

What you need to know about... Queen's Bench Protection Orders

What is a Queen's Bench Protection Order?

A Queen's Bench Protection Order (QBPO) is a legal tool intended to protect Albertans experiencing family violence. If you are experiencing family violence, you may want to consider applying for a QBPO. If you are eligible, it can do any of the following:

- Require an abusive family member to:
 - Stop entering or going near your home, place of employment, or children's school(s). This can also include other places you regularly go.
 - Stop contacting or associating with you and your family.
 - Stop communicating with you and your family both directly and indirectly.
 - Pay for any expenses that resulted from the family violence, such as loss of income, medical or dental expenses, moving costs, or legal fees.
 - Attend counselling.
- Give you exclusive possession of your family home even if your name isn't on the lease or title.
- Give you temporary possession of personal property such as pets, vehicles, debit cards, passports, health care, and insurance cards, etc.
- Give police the authority to:
 - Remove the abusive family member from your family home.
 - Seize and store weapons when they have been used or their use has been threatened in family violence.

When you apply, a judge will assess your situation and if you're eligible, will issue a QBPO tailored to your needs.



To learn more about whether a QBPO is the best option for your situation, contact the Family Violence Info Line at 310-1818, your local family violence information centre or shelter, or Legal Aid Alberta's Emergency Protection Order Program at 1-866-845-3425. If you are in immediate danger, call 911 for help.

How is a Queen's Bench Protection Order different from an Emergency Protection Order?

A Queen's Bench Protection Order (QBPO) is very similar to an Emergency Protection Order (EPO), but there are some key differences to be aware of:

- When you apply for a QBPO, a copy of the application is given to the family member you're making the application against. You cannot apply for a QBPO without the family member's knowledge.
- Your situation does not have to be as urgent for a QBPO as it does for an EPO, meaning that you may be eligible for a QBPO even if you aren't eligible for an EPO.
- When you apply for a QBPO, the hearing is held in the Court of Queen's Bench. A QBPO cannot be obtained by telephone or in Provincial Court.
- Under a QBPO, a judge can order the abusive family member to pay you for expenses you incurred as a result of the family violence, including lost wages, health care expenses, or the costs of temporary accommodation.
- A QBPO can stay in effect for up to one year and it can be renewed. Unlike an EPO, it does not have to be reviewed by a judge within nine working days. Once it is issued, it stays in place until it expires.

Often, an EPO turns into a QBPO. When an EPO is issued, it must be reviewed by a judge within nine working days. At the review hearing, the judge can decide to issue a QBPO to replace the EPO.

For more information about EPOs, read *What you need to know about... Emergency Protection Orders*, available for free by visiting www.cplea.ca/publications and www.willownet.ca.

When can I apply for a Queen's Bench Protection Order?

If you are or have experienced any of the following types of **family violence**, you can apply for a Queen's Bench Protection Order (QBPO):

- Actions that cause personal injury or property damage, and are intimidating or cause harm. This can include punching, kicking, breaking furniture or personal items, damaging doors or walls, among other things.
- Failure to provide food, shelter, or medical attention that causes injury and is for the purpose of intimidation.
- Threats that cause reasonable fear of injury or property damage and intimidation. This can include emotional and mental abuse in certain cases, particularly if there is a history of threats being carried out.

- Forced confinement (for example, being locked in a room with no way out).
- Sexual contact that is the result of force or threat of force.
- Stalking, which includes repeated, harassing contact.

In order to apply for a QBPO, Alberta law states that family violence must have been committed by a **family member**. In Alberta, a family member includes anyone who:

- Is related to you by blood, marriage, or adoption, including adult children and in-laws.
- You are (or were) married to.
- You are (or were) in a common law (adult interdependent) relationship with.
- You live with (or lived with) in an intimate relationship.
- You have children with, regardless of whether you lived together or were married.
- You have care and custody of or legal guardianship over.



A QBPO cannot be issued if the violence was committed by someone you are dating, if you do not live together and do not have children together, or if the violence was caused by someone you live with but are not intimate with (for example, a roommate). However, these individuals can still have criminal charges filed against them.

How do I apply for a Queen’s Bench Protection Order?

If you have the financial capability, it is a good idea to hire a lawyer to help you apply for a Queen’s Bench Protection Order (QBPO) and represent you at your court hearing. If you plan to represent yourself, here are the basic steps to follow to apply for a QBPO:

1. Fill out two court documents – an **Originating Application for a Queen’s Bench Protection Order** (CTS2746) and a **Queen’s Bench Protection Order Questionnaire** (FL-13). Both forms can be downloaded by visiting the Alberta Courts website at www.albertacourts.ca/court-of-queens-bench/publications-forms/family-law-forms.

For help filling out these documents, contact your local legal clinic, Legal Aid Alberta, or Resolution and Court Administration Services. Contact information for these services can be found in the Help section on the last page of this information guide.

2. Take the completed **Queen’s Bench Protection Order Questionnaire** to a commissioner for oaths or notary public. You must swear the contents of the questionnaire are true and have the commissioner or notary sign the document.



You can get your Questionnaire signed by going to your local courthouse, law office, or by contacting Resolution and Court Administration Services. Make sure to bring photo identification with you when you go to swear the document.

3. File the documents with the Court of Queen's Bench. When you file your application, the Court Clerk will help you select a court date. You are then required to give (or serve) the application documents on the abusive family member that you have made the application against. You can hire a third party to serve the documents so that you don't have to see or communicate with the family member. For information on how to serve documents to an abusive party, read the information sheet **Serving Documents on an Abusive Party** by visiting www.cplea.ca/publications or www.willownet.ca.
4. Attend your court date. If you need legal advice on the day of your hearing, you can talk to duty counsel at the courthouse.



Duty counsel are lawyers provided by Legal Aid Alberta at courthouses throughout Alberta. They can provide you with brief advice and help explain court procedures, but they cannot provide you with full legal representation. Be sure to get to court early if you think you'll need help from duty counsel as there is often a line up. Call Legal Aid Alberta at 1-866-845-3425 to confirm availability of duty counsel in your area.

At your court hearing, be aware that the abusive family member has the right to challenge your version of events in court and he or she may say things you do not agree with. 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.

After the judge hears from both sides, he or she will determine whether to issue a QBPO. A judge can issue a QBPO if he or she determines, based on the evidence presented, that you experienced family violence.

5. If a QBPO is issued, it does not take effect until it is served on the abusive family member. A peace officer or third party service can give the QBPO to the abusive party. Once it has been served, it becomes an enforceable order.

How long does a Queen's Bench Protection Order last?

A Queen's Bench Protection Order (QBPO) starts as soon as it is ordered and served on the abusive family member. It can last for up to one year, depending on what the judge has decided. At the end of one year, the QBPO must be reviewed. The judge can then decide to renew it or cancel it.

What happens if the abusive family member doesn't follow the Queen's Bench Protection Order?

If the abusive family member is not following the rules in the Queen's Bench Protection Order (QBPO), call the police. You will likely need to show police a copy of your QBPO.

Once you have made a report to police, they can decide whether to arrest and charge the abusive family member with a breach. If charged, he or she will have to appear in court and will be prosecuted by a Crown Prosecutor. If the abusive family member pleads guilty or is convicted of breaching the QBPO, he or she will be fined or receive a jail term. Anyone convicted of more than one breach automatically receives a jail term.



Be aware that a QBPO 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

Family Violence Info Line

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

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.

Government of Alberta - Resolution and Court Administration Services

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

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.

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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