

Clare's Law

Albertans at risk of domestic violence can get information about potentially harmful intimate partners. They can find out if their partner has a history of:

- domestic violence
- stalking or harassment
- breaches of no contact orders
- other related acts

Alberta's *Disclosure to Protect Against Domestic Violence Act* or **Clare's Law** describes the process for getting information. Clare's Law is named after a young woman in the United Kingdom killed by an ex-boyfriend with a history of violence against women.

What is domestic violence?

Clare's Law defines domestic violence as actual or threat of force in an **intimate partner relationship**. The violence can be a single act or a pattern of abuse, including:

- physical abuse
- sexual abuse
- criminal harassment
- threats to harm children, other family members or pets
- property damage
- controlling someone's movements, communications or finances
- emotional or psychological abuse



Clare's Law became law in Alberta on April 1, 2021.

*You should NOT rely on this booklet for legal advice.
It provides general information on Alberta law only.*

The person of disclosure is the person whose information is being disclosed to the person at risk.

What is an intimate partner relationship?

An intimate partner relationship is a physically or emotionally (or both) intimate relationship between two people of any gender. This includes current and former marriages, adult interdependent relationships, common-law relationships and dating relationships. It could also include people who are parents of children, even if they are not in a relationship.

How do I get information?

Clare's Law describes two processes for getting information:

1. The **Right-to-Know** process allows police to proactively tell a person at risk of their risk.
2. The **Right-to-Ask** process allows a person who believes they are at risk to apply for information.

The person of disclosure will not know about your application for information.

What information can police disclose?

The police can disclose (give) the following information:

- the level of risk assessed by the government based on the information provided in the application
- relevant contextual information about the risk to the person
- information about accessing social supports to help keep the person safe

How do police disclose the information?

The police share information in a **disclosure interview**. This may be on the phone or in person, depending on the level of risk. The police can only disclose information verbally. They cannot give information in writing or electronically (such as email).

The following people will always be present during a Clare's Law disclosure interview:

- the police officer conducting the interview
- the person at risk

The police may allow others to attend the disclosure interview depending on the situation. The police consider the following when deciding if others can be present:

- the safety of the person at risk
- the person's legal authority to be present (such as that of a legal guardian)
- the sensitivity of the disclosure information
- the potential for breaches of privacy

Everyone at the disclosure interview must sign a confidentiality agreement. The police will explain the consequences of a person sharing information they receive during the disclosure.

The person at risk cannot share the information they receive with anyone else. The purpose of the information is for the person at risk to make an informed decision about their safety.

What are the levels of risk?

The government completes a risk assessment based on the information in the application. Then they assign a level of risk:

- **Insufficient Information** – there is not enough information to decide on a risk level
- **Low** – there is a low risk of domestic violence
- **Moderate** – there is an elevated risk of domestic violence. The person should implement safety and risk mitigation strategies.
- **High** – an act of violence is likely. The person should implement immediate safety and risk mitigation strategies.

Insufficient Information and **Low** risk levels do not mean there is no risk. It means the information available does not show a higher risk.

Remember, the risk is assessed based on the information provided in the application. It is important the applicant provide as much information as possible for the risk assessor to properly assess the risk.

The person at risk does not have to talk to the police if they do not want to.

How does the Right-to-Know (RTK) process work?

The police can start the disclosure process if they suspect domestic violence is likely to occur.

The police complete an online application with the information they have about the person at risk and the person of disclosure. The government reviews the application to decide if it is eligible for disclosure under the law. To be eligible, the application must:

- show there is an intimate partner relationship between the person at risk and the person of disclosure, *and*
- show an act of domestic violence is reasonably likely to occur.

The government completes a risk assessment and assigns a level of risk. Then they give the disclosure package back to the police. The police connect with the person at risk.

For **Insufficient Information** or **Low** risk applications, the police can disclose the information over the phone. The police can also decide not to reach out to the person at risk to tell them of the assessment.

For applications marked **Moderate** or **High** risk, the police will meet with the person at risk in person (or via video conferencing if need be). Before giving information, the police will ask if the person at risk wants to continue with the disclosure process. If the person does, the police will confirm their identity. The police will safely share the information and can help them take steps to reduce their risk for domestic violence.

How does the Right-to-Ask (RTA) process work?

A person at risk of domestic violence can apply for information. They are the **applicant**.

Clare's Law also allows the following people to apply on behalf of the applicant:

- a person who has the consent of the applicant
- the parent or guardian of a person who is under 18 and at risk of domestic violence
- a substitute decision maker, being a person legally allowed to make specific decisions for the applicant. For example, a guardian named in a guardianship order.

The process is as follows:

1. Complete an online application.

The applicant must provide:

- personal and relationship information
- a verification word or phrase that the government and police can use to safely and securely contact the applicant during the process

If the applicant does not know answers to any of the questions, they should not put themselves at risk to find out.

2. Provide more information if asked.

The government may request more information or, if requested in the application, connect the applicant to social supports.

3. Wait for the government to collect information and decide if the application is eligible for disclosure under the law.

The government sends the request to the proper police service to gather more information. Once the police run their checks, they give the results back to the government. The government reviews the information to decide if the application is eligible for disclosure.

To be eligible for disclosure, the information in the application must:

- show the person at risk has a reason for requesting information (in other words, they must show a level of concern), *and*
- show the person at risk is in an intimate partner relationship with the person of disclosure, *and*
- show the person at risk and person of disclosure have met in person. (For example, a person cannot request information about someone they are chatting with online but have not yet met.)

The government completes a risk assessment and assigns a level of risk.

4. Receive information from the police based on the risk assessment.

The government gives the disclosure package to the police, who will then reach out to the applicant. The information given to the applicant depends on the level of risk. The police will safely share the information and can help the applicant take



Find the online application at bit.ly/3Hsrngi



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steps to reduce their risk for domestic violence. Before giving information, the police will ask the applicant to confirm the verification word or phrase listed in the application.

For applications marked **Insufficient Information** or **Low risk**, the police may call the applicant. For applications marked **Moderate** or **High risk**, the police will meet with the applicant in person (or via video conferencing if need be).

Resources

Find more information about domestic violence and the other info sheets in this series on **WillowNet** – a CPLA website about violence and abuse laws in Alberta. www.willownet.ca

- **Online Clare’s Law Application:**
www.alberta.ca/clares-law.aspx
Once on the webpage, scroll down to find the application button.
- **Family Violence Info Line: 310.1818**
Get help anonymously. Available 24/7 in over 170 languages.
- **Victim Services Alberta: 780.427.3460 or**
www.alberta.ca/victims-services.aspx
Connect with local supports.
- **Resolution and Court Administration Services:**
www.alberta.ca/rcas.aspx
Get help finding court forms or information on the court process.
- **Community Legal Clinics in Alberta:**
www.lawcentralalberta.ca/clinics
Get free legal advice if you earn a low income.
- **Legal Aid Alberta’s Emergency Protection Order Program (EPOP): 1.780.422.9222 (Edmonton area) or 1.403.297.5260 (Calgary area) or**
www.legalaid.ab.ca/services/family-violence-matters/
Get free legal help applying for an EPO.



We want to know what you think!
To take our one minute survey:

- capture this QR code with your phone camera, or
- go to bit.ly/3g8tb99