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| COURT FILE NUMBER | [*File Number*] |
| COURT | COURT OF KING’S BENCH OF ALBERTA |
| JUDICIAL CENTRE | *Select a Judicial Centre* |
| APPLICANT | [*Applicant Name*] |
| RESPONDENT | [*Respondent Name*] |
| DOCUMENT | **MUTUAL RESTRAINING ORDER** |
| ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT | **Court Generated Order** |

Clerk’s Stamp

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

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

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

THE COURT has reviewed the evidence filed in support of this application.

[ ]  UPON NOTING the Without Notice Restraining Order granted on [*Date*]

[ ]  UPON NOTING the Emergency Protection Order (EPO) granted on [*Date*]

[ ]  UPON NOTING the Application before the Court is for a Restraining Order on Notice;

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:

**CONTACT:**

1. The Respondent shall not attend at, enter or be within [*number*]meters of the following:

[ ]  the Applicant’s residence: [*Address*]

[ ]  the Applicant’s place of employment: [*Address*]

[ ]  the Applicant’s other addresses: [*Address*]

or be within [*number*] meters of the Applicant anywhere in the Province of Alberta.

1. The Applicant shall not attend at, enter or be within [*number]* meters of the following:

[ ]  the Respondent’s residence: [*Address*]

[ ]  the Respondent’s place of employment: [*Address*]

[ ]  the Respondent’s other addresses: [*Address*]

or be within [*number*] meters of the Respondent anywhere in the Province of Alberta.

1. The Respondent is restrained from harassing, molesting, watching, following, telephoning, or otherwise interfering with or contacting the Applicant 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. The Applicant is restrained from harassing, molesting, watching, following, telephoning, or otherwise interfering with or contacting the Respondent 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.

**ENFORCEMENT:**

1. Upon the Applicant or the Respondent being in breach of any of the terms of this Order, any Peace Officer shall provide assistance to ensure that the party in breach complies with the Order and is authorized to forthwith arrest that party, detain and bring them, at the earliest possible time, before a Justice of the Court of King’s Bench of Alberta to show cause why there should not be a committal for civil contempt.
2. This Order is sufficient authority for the keeper of a correctional institution to receive the Applicant or the Respondent into custody and to safely keep them pending appearance before a Justice of the Court of King’s Bench of Alberta.
3. In making an arrest as aforesaid, a Peace Officer is authorized to do anything necessary to carry out the arrest and, for such purposes, the Peace Officer is hereby given full power and authority to use as much force as may be necessary to affect the arrest, and without warrant to enter any place where, on reasonable and probable grounds, the Peace Officer believes that the Applicant or Respondent may be found.

 8. Neither the Applicant nor the Respondent shall be in breach of the restraint provisions of this Order in the following circumstances:

1. Any contact between the Applicant 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 Applicant 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.]*

 **OTHER:**

9. This Order shall remain in effect up to and including the Date day of Month, 20Year. However, it shall cease to have any force or effect on this action being discontinued or on the trial of this matter unless continued by Order of this Court.

10. 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.

11. *Indicate any other clauses*

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

☐ Applicant has been served personally in the courtroom, by the Clerk, or by Counsel.

OR

☐ Respondent has been served personally in the courtroom, by the Clerk, or by Counsel.

OR

☐ The Clerk of the Court shall serve both parties with a copy of this Order, or Counsel where applicable, via email addresses 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.]*

13. **MISCELLANEOUS:** *[choose that which applies and initial]**\*

[ ]  The Emergency Protection Order granted\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is hereby revoked.

[ ]  The King’s Bench Pro Protection Order granted\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is hereby revoked.

[ ]  The Restraining Order granted\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is hereby revoked.

[ ]  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.

[ ]  A Peace Officer is directed to remove the Applicant/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.

[ ]  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.]*

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

Justice of the Court of King’s Bench of Alberta

**Warning to the Applicant and Respondent:**

**YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this order may result in committal for civil contempt or criminal charges**.

**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 Applicant and Respondent:**

**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.**