

EMERGENCY PROTECTION ORDERS

TELEPHONE APPLICATIONS (COVID-19)

Purpose:

To allow applications for Emergency Protection Orders (EPO) to be made by telecommunication through the Provincial Hearing Office during the COVID-19M pandemic when there is no Provincial Court Judge available to hear the application.

For urgent matters, telephone applications for Emergency Protection Orders will be considered from:

- For regular business days: Calgary Hearing Office - 4:00 p.m. to 7:00 a.m.;
Edmonton Hearing Office - from 4:00 p.m. to midnight
- For weekends and statutory holidays: Calgary Hearing Office - 24 hours per day;
Edmonton Hearing Office - from 8 a.m. to midnight

Legal Aid Alberta's articling students, under the supervision of its EPOP Lawyers, will be available to provide legal advice and representation to claimants from 3:00 p.m. to 10:00 p.m., Monday to Friday except statutory holidays for the period April 27, 2020 to May 29, 2020.

Alberta Community and Social Services Ministerial Order 2020-011 dated April 7, 2020 has provided the authority for applications by telecommunication to potentially decrease the risk of spread of COVID-19 to all persons involved in the application process, and possibly members of the general public and significantly impact their health and safety. As such the Minister of Community and Social Services has made an order pursuant to section 52.1(2) of the Public Health Act.

The requirement in section 4(1) of the Protection Against Family Violence (PAFV) regulation for application for an Emergency Protection Order to be made in person is suspended, and section 4(1) is modified to allow an application for an emergency protection order to be made by telecommunication.

Procedures/Guidelines for Urgent Emergency Protection Orders:

1. The claimant is required to contact the local law enforcement agency (LEA) within their respective jurisdiction indicating their need for an Emergency Protection Order.
2. If the respective law enforcement agency will not make the telephone application on behalf of the claimant, and the claimant still wishes to make the application, they can contact Legal Aid at 780-643-9288 for legal advice and representation. Legal Aid is only available Monday to Friday except on statutory holidays between the hours of 3:00 p.m. and 10:00 p.m.
3. If Legal Aid is providing representation on behalf of the claimant, they will make best efforts to verify the identity of the claimant and ensure that the Intake Sheet required for the application before the Justice of the Peace is completed.
4. If Legal Aid is not available to represent the claimant, the claimant can call the respective Provincial Hearing Office, based on the location of the claimant:

- Calgary Hearing Office @ (403) 297-4444, (for claimants located Wetaskiwin or south), or
 - Edmonton Hearing Office @ (780) 422-3699, (for claimants located north of Wetaskiwin)
5. Depending on the proximity of the claimant to one of the Provincial Hearing Offices, the claimant may be asked to attend the respective Hearing Office in person.
 6. If the claimant is unable to attend the Hearing Office in person, the claimant will be required to:
 - a. Complete the “[*Telephone Application for an Emergency Protection Order – By Claimant \(COVID-19\)*](#)”
 - b. Fax or email a scan of the completed Application Form and copies of the front and back of their government issued identification (preferably an Ab Driver’s License or Passport to the:
 - Calgary Hearing Office @ hearingoffice.calgary@just.gov.ab.ca , or by fax to (403) 297-3229;
 - Edmonton Hearing Office @ hearingoffice.edmonton@just.gov.ab.ca , or by fax to (780) 427-9479
 7. If the claimant does not have any identification, they may be able to get assistance from their local police agency or they may be required to attend in person on the next sitting day.
 8. If the claimant does not have access to a fax machine or scanner, the claimant may take a photo the documents with their phone and forward to the address noted in 6(b) above.
 9. If the claimant does not have access to a computer, the Hearing Office clerk will complete the form on behalf of the claimant.
 10. The claimant will be asked for a phone number (preferably a land line) where they can be reached once there is a Justice of the Peace (JP) available to hear the application.
 11. The claimant will be advised that the Justice of the Peace will call them when the Justice of the Peace is ready to proceed with hearing the application. Therefore, the claimant is required to be available at the contact phone number they have provided when the Justice of the Peace calls.
 12. The Justice of the Peace will contact the claimant once they are ready to proceed with the application.
 13. If the Emergency Protection Order is granted by the Justice of the Peace, a copy of the Emergency Protection Order along with an information sheet (Information for the Claimant) will be sent to the claimant at the email or mail address provided on the “*Telephone Application for an Emergency Protection Order – By Claimant (COVID-19)*” form.

As per: Deputy Chief Judge L. McLellan

Date: April 27, 2020