies of all the court materials you have filed.

Service means a person must hand-deliver the documents directly to the Respondent (this is called personal service).

If you want the judge to hear your application on the court date you've selected, then you must be able to show the judge that the Respondent was given enough notice. If you do not give the Respondent the required amount of notice then the judge may refuse to hear your application.

When serving the court materials:

- Have someone else serve the documents for you – ie. ask a friend or family member or hire a process server.

- Have whoever is delivering the documents make a note of the address where the Respondent is when they hand-deliver the documents;
- Make sure the person that serves the documents knows that they will have to swear an Affidavit of Service.



Tips:

You should think about hiring a **process server** to serve the Respondent for you. You can find one by looking under “Process Servers” in the yellow pages or on www.canada411.ca. Process servers can sometimes help you find the Respondent, will serve the court materials, and will complete the Affidavit of Service for you. They do charge a fee for their services.

If you cannot find the Respondent to serve, then check out the tips for finding the other party on page 7 of this booklet.

□ Step 4– Prepare your Affidavit of Service

After you have served your court materials on the Respondent, you have to prepare your Affidavit of Service. This is the court form that proves to the judge that the other party was properly notified of your application.

The Affidavit of Service must be sworn. Your Affidavit of Service must be completed and sworn by the person who served the documents.

The Affidavit of Service will:

- Explain who delivered the documents;
- Say the date the documents were delivered; and
- Say the address of where the Respondent was served.

You must be sure to **file** the original Affidavit of Service at the clerk’s office before the court date and bring a copy of it with you to court.



Tip:

The Respondent is allowed to file an Affidavit setting out the facts they want the judge to know. They must serve you with a copy a reasonable amount of time before your court date. If you want to respond to anything in their affidavit, you can do a supplementary affidavit. You may need to adjourn your application to do this.

PREPARING FOR COURT

Your court application will be heard by a Justice of the Court of Queen's Bench in Morning Chambers. Morning Chambers is where one judge sits in an open courtroom and hears several court applications on a list. Check your Application form to find out what time you must appear in court.

Because there can be many applications on a list for the judge to get through, you want to be sure not to waste any of the Court's time. For this reason, there are some things you should think about before you go to court:

- Make sure you know what you want to say to the Court;
- Make sure that everything you want to say to the Court is in your Questionnaire;
- Make sure you have filed your Affidavit of Service and that you bring a filed copy of it with you;
- Try to talk to the Respondent to find out if they are coming to court; and
- If you and the Respondent agree that you need more time, phone the Chamber's clerk's office to ask about adjourning your application.

Remember that you have put a lot of work into preparing and filing your court materials, and serving the other party and you want to be as ready as you can on the court date.

The Court of Queen's Bench can seem quite intimidating. Although the staff and judges try to make the court system as open and friendly as possible, there are still some basic things you should know going in:

- Dress for court in a neat and respectable manner;
- Be on time;
- Do not eat, drink or chew gum/tobacco in the courtroom;
- Remove your hat;
- Turn off cell phones, pagers and music devices;
- Make sure you have copies of all of your filed court materials;
- Make sure to bring a pen and paper to write down the judge's decision, name, room number and the date;
- Speak clearly and loudly when you are in court;
- Stand up when the judge is speaking to you or when you are speaking to the judge;
- Be respectful of the judge and refer to him/her as "My Lord/My Lady"; and
- Be respectful of the other party and do not interrupt them while they are speaking.



Tips:

Morning Chambers is set up to do quick applications (less than 20 minutes). If you think your matter is going to take more than 20 minutes, it should be adjourned to **Special Chambers**. Ask us how to do that.

You can go in and watch morning chambers, so you can see how applications are made and what information the judge wants to hear when making a decision.

GOING TO COURT

On your court date, plan to arrive early, especially if you want to talk to Duty Counsel (In Edmonton or Calgary only) before court.

Bring with you:

- Copy of your Originating Application
- Copy of your Questionnaire(s)
- Copy of your Affidavit of Service
- Pen and paper

Find out which courtroom you are in by asking security staff and checking the docket lists or boards. Make sure you are in the right courtroom – there may be several courtrooms where family matters are heard.

In Edmonton and Calgary, Duty Counsel will be outside the courtroom. If you would like their help, speak to them before court.

There will be a list of all of the matters in your courtroom either outside the door or on a table inside the courtroom. The list will not necessarily be called in order. Expect to be in the courtroom for at least 2 hours.

Sit in the gallery area of the courtroom. All conversation in the courtroom is recorded, so it is best to have any discussions outside. Once the judge comes in, you should not talk.

When your name is called, go to the front of the courtroom. The usual order of the speakers is as follows:

- The applicant speaks first. Stand up to speak. If you are the applicant, introduce yourself and the respondent (or their lawyer). Tell the judge briefly what you want (e.g. "I am asking for a

Protection Order”) then talk about the facts that you have set out in your Questionnaire and make any arguments you want to make.

- The respondent speaks next. Stand up to speak. If the applicant did not introduce you, introduce yourself. Tell the judge briefly what your position is (e.g. “I am OK with the Protection Order, but I still want to see the children”) then talk about the facts that you have set out in your Questionnaire and make any arguments you want to make.
- The applicant may then respond to what has been said by the respondent.
- The judge may ask questions of either party.
- At this point, both parties will have made all of the arguments they want to make, and should not make any further arguments.
- The judge then gives their decision. You should write down the judge’s decision (along with their name and the courtroom number).
- We have staff that will type up the Order for you. You will be told what you need to do to get your copy of the Order.



Tips:

Morning chambers is a busy place and the judge will not be familiar with your file. Make sure you cover all of the important points when you are given your chance to speak.

If the respondent has a lawyer, the judge will sometimes reverse the order of speaking allowing them to go first.

When the judge is giving their decision, make sure they have addressed everything you want decided. If they did not, politely ask the judge about it. It may help to have a checklist with you before you start, so you can make sure the judge has dealt with all of the issues.

AFTER COURT

Make sure your Order is filed. It should have a "Clerk of the Court" stamp on the first page. If you are the applicant, you should also receive 2 certified copies of the Order.

If the Respondent did not come to court, or if they did not wait for their copy of the Order, it is up to you to arrange to have them served with a copy.

Have a person over the age of 18 serve the Respondent with a filed copy of the Order.

Ask us for an Affidavit of Service for the Order. Make 2 copies of the sworn Affidavit of Service.

File the Affidavit of Service with the Clerk's office.

Fill in the Statement of Description

Fill in the form with as much information as you have. If you do not know some of the information, just leave it blank.

Deliver the Order to the Police

It is important that the Protection Order is properly registered with the police. This makes sure that the police have an accurate record of the Order on their computer system, and are able to act quickly if the order is breached or disobeyed.

Take your remaining certified copy of the Protection Order, a filed copy of the Affidavit of Service, and the Statement of Description to your local police headquarters or R.C.M.P. detachment.

The addresses for the Restraining Order Registry offices in Edmonton and Calgary are:

The Chief of Police
Edmonton Police Service
9620 - 103A Avenue
Edmonton, Alberta, T5H 0H7
Attention: Case Management Unit

The Chief of Police
Calgary Police Service
316 - 7th Avenue, SE
Calgary, Alberta, T2G 4Z1
Attention: Case Management Unit

If outside of Edmonton or Calgary, you will need to contact the local police or RCMP detachment in your area - consult the phone directory.



Tip:

You should still have one filed copy of the Affidavit of Service and a certified copy of your Protection Order. Keep these in your possession at all times while the Order is in effect. The police may want to see it if the Order is breached or disobeyed in the future.

If the Respondent disobeys the Protection order

If the respondent breaches or disobeys the Protection Order, call the police or RCMP.

If the respondent is arrested as a result of disobeying the Protection Order, you will be contacted at the telephone number you had provided on the first page of the Restraining Order. You may be required to appear in court to give evidence of the breach. A judge will decide what penalty the respondent will face.

As the applicant, you must not contact the respondent or allow the respondent back into your home while the Protection Order is in effect. The Protection Order is directed toward the respondent, so it is not revoked if you do contact the respondent. However, these circumstances make it difficult to enforce the Protection Order. And, it may make it harder to obtain a Protection Order in the future, especially if no further threats or violence occur during this contact.

Terminating, Varying or Extending the Protection Order

You will have to make a further court application if:

- you decide that you no longer want or need the Protection Order to be in effect,
- you want to have the Protection Order continue for a longer period, or
- you want to change what the Protection Order says.

MORE INFORMATION

Besides applying for a Protection Order, there are other applications you can make to help protect you and your children from harm.

One option is to apply for an **Emergency Protection Order**. This order is available if the respondent is a member of your immediate family or an adult interdependent partner and your case is an emergency. An Emergency Protection Order is very similar to a Restraining Order. If you think you need an Emergency Protection Order, call the police, or come to your nearest Provincial Court location.

Another option is to apply for a **Restraining Order**, either without notice or on notice to the abusive family member.

Or, you can apply for a **Peace Bond**. If you are frightened for your safety, or you fear harm to your children or property, you may be able to apply for a peace bond.

A peace bond is issued under the Criminal Code and is a Court Order that requires the other party to keep the peace and obey any other conditions the court decides are necessary. You do not need a lawyer to obtain a peace bond. To obtain a peace bond, first report the incident to your local police or RCMP detachment and tell them why you are worried about your safety (get a file number from the police). Next, go to your local criminal court to arrange an appearance before a Provincial Court Judge or an appointment with a presiding Justice of the Peace.

Domestic Violence Resources

Programs

Calgary Legal Guidance Restraining Order Program
100, 840 - 7 Avenue S.W.
Calgary, Alberta
Phone: 403-716-6484
Fax: 403-234-9299

Community resources

For more information about other services that can assist in family violence situations, contact the following:

- Your local police, RCMP detachment, shelter or victim's services unit. They can help you get more information about other services in your community.
- Alberta Children's Services - Prevention of Family Violence and Bullying Division. Call toll free from anywhere in Alberta at 310-0000 and ask for 422-5916.
- The Community Service Referral Line can refer you to other helping resources. Call 780-482-INFO(4636) in Edmonton or 403-268-INFO(4636) in Calgary.
- Look in the Human Services Guide of the phone directory under Crisis/Distress Lines (24 hours), Family Violence, and/or Shelters.

Parenting After Separation Seminar

The Parenting After Separation (PAS) Seminar is not mandatory before making this application, but it is recommended, if you have children.

PAS is a free 6 hour seminar offered at most court locations. In remote locations, it is offered by video. To register for a course, phone:

Calgary	403-440-3833	Drayton Valley	780-514-2200
Edmonton	780-413-9805	Edson	780-865-8280
Fort McMurray	780-743-7136	Grande Prairie	780-532-0373
Lethbridge	403-320-4232	Lloydminster	780-853-8130
Medicine Hat	403-504-8026	Peace River	780-624-6256
Red Deer	403-343-6400	Slave Lake	780-523-6600
St. Paul	780-645-6324	Wetaskiwin	780-361-1258

Once you're done the course, you will get a certificate, which you must file at the court.

ANY QUESTIONS??

If you have questions about the steps in the booklet or the court forms given to you, please contact us. Our addresses and phone numbers are on page 2 of this booklet.

Clerk's Stamp

COURT FILE NUMBER _____
COURT Court of Queen's Bench of Alberta
JUDICIAL CENTRE _____
CLAIMANT _____
RESPONDENT _____

DOCUMENT **Family Law Application -
Queen's Bench Protection
Order**

ADDRESS FOR SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____
Applicant's Name

Full address

() _____

NOTICE TO THE RESPONDENT(S)

This application is made against you. You are a Respondent. You have the right to state your side of this matter before the judge. To do so, you must be in Court when the application is heard as shown below:

COURT DATE: _____, _____, 20_____.
Weekday Month Day Year

TIME: _____
Time of Day

WHERE: _____
Courtroom (if known), Street address of courthouse

BEFORE WHOM: **Justice in Family Chambers**

Go to the end of this document to see what else you must do and when you must do it.

1. REMEDY CLAIMED OR SOUGHT

A Queen's Bench Protection Order against the Respondent.

2. GROUNDS FOR MAKING THIS APPLICATION:

I rely on the following grounds or reasons for making this application:

(a) The Respondent has subjected me to family violence, and

(b) My other grounds or reasons for making this application are set out in the Queen's Bench Protection Order Questionnaire declared by me on _____ for making this application.

(Date your Questionnaire was declared)

3. MATERIAL OR EVIDENCE TO BE RELIED ON:

I am relying on the evidence set out in my Queen's Bench Protection Order Questionnaire declared on: _____
(Date your Questionnaire was declared)

I am relying on the following other evidence: *(Describe the evidence you are relying on)*

4. APPLICABLE RULES:

- Rules 12.30, 12.31 and 12.32 of the Alberta Rules of Court (QB Protection Order Rules)
- Rule 13.5 Variation of time period
- Other: *(Please indicate Rule Number)*

5. APPLICABLE ACTS AND REGULATIONS:

- Protection Against Family Violence Act*
- Other: *(Please indicate other Acts / Regulations)*

6. ANY IRREGULARITY COMPLAINED OF OR OBJECTION RELIED ON:

Not applicable

Specify: _____

7. HOW THE APPLICATION IS PROPOSED TO BE HEARD OR CONSIDERED:

(Specify)

(In most circumstances, this section will be left blank. But, if you are asking for your application to be heard in a different way (such as videoconference, or teleconference) you must speak with the Clerk about what to write in this space.)

WARNING

If you do not come to Court on the date and time shown above either in person or by your lawyer, the court may give the Applicant what the Applicant wants in your absence. You will be bound by any order that the Court makes.

If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must:

- Swear or affirm an affidavit;
- File the affidavit or other evidence with the Court; and
- Serve the affidavit or other evidence on the applicant a reasonable time before the application is scheduled to be heard or considered.

COURT FILE NUMBER _____

COURT Court of Queen's Bench of Alberta

JUDICIAL CENTRE _____

CLAIMANT _____

RESPONDENT _____

DOCUMENT **Queen's Bench Protection Order Questionnaire**

DECLARED BY _____
Name of Claimant

DECLARED ON _____
Date questionnaire is declared

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT _____
Name

_____ *Full address*

_____ ()

Relationship between Claimant and Respondent

- Married
- Divorced
- Common-law/Adult Interdependent Partner
- Siblings
- Parent / Child
- Other: _____

Date and court file number of any previous legal proceedings relating to family violence and whether or not an order was granted:

Date (yyyy/mm/dd)	Court File Number	Order granted
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

I REQUEST THE QUEEN'S BENCH PROTECTION ORDER INCLUDE THE FOLLOWING CONDITIONS:

(Check off all that apply)

1. The Respondent is restrained from attending at or entering, or being within 200 metres of the following places:
- (a) the Claimant's / family member's residence:
(complete address)

 - (b) the Claimant's / family member's place of employment
(name and complete address)

 - (c) the Claimant's / family member's other addresses:
(complete address)

or from being 100 metres of the Claimant and family members anywhere in the Province of Alberta.

2. The Respondent is restrained from contacting the Claimant or associating in any way with the Claimant. The Respondent is further restrained from subjecting the Claimant to family violence.
3. The Claimant and other family members are granted exclusive occupation of the residence located at:
(complete address)

for _____ weeks / months.
(specify time period)

4. The Respondent shall reimburse the Claimant in the amount of \$_____ for monetary losses for the following reasons:
(Describe losses, including amounts and dates. Attach receipts if available.)

5. The Claimant Respondent _____ is
(name)
granted temporary possession of
(specify personal property)

6. The Claimant Respondent _____
(name)
may not take, convert, damage or otherwise deal with:
(specify property)

7. The Respondent may not make any communication likely to cause annoyance or
alarm to the Claimant, including personal, written or telephone contact, or contact
by any other communication device, directly or through the agency of another
person, with the Claimant and other family members or their employers,
employees, co-workers or the following specified persons:
(full names)

8. A peace officer shall remove the Respondent from the residence located at:
(complete address)

9. A peace officer shall accompany _____
(name)
to the residence located at: (complete address)

- on _____
(specify time period)
to supervise the removal of personal belongings.
10. The Respondent shall post the following bond:
(specify bond)

11. The Respondent shall attend the following counselling:
(specify counselling)

12. The child(ren) _____
(name(s))
Is/are authorized to attend counselling without the consent of the Respondent.

- 13. A peace officer shall seize and store the following weapons:
(specify weapons)

- 14. Other
(specify)

I, _____ solemnly declare that the facts set out in this document are true. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me

on _____, 20 ____
at _____, Alberta.

Commissioner for Oaths
in and for the Province of Alberta, Justice
of the Peace or Notary Public



*Signature of person swearing / affirming
Declaration*

I.D. Verified _____

NOTE: It is an offence to make a false declaration.

Clerk's Stamp

COURT FILE NUMBER _____
COURT Court of Queen's Bench of Alberta
JUDICIAL CENTRE _____
APPLICANT _____
RESPONDENT _____



DOCUMENT **Affidavit of Personal Service**

SWORN / AFFIRMED BY _____
Name of person making this Affidavit

SWORN / AFFIRMED ON _____
Date Affidavit sworn / affirmed

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
Name _____
Full address _____

I, _____, of _____, Alberta,
(Name of person who served) *(Name of City / Town)*

SWEAR / AFFIRM AND SAY THAT:

- 1. I have personal knowledge of the following information, except where I say that what is stated is based on information from another person, in which case, I believe that information to be true.
- 2. I am 18 years of age or older.
- 3. On _____, I served the Applicant OR Respondent
(Date)

_____ with the following documents:
(Name of the Applicant or Respondent)

- Application form filed _____
(Date filed)
- Originating Application form filed _____
(Date Filed)

Affidavit filed _____
(Date Filed)

Claim filed _____
(Date Filed)

Statement filed _____
(Date Filed)

Order filed _____
(Date Filed)

Other:
(Name of document and date filed with the Court. If not filed, attach a true copy of the document as an Exhibit to this Affidavit)

4. I served the documents listed above by personal service, that is, I left the documents with the Applicant OR Respondent at:
(Complete address where you served the Applicant or Respondent)

Sworn (OR Affirmed) before me
on _____, 20 ____
at _____, Alberta.

Commissioner for Oaths
in and for the Province of Alberta, Justice
of the Peace or Notary Public



Signature of person swearing / affirming Affidavit

I.D. Verified _____