

Family Violence Act -WHAT ARE YOUR RIGHTS??

Taken from:

http://www.child.alberta.ca/home/images/familyviolence/doc_opfvb_sheet_Rights_colour.pdf

How the law can protect you

Alberta's Protection Against Family Violence 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.

The Protection Against Family Violence Act protects all family members who are victims of family violence. The act now allows for protection of relatives regardless of whether or not the abuser and victim live together. People who are being stalked by a

family member or an ex-partner are also protected under this act.

The Protection Against Family Violence Act has 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

provides legal protection to victims of family violence – it is not a criminal charge. An EPO can order an abuser not to go to places where the victim regularly goes and not to communicate with the victim. The EPO 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 for an EPO 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 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.

The Provincial Legal Aid Office can provide information on how 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.

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.