



Creating a Culture of Support

Alberta's Protection Against Family Violence Act (PAFVA)

Information Sheet

Get Help

If you or someone you know is in immediate danger, call 911.

For help in your community or for more information, please call the 24-hour Family Violence Info Line toll-free at **310-1818** or visit www.familyviolence.alberta.ca.

Alberta Children and Youth Services is proud to lead Alberta's Prevention of Family Violence and Bullying Initiative.

Family violence is everybody's business. Family violence exists in all Alberta communities.

What is family violence?

Family violence is the abuse of power within relationships of family, trust or dependency that endangers the survival, security or well-being of another person. Family violence can include spouse abuse (married or common-law), older adult abuse and neglect, child abuse and neglect, child sexual abuse, parent abuse, and exposure to abuse of others in the family.¹

Family violence may include some or all of the following behaviours: physical abuse, psychological abuse, criminal harassment/stalking, verbal abuse, sexual abuse, financial abuse and spiritual abuse. Victims of family violence include dating couples, spouses (married or common-law), people in LGBTQ* relationships, children, teens, people with disabilities and older adults.

Alberta's Protection Against Family Violence Act (PAFVA) protects all family members who are victims of family violence. The act has been supporting victims of family violence since 1999. Effective November 1, 2006, and November 1, 2011, further changes were made to the act to provide better protection to victims of family violence, including providing protection to people who are being stalked by a family member or an ex-partner, providing protection to relatives whether or not they live together, and clarifying conditions when an Emergency Protection Order can be granted.

Albertans can help by learning about the *Protection Against Family Violence Act* and its three protective tools:

1. Emergency Protection Order (EPO)

An EPO is a way to address the immediate safety of victims of family violence. An EPO can order an abuser not to go to places where the victim regularly goes and not to communicate with the victim. The order can allow the victim to stay in the home and order the abuser to leave. It can also address other conditions necessary to provide for the immediate protection of the victim and other family members.

There is no cost to obtain an EPO. Children and Youth Services caseworkers and police can apply 24 hours a day, seven days a week. Victims can apply for an order directly at a provincial court during court hours.

An EPO must be scheduled for review in the Court of Queen's Bench no later than nine working days after it is granted, to review the information related to the order.

At the review, the judge will determine what, if any, further order is granted.

2. Queen's Bench Protection Order

A Queen's Bench Protection Order covers many of the same types of things as an Emergency Protection Order (EPO). Where an EPO is for the immediate safety of a victim of family violence, a Queen's Bench Protection Order can provide for longer-term



planning and protection. A Queen's Bench Protection Order can be issued for up to one year. Additional conditions can be added to a Queen's Bench Protection Order. For example, it can order the abuser to reimburse the victim for loss of money or finances resulting from family violence, it can say which party can temporarily possess personal property, it can order counselling for the abuser and authorize counselling for a child without the consent of both guardians.

A Queen's Bench Protection Order can be granted when an EPO is reviewed. It can only be applied for by a victim. A Queen's Bench Protection Order can also be applied for directly (without an EPO first).

3. Warrant Permitting Entry

A Warrant Permitting Entry allows a police officer to enter a location named in the warrant to search for, assist, or examine a family member and, with their consent, remove a victim for their safety.

A Warrant Permitting Entry can only be applied for by the police.

Failing to follow a protection order

As of November 1, 2011, if a person does not follow the conditions of a protection order (either an EPO or a Queen's Bench Protection Order), there are serious consequences. Penalties for not following a protection order include a fine of up to \$5,000 and possible jail time up to 90 days for a first offence, mandatory jail time of 14 days to 18 months for a second offence and 30 days to 24 months for third and subsequent offences.

Albertans can help create a culture of support

The existence of family violence in our communities affects our safety, security, health and dignity. It affects our individual and collective ability to live free of fear.

Communities can help through awareness and creating a culture of support by:

- Providing information on services and supports to individuals experiencing family violence;
- Informing victims that the Protection Against Family Violence Act is legislation that provides legal protection to victims, their children and other family members;
- Assisting victims to apply for an EPO and helping to arrange for legal representation if needed; and
- Helping victims understand the benefits of an EPO, including:
 - There is no cost for applying for an EPO or Queen's Bench Protection Order;
 - Children and Youth Services staff and police can apply on a victim's behalf 24 hours a day, seven days a week;
 - Police are required to serve an abuser with a copy of the EPO; and
 - Adult victims can apply for their own order at a provincial court during regular court hours.

The Provincial Legal Aid Office can provide information to obtain an EPO or a Queen's Bench Protection Order. Call toll-free at **310-0000** and ask to be connected to **780-427-7575**.