



# Know your rights Alberta's Protection Against Family Violence Act (PAFVA)

## Information Sheet

Statistics show that 22 per cent of all violent crimes in Canada were committed by a family member of the victim.<sup>1</sup>

### 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](http://www.familyviolence.alberta.ca).

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

## 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.<sup>2</sup>

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.

## You're not alone

If you are in an abusive relationship, the most important things to know are that you are not alone and you do not deserve to be abused.

You should also know children who are exposed to family violence can be affected as much as the person directly experiencing the family violence. Family violence is a crime, and there is help available to protect you and your children.

## 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**.

<sup>1</sup> Ogradnik, L. (Ed.). (2008, October). Family violence in Canada: A statistical profile 2008 (Catalogue No. 85-224-X). Ottawa, ON: Statistics Canada. Retrieved from <http://www.statcan.gc.ca/pub/85-224-x/85-224-x2008000-eng.pdf>

<sup>2</sup> Alberta Children and Youth Services (2004). Alberta Roundtable on Family Violence and Bullying: Finding solutions together. Edmonton, AB: Queen's Printer. Retrieved from [http://www.child.alberta.ca/home/documents/familyviolence/rpt\\_opfvb\\_finding\\_solutions\\_high.pdf](http://www.child.alberta.ca/home/documents/familyviolence/rpt_opfvb_finding_solutions_high.pdf)