

Protected B (when completed)

An Emergency Protection Order (EPO) is a court order available in emergency and urgent situations to protect individuals from family violence. An EPO can require the person committing family violence to stay away from you, stop contacting you, or to leave the family home.

**The *Protection Against Family Violence Act* says the Court may only grant an Emergency Protection Order if:**

Family Violence has occurred between Family Members

AND

Immediate protection is required because the situation is serious, urgent, and likely to continue.

**Process to apply for an EPO by in person:**

You may apply for an EPO in person at your local [Court of Justice](#) during business hours and apply directly to a Justice of the Alberta Court of Justice, with the assistance of a lawyer from [Legal Aid Alberta](#) (if available). You can also learn more about other legal options including restraining orders.

**Process to apply for an EPO by telephone:**

If it is impractical for you to attend court in person, you may submit this screening sheet for review by a Justice of the Peace to determine if your case is eligible to apply for an EPO by telephone.

Carefully complete this entire screening form then submit it to the Alberta Court of Justice Provincial Hearing Office. Your application will be reviewed by a Justice of the Peace and you will receive a response as soon as possible.

Like medical professionals in an emergency room, Justices of the Peace triage cases based on urgency and availability of resources.

If the Justice of the Peace determines your application **is not eligible** to apply for an Emergency Protection Order by telephone, you will receive a **written response** from the Justice of the Peace.

If the Justice of the Peace determines your application **may qualify** for an Emergency Protection Order, the Justice of the Peace will **call you by telephone** for a court hearing. You must answer your telephone as the courtroom can only make outgoing calls.

**Step 1: Identify Your Family Members**

- You are the Claimant because you are applying for an EPO.
- The Respondent is the person against whom you are seeking an EPO.

**Claimant Information - The person applying for the EPO**

Last Name of Claimant	First Name of Claimant	Middle Name of Claimant
<input type="text"/>	<input type="text"/>	<input type="text"/>

Street Address of Claimant	City or Town	Province	Postal Code
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Please check here if this address must be kept confidential from the Respondent.

Phone Number of Claimant	Email Address of Claimant
<input type="text"/>	<input type="text"/>

Type of Photo Identification Attached:  Drivers License  PR Card  Passport  Other \_\_\_\_\_

Are you available to answer a phone call to make a telephone application?  Yes  No

What is the latest time you can receive a phone call? \_\_\_\_\_

May the Justice of the Peace leave a voicemail if you don't answer?  Yes  No

Are there any alternate means to contact you? \_\_\_\_\_

What is the relationship between the you (Claimant) and the Respondent?

Married or other romantic partner (who have lived together)  Co-parents to one or more children

Relative by blood or marriage (siblings, parent/child, etc.)  Other \_\_\_\_\_

**The Respondent must be your family member. You will not be eligible for an EPO if the Respondent is:**

- A current or former dating partner but you have not lived together;
- Your landlord, tenant or neighbour, non-romantic roommate, current or former friend, acquaintance, co-worker, or a stranger.

**Respondent Identification - The person you are seeking protection from is the Respondent**

Last Name of Respondent	First Name of Respondent	Middle Name of Respondent
<input type="text"/>	<input type="text"/>	<input type="text"/>

Street Address of Respondent	City or Town	Province	Postal Code
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Check here if the Respondent is currently living with the Claimant

Phone Number of Respondent (if known)	Email Address of Respondent (if known)
<input type="text"/>	<input type="text"/>

Additional means of contact for the Respondent (ie: alternative phone, email, current location)

**Step 2: Your Family's Legal History**

Have you ever applied for an EPO against this Respondent in the past?  Yes  No

What was the date of that application? yyyy-mm-dd \_\_\_\_\_

Was it granted?  Yes  No

If it was denied, what circumstances have changed since that application?

Is the Respondent currently bound by any court orders (such as a Bail order or Restraining Order)?  Yes  No

If yes, specify

Have the police been involved in this situation?  Yes  No

Were criminal charges laid?  Yes  No

Police File Number \_\_\_\_\_

If Yes, Is the Respondent currently in police custody?  Yes  No

**When deciding whether the circumstances warrant immediate protection, the Court may consider any of the following factors:**

- Whether the police have laid criminal charges against the Respondent.
- The history of family violence by the Respondent towards you or members of your family.
- The existence of any immediate danger to you, your family, or your property.
- The vulnerability of elderly family members, children or those otherwise vulnerable.
- The effect of family violence on children in your care or custody.
- The best interests of you or children in your care or custody.

**The following circumstances are not eligible for an EPO:**

- The Respondent is refusing to comply with parenting orders or issues of custody and access.
- The Respondent uses physical force to correct a child's behaviour if that force does not exceed what is reasonable under the circumstances.

**An EPO is not a substitute for a parenting order or an order dividing property.**

**An EPO is not a response or retaliation to another Court Order.**

**Step 3. Describe the Family Violence**

**The Court will only grant an EPO if the situation is serious, urgent, and likely to continue. When making that decision, the Court may consider factors such as whether:**

**What actions or behaviours from the Respondent give you reason to believe you need an Emergency Protection Order? Check all that apply:**

- The Respondent has physically injured you or your child, or has caused harm to you or your child in some other way?
- The Respondent has caused damage to your property.
- The Respondent has threatened to hurt you or damage your property.
- The Respondent has intentionally intimidated you.
- The Respondent has held you or your child against your will.
- You or your child have had unwanted sexual contact with the Respondent.
- You are being harassed or stalked by the Respondent.
- Other - Please specify \_\_\_\_\_

Please describe why you believe your circumstances are serious, urgent and require immediate protection to prevent ongoing family violence.

**Step 4. Submit your Application**

**If an Emergency Protection Order is granted, what conditions are you seeking?**

- The Respondent must have no contact with you and other family members.
- The Respondent must not go within a designated radius of your place of residence, education or employment.
- The Respondent must leave or be removed from the family home, returning only with a Peace Officer to collect personal belongings.

**Please note:** An EPO must not be used to settle disagreements regarding custody, access, or enforcement of a parenting order. Parenting disputes must be settled in family court.

**Please initial the below boxes to indicate you have read and acknowledge:**

I am submitting this screening sheet to apply for an Emergency Protection Order by Telephone:

\_\_\_\_\_ To the best of my knowledge, all the information contained in this Screening Sheet is true and correct.

\_\_\_\_\_ I am required to confirm the information under oath in a recorded court hearing and that I could face charges of perjury if I knowingly give false evidence under oath.

\_\_\_\_\_ If granted, an EPO is only a temporary order, and the Respondent and I will have to appear before a King's Bench Justice within 9 working days to confirm the evidence, and that date will be set by the Justice of the Peace.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date yyyy-mm-dd

**Step 5: Wait for Response from the Justice of the Peace**

**If the Justice of the Peace determines you are eligible to apply by telephone:**

- You will be receiving a telephone call from a courtroom to testify about the details of your application, either before midnight or after 8 am the next day.
- You will be called by a Justice of the Peace from a Courtroom and you must be available to answer the phone because the courtroom cannot accept incoming telephone calls.