Clerk’s Stamp

|  |  |  |
| --- | --- | --- |
| COURT FILE NUMBER | *Enter the Court File Number* |  |
| COURT | COURT OF KING’S BENCH OF ALBERTA |
| JUDICIAL CENTRE | *Select a Judicial Centre* |
| CLAIMANT(S) | *Family Member Requesting Emergency Protection Order* |
| RESPONDENT(S) | *Family Member that Claimant seeks protection from* |
| DOCUMENT  | **KING’S BENCH PROTECTION ORDER** |
| PARTY FILING THIS DOCUMENT | Court Generated Order |

**DATE ON WHICH ORDER WAS PRONOUNCED:** *Date*

**THE HONOURABLE JUSTICE:** *Enter name of presiding Justice*

**HEARD AT:** *Select a Judicial Centre***, ALBERTA**

UPON THE COURT having reviewed the evidence filed in support of this application;

UPON NOTING that an application for a King’s Bench Protection Order came before this Honourable Court on *Date* in accordance with section 4 of the *Protection Against Family Violence Act*;

AND UPON:

 [ ]  hearing from the Claimant / Counsel / Duty Counsel for the Claimant;

 [ ]  the Claimant having failed to appear;

 [ ]  hearing from the Respondent / Counsel / Duty Counsel for the Respondent;

 [ ]  hearing from the Respondent, who is requesting an adjournment for *Enter reason*;

 [ ]  noting the Respondent having failed to appear, although properly served;

 [ ]  noting the Respondent having failed to appear but service cannot be confirmed;

**IT IS HEREBY ORDERED THAT:**

1. The application for a King’s Bench Protection Order is hereby:

[ ]  Adjourned to: *Date, time and address* with the terms set out below to apply during the adjournment period.

[ ]  Adjourned for an Oral Hearing to *Date, time and address* with the terms set out below to apply during the adjournment period.

*[A separate Oral Hearing Order must also be completed.]*

 [ ]  Granted, as set out below.

1. The Respondent, *Enter name of Respondent*., is specifically restrained from being within *200 or other distance* metres of:

[ ]  the Claimant’s/family member’s residence: *Enter address*

[ ]  the Claimant’s/family member’s place of employment: *Enter address*

[ ]  the Claimant’s/family member’s other addresses: *Enter address*

or from being within *100 or other distance* metres of the Claimant anywhere else in the Province of Alberta.

1. The Respondent is restrained from harassing, molesting, watching, following, telephoning, or otherwise interfering with or contacting the Claimant and the following person(s), \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, either directly or indirectly, and either personally or by agent, including through the use of social media, anywhere in the Province of Alberta.
2. On the Respondent being in breach of any of the terms of this Order:
	1. the Respondent may be charged under s. 13.1(1) of the *Protection Against Family Violence Act*; or
	2. if the Respondent is not charged under s. 13.1(1) of the *Protection Against Family Violence Act*, any Peace Officer is authorized to and may forthwith arrest the Respondent, and bring the Respondent, as soon as possible, before a Justice of the Court of King’s Bench of Alberta to show reason why there should not be a finding of civil contempt.

 However, the Respondent shall not be arrested unless the Respondent has previously been served with a copy of this Order, or if not served, is shown a copy of this Order by the Peace Officer and, on being given an opportunity to do so, does not then obey it.

1. In making an arrest under this Order, a Peace Officer is authorized to do anything necessary to carry out the arrest, including the use of as much reasonable force as may be necessary to make the arrest, and without warrant to enter any place where, on reasonable and probable grounds, the Peace Officer believes that the Respondent may be found.
2. This Order is sufficient authority for the keeper of a correctional institution to receive the Respondent in custody pending appearance before a Justice of the Court of King’s Bench of Alberta.
3. This Order remains in effect up to and including the *Date* day of *Month*, 20*Year*, unless terminated or continued by order of this court.
4. Either party may apply to amend, vary, or strike out the within Order on providing notice to the other party 5 days or more before the date the application is scheduled to be heard or considered.
5. The Respondent shall not be in breach of this Order in the following circumstances:
6. Any contact between the Claimant and the Respondent through a third party for the purpose of:

i) arranging existing court ordered parenting time to any child(ren) who are not named in this protection order; or

ii) exercising parenting time agreed to between the parties through mediation or through their counsel, but only for children who are not named in this protection order;

 shall not constitute a breach of this order.

1. The exercise of any parenting time granted to the Respondent in relation to the children by Order of a court of competent jurisdiction granted after this Order, shall not constitute a breach of this Order.
2. Any contact between the Claimant and the Respondent for the purpose of arranging and attending court (including arranging for service of documents through a third party or service by email), mediation, counselling, meetings with legal counsel present, or any contact required for legal proceedings shall not constitute a breach of this Order.

 *[Any specific parenting terms must be put into a separate parenting Order.]*

1. **SERVICE***: [Choose from below and initial.]*

[ ]  A copy of this Order is to be personally served upon the Respondent as soon as reasonably possible by a Peace Officer.

 **OR**

 [ ] A Peace Officer may assist in serving this Order upon the Respondent(s).

*[only requires a Peace Officer to provide information that will assist with service]*

 **OR**

[ ] The Clerk of the Court shall serve both parties, or where applicable, Counsel for the parties, with a copy of this Order, via emailaddresses provided in Court. The requirement of filing an Affidavit of Service is dispensed with.

 **OR**

[ ]  *[Indicate any special instructions for service].*

*[If anything other than personal service is ordered, a Peace Officer will not serve the order.]*

1. Additional terms of this Order:
[*Choose from below and initial*]

[ ]  A Peace Officer shall accompany the Applicant/Respondent to the residence at: *Address* on one (1) occasion, as soon as reasonably possible, to supervise the removal of personal belongings.

[ ]  The Claimant is granted exclusive possession of the residence at: *Address* for *Enter period of time*

[ ]  A Peace Officer is directed to remove the Respondent from the residence at: *Address* within *Enter period of time*

[ ]  A Peace Officer shall seize and store the following weapons:
*List weapons*
For this purpose, the Peace Officer is authorized without warrant to enter any place where, on reasonable and probable grounds, the Peace Officer believes the Respondent may possess or store the above listed weapons.

[ ]  *Add other terms as appropriate – see s. 4 Protection against Family Violence Act*.

[ ]  Rule 9.4(2)(c) is invoked *[Approval by a party is not required.]*

[ ]  Rule 9.4(2)(d) is invoked *[Clerk is directed to sign this Order.]*

*[Clerk to add Webex address for next appearance as required.]*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Justice of the Court of King’s Bench of Alberta

**Warning to the Respondent:**

**YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this order may constitute an offence under section 13.1(1) of the *Protection Against Family Violence Act.***A person who is guilty of an offence under section 13.1(1) of the *Protection Against Family Violence Act* is liable for a first offence to a fine of not more than $5000 or to imprisonment for a term of not more than 90 days or to both; for a second offence, to imprisonment for a term of not less than 14 days and not more than 18 months; and for a third or subsequent offence, to imprisonment for a term of not less than 30 days and not more than 24 months.

**YOU SHOULD IMMEDIATELY CONTACT A LAWYER** for advice as to what your rights are and as to what you are required to do respecting this Order.

**Notice to the Claimant:**

**YOU ARE ADVISED to carry a copy of this Order with you at all times as this will help to ensure timely enforcement of the Order.**