Keeping the Abuser Away

If you are experiencing domestic violence (physical, mental, social, emotional, sexual), you may be able to get a **no contact order** (also called a **protection order**) against the person causing harm. This is a court order preventing the person causing harm from seeing or contacting you.

In Alberta, there are different kinds of no contact orders, depending on your situation. This info sheet describes each order and tells you where to find more information.

Emergency Protection Order (EPO)

An EPO is a court order that helps protect Albertans from family members committing family violence. It can order the person causing harm to stay away from you, stop contacting you and move out of the family home. EPOs are for emergency and urgent situations. EPOs are described in Alberta's *Protection Against Family Violence Act*.

You can get an EPO 24 hours a day, seven days a week.

When to get one?

You may be able to apply for an EPO if **all** the following are true:

1. A family member has committed family violence.
2. You have reason to believe the family member causing harm (the **respondent**) will continue or resume carrying out the family violence.
3. The situation is serious or urgent such that you need a court order right away to protect you and your family. This usually means the family violence happened recently.



See the **Emergency Protection Orders info sheet** for more information, including how to apply for one, at www.willownet.ca

The respondent is the person responding to an application made by the applicant in civil court.

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

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See the **King's Bench Protection Order info sheet** for more information, including how to apply for one, at www.willownet.ca

See the **Restraining Orders info sheet** for more information, including how to apply for one, at www.willownet.ca

King's Bench Protection Order (KBPO)

A KBPO is a court order that helps protect Albertans from family members committing family violence. It can order the person causing harm to do things such as:

- stay away from you
- stop contacting you
- move out of the family home
- allow you to use certain property

KBPOs are described in Alberta's *Protection Against Family Violence Act*.

When to get one?

You may be able to apply for a KBPO if you are experiencing family violence committed by a family member. You will have to give notice to the respondent that you are applying for the order. If the situation is an emergency or urgent, apply for an EPO instead.

Restraining Order

A restraining order is a court order that orders someone to stay away from you and to stop contacting you. The person named in the order does not have to a family member, unlike for an EPO or KBPO.

When to get one?

If you cannot get an EPO or KBPO, you may be able to apply for a restraining order. For example, if you are experiencing violence by a roommate or by an intimate partner you do not live with.

If it is an emergency, you can apply during court hours without notice to the respondent. In non-emergency situations, you must give notice to the respondent before the hearing.

Exclusive Possession Order

An Exclusive Possession Order is a court order giving someone the right to live in the family home (exclusive possession) while ordering others living there to leave. For example, the court can grant exclusive possession to a person experiencing domestic violence and order the person causing harm to move out.

When to get one?

You can apply for an exclusive possession order if your relationship has broken down, and you and your partner or spouse cannot live peacefully together. You can apply if you rent or own your home, even if your name is not on the lease or title of the home.

There are different ways to apply for an Exclusive Possession Order depending if you are or are not married or in an adult interdependent relationship. An EPO or KBPO can also give you exclusive possession of the home.

Peace Bond

A peace bond (or recognizance) is an order by a criminal court judge to keep the peace for up to one year.

When to get one?

You may apply for a peace bond against someone you fear may:

- injure you, your partner or child, or your property, or
- share an intimate image of you without your consent.

Peace bonds are used when a person seems likely to commit a criminal offence but there are no reasonable grounds to believe they actually committed the offence.

Peace bonds may also be issued to resolve criminal charges. For example, if the person causing harm is charged with assault, the Crown may agree to withdraw the charges if the person enters into a peace bond.

A peace bond can take a long time to get so it may not be a good option if you need help right away.



See the **Exclusive Possession Orders info sheet** for more information, including how to apply for one, at www.willownet.ca

See the **Going to the Police info sheet** for more information, at www.willownet.ca

Sometimes release conditions (while on bail) or probation orders (if guilty) for criminal charges will have no contact conditions.

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About CPLEA

The Centre for Public Legal Education Alberta is dedicated to making the law understandable for Albertans. We provide legal information on a wide variety of topics through our websites, print resources, workshops and more. For more information, visit our website: www.cplea.ca

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Resources

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

- **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/victim-services-units.aspx**
  Connect with local supports.
- **Court and Justice Services: www.alberta.ca/court-and-justice-services.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/3g8tby9