

What you need to know about... Peace Bonds

What is a peace bond?

A peace bond (also known as a recognizance) is a type of no contact order that is issued by a criminal court judge. You can apply directly to criminal court for a peace bond. They are also issued as a way of resolving criminal charges. For example, if your abusive spouse or partner was charged with assault, the Crown may agree to withdraw the criminal charge if your abusive spouse or partner enters into a peace bond.

If you are not eligible for an Emergency Protection Order (EPO) or Queen's Bench Protection Order (QBPO), then a peace bond may be an option worth exploring. However, peace bonds can take a long time to be issued and are not an ideal option if you need help right away. A restraining order is another option that can be issued right away. See our resource on **Restraining Orders** for more information (www.cplea.ca/publications or www.willownet.ca)

A peace bond lays out certain conditions that must be followed, such as:

- Requiring the abusive party to:
 - Stay away from your home, place of employment, or other place that you or your children attend frequently such as your parent's home.
 - Stop communicating with you and your children.
 - Stop using drugs or alcohol.
 - Periodically report to police or probation.
 - Follow curfew restrictions.
- Prohibiting the abusive party from possessing any firearms or weapons and require surrender of any firearms or weapons currently in the abusive party's possession.

If you want to discuss whether a peace bond is the right option for you, call the Family Violence Info Line at 310-1818 or visit your local family violence information centre or shelter. If you are in immediate danger, call 911 for help.



It is recommended that you seek assistance from a lawyer to apply for a peace bond. If you cannot afford a lawyer, contact Legal Aid Alberta at 1-866-845-3425 or check with your local legal clinic (see full list at http://www.pbla.ca/gethelp/item.5602-Help_for_Individuals).

When can I apply for a peace bond?

If you can show that your abusive spouse or partner is causing you to fear personal injury or damage your property, you can apply for a peace bond. You will need to show the court that your fear is reasonable in the circumstances.

How do I apply for a peace bond?

If you have the financial resources available, it is a good idea to hire a lawyer to help you apply for a peace bond and represent you at your court hearing. If you plan to represent yourself, the following is general outline of the steps you will need to take to apply for a peace bond:

1. You can start the application process by applying directly to the Provincial Court of Alberta – Criminal or you can approach your local police station. You will need to provide details to the court or police about why you are applying for a peace bond, including the reasons why you fear for your safety or the safety of your children.

Please be advised that if you approach police requesting a peace bond, they may also undertake a criminal investigation and potentially lay criminal charges against your abusive spouse or partner.

2. If the court or police determine that your application for a peace bond should proceed, you will be provided with a date for a court hearing. Peace bond hearings often occur two to three months after you make your initial application.
3. At your court hearing, you will need to convince a judge why you have reasonable grounds to fear that the abusive party will cause personal injury or damage to your property. Your story must be supported by evidence, such as medical records, police reports, witness affidavits, etc. For more information, read our information sheet **Gathering Evidence of Abuse** (available for free at www.cplea.ca/publications or www.willownet.ca)

The abusive party will be required to attend the court hearing and he or she will have the opportunity to challenge your version of events. Do not interrupt, make faces, or roll your eyes. Try not to be confrontational or sarcastic. You may have a chance to talk to the judge again to challenge the evidence that you disagree with. It is a good idea to bring a trusted friend or family member with you for support.

If the judge is satisfied that you have shown reasonable grounds for fearing personal injury or damage to your property, the judge will order the abusive party to enter into a peace bond (also known as a recognizance to the keep the peace). If the judge makes this order, the abusive party must agree to enter into the peace bond. If the abusive party refuses to enter into the peace bond, he or she could be sent to jail for up to one year.



If a peace bond is issued, the abusive party does not receive a criminal record. The abusive party will only receive a criminal record if he or she refuses to enter into the peace bond and/or breaches the conditions in the peace bond.

How long does a peace bond last?

A peace bond can last up to one year. It cannot be renewed, but you can apply for a new one.

What happens if the abusive party doesn't follow the peace bond?

If the abusive party is not following the rules in the peace bond, call the police. Once you have made a report to police, they can decide whether to arrest the abusive party. If arrested, the abusive party will be criminally charged with breaching the peace bond. The abusive party can either plead guilty to the breach or set the matter for trial. If set for trial, you may have to appear in court to give evidence of the breach. If the abusive party is convicted of the breach, he or she will receive a criminal record and could be sent to jail.

It is important that you do not contact the abusive party or allow him or her back into your home while the peace bond is in effect. It makes it difficult to enforce the peace bond if you initiate or allow contact from the abusive party and could make it hard to get a no contact order in the future.



Be aware that a peace bond is not a long-term substitute for a custody or parenting order, or for an order dividing property. It is to be used for protection and safety only.

Help and Further Information

Lawyer Referral Service

Call 1-800-661-1095. This service is operated through the Law Society of Alberta. You will be provided with the names and telephone numbers of up to three lawyers practicing in the area of law that best suit your needs. Note: Lawyers will charge for their services.

Legal Aid Alberta's Emergency Protection Order Program (EPOP)

In Edmonton, call 780-422-9222.

In Calgary, call 403-297-5260.

In Lethbridge, call 403-388-3162.

Other areas, call 1-866-845-3425.

Community and Student Legal Clinics

Visit http://www.pbla.ca/gethelp/item.5602-Help_for_Individuals for a complete list of locations and contact information.

Government of Alberta - Resolution and Court Administration Services

Call 1-855-738-4747 or visit www.rcas.alberta.ca.

Family Violence Info Line

Available 24/7 in over 170 languages. Call 310-1818.

Victim Services Alberta

Call 780-427-3460 or visit https://www.solgps.alberta.ca/programs_and_services/victim_services/Pages/VictimServiceUnits.aspx for a list of locations and contact information.

WillowNet: Abuse and the Law in Alberta provides plain language legal information including all of the information sheets in this series: www.willownet.ca.

LegalAve provides plain language information about family law in Alberta: www.legalave.ca.



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You should not rely on this information sheet for legal advice.