
Applying for a Restraining Order Without Notice

Contact the Family Law Information Centres at:

Edmonton

Law Courts Building
1A Sir Winston Churchill Square
Edmonton, Alberta, T5J 0R2
Tel: 780-415-0404
Fax: 780-415-0403

Calgary

604, J.J. Bowlen Building
620 - 7 Avenue S.W.
Calgary, Alberta, T2P 0Y8
Tel: 403-297-6600
Fax: 403-297-6605

Toll free in Alberta: Dial 310-0000 and ask to be connected to either Centre.

Family Law Information Centre Court Procedure Booklets

The Court Procedure Booklets listed below can be purchased at any Family Law Information Centre or Queen's Bench Courthouse, or from the Queen's Printer Bookstore by phoning 427-4952 in Edmonton, or 310-0000 elsewhere in Alberta, or from the Queen's Printer website at www.qp.gov.ab.ca. Or you may download the booklets for free at:

www.albertacourts.ab.ca/familylaw

If your application Deals with child support or arrears, you should read this booklet first:

1. Information for Unrepresented Parties about Child Support Matters

Child Support — when both parties live in Alberta

2. Obtaining Income Information from the Other Party for Child Support Applications
3. Applying for an Order for Child Support
4. Changing an Existing Order for Child Support
5. Decreasing Child Support, Reducing or Cancelling Arrears, and Stay of Enforcement
6. Reducing or Cancelling Arrears and Stay of Enforcement (where there is no change to ongoing support)
7. Applying for an Order for Child Support Under the Parentage and Maintenance Act
8. Applying for a Consent Order that Includes Child Support
9. Opposing an Application that Involves Child Support

Child Support — when the respondent lives outside Alberta

10. Provisional Application to Change an Order for Child Support - Divorce Act

Spousal Support

14. Applying for an Order for Spousal Support
15. Changing an Existing Order for Spousal Support

Custody and Access

16. Applying for an Order for Custody and/or Access
17. Changing an Existing Order for Custody and/or Access

Combination Applications

18. Applying for an Order for Child Support and Custody and/or Access
19. Changing an Existing Order for Child Support and Custody and/or Access
20. Applying for an Order for Child Support and Spousal Support
21. Changing an Existing Order for Child Support and Spousal Support
22. Applying for an Order for Child Support, Spousal Support and Custody and/or Access
23. Changing an Existing Order for Child Support, Spousal Support and Custody and/or Access

Restraining or Protection Orders

24. Applying for a Restraining Order Without Notice
25. Applying for a Protection Order on Notice
26. Review of an Emergency Protection Order

General

27. Opposing an Application that Does Not Involve Child Support
28. Applying for a Consent Order that Does Not Include Child Support
29. Transferring Your Court File
30. General Family Law Application

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The Family Law Information Centre and Queen's Bench Chambers Office cannot give you legal advice or financial guidance, and cannot predict the outcome of court decisions.

This booklet provides general information only. You should speak to a lawyer for legal advice about your own situation.

About this Booklet

You can use this booklet if:

- you were married to or lived together in a marriage-like relationship with your partner;
- you have reason to believe your partner will cause you and your children physical harm; and
- it would be dangerous for you to provide your partner with advance notice of your application.

A court application is a very formal process that is designed to ensure fairness. It is important that you follow each step carefully and thoroughly.

Restraining Order Without Notice

A Restraining Order is an order made by the court and enforced by the police which limits the contact your partner can have with you and your children. The Order will state that your partner can have no contact, either directly or indirectly, and in person or by other means (for example, by telephone). Your partner will also be prevented from coming within a certain distance of certain places (for example, your residence or place of employment).

You should know that if the Restraining Order includes your children, you may need to deal with sharing parenting decisions and parenting time at some point in the future.

You will be asking the court to make an *Ex Parte* Restraining Order - that is, without notice to the respondent (your partner). Normally, the court will not make any order unless all parties affected by the order have been properly notified. The *Ex Parte* Restraining Order will be granted only if the court is satisfied that there are good reasons for doing so.

The application must be made during normal court hours. Speak to the Chambers Clerk to find out when a judge will be available to hear your application.

Before You Begin

Get Legal Advice

Before starting to work, speak to a lawyer and ask the following questions:

- Do I have a good chance of success if I make this application
- What information (evidence) should I be presenting to the court when I make the application?
- What kind of orders might the court grant in my situation?

Asking for a lawyer's opinion on your case is a relatively inexpensive step, and may save you a great deal of time and effort. The lawyer may also be willing to provide you with advice and help filling out the forms and preparing for your court application.

You will need to consult other sources of information as you prepare your application. You can find the following documents at your local court house library or other libraries:

- *Alberta Rules of Court*
- *Family Law Practice Notes* (attached to the Alberta Rules of Court)
- *Protection Against Family Violence Act*
- "Victims of Family Violence Information and Rights" booklet (available from the Family Law Information Centre or from Alberta Solicitor General and Public Security - (780)415-6104.

You can find many of the links to legal resources at **www.albertacourts.ab.ca/familylaw**

Please note: Even if your circumstances are different than those described in this booklet, you may still be able to apply for a Restraining Order or other protective remedy. In this case, you should speak to a lawyer. You may be able to receive assistance from your nearest Legal Aid Office or the Calgary Legal Guidance Restraining Order Program. See page 4 for the addresses and phone numbers.

Other Options for Seeking Protection If You are in a Family Violence Situation

If you have been assaulted, or are in a family violence situation, call your local police or RCMP detachment or have a neighbour or friend call for you.

If the threat of danger is immediate, call 911 or your local police emergency number if you do not have 911 service.

If you are in a family violence situation where the threat of danger is immediate, the police can apply for an Emergency Protection Order to provide you with immediate protection.

Besides applying for a Restraining Order, there are other applications you can make to help protect you and your children from harm.

One option is to apply for a **Queen's Bench Protection Order** on notice to the abusive family member. This application should not be used in emergency situations. For more information on the Queen's Bench Protection Order, see the Court Procedure Booklet, *Applying for a Protection Order on Notice*.

Another option is to apply for a **peace bond**. If the other party has not been charged with an offence, but you are frightened for your safety, or you fear harm to your children or property, you may be able to apply for a peace bond. A peace bond is issued under the Criminal Code and is a Court Order that requires the other party to keep the peace and obey any other conditions the court decides are necessary. You do not need a lawyer to obtain a peace bond. To obtain a peace bond, first report the incident to your local police or RCMP detachment and tell them why you are worried about your safety (get a file number from the police). Next, go to your local criminal court to arrange an appearance before a Provincial Court Judge or an appointment with a presiding Justice of the Peace.

Other Resources for Information and Assistance

There are other organizations and programs that you can turn to for information and assistance when deciding on or making an application.

Legal Aid

Legal Aid
300 Revillon Building
10320 - 102 Avenue
Edmonton, Alberta
phone (780) 427-7575

Legal Aid
18th floor
Standard Life Building
639 - 5th Avenue S.W.
Calgary, Alberta
phone: (403) 297-2260

For Legal Aid Offices in other areas, call toll free from anywhere in Alberta by calling 310-0000

Programs

Calgary Legal Guidance Restraining Order Program
100, 840 - 7 Avenue S.W.
Calgary, Alberta
Phone: 403-716-6484
Fax: 403-234-9299

Community resources

For more information about other services that can assist in family violence situations, contact the following:

- Your local police, RCMP detachment, shelter or victim's services unit. They can help you get more information about other services in your community.
- Alberta Children's Services - Prevention of Family Violence and Bullying Division. Call toll free from anywhere in Alberta at 310-0000 and ask for 422-5916.
- The Community Service Referral Line can refer you to other helping resources. Call 780-482-INFO(4636) in Edmonton or 403-268-INFO(4636) in Calgary.
- Look in the Human Services Guide of the phone directory under Crisis/Distress Lines (24 hours), Family Violence, and/or Shelters.

Restraining Order Registries

The Chief of Police
Edmonton Police Service
9620 - 103A Avenue
Edmonton, Alberta, T5H 0H7
Attention: Case Management
Unit

The Chief of Police
Calgary Police Service
316 - 7th Avenue, SE
Calgary, Alberta, T2G 4Z1
Attention: Case Management
Unit

If outside of Edmonton or Calgary, you will need to
contact the local police or RCMP detachment in your area -
consult the phone directory.

Step 1: Prepare the Application Form

1-1 Prepare the Application form

Complete the “Ex Parte Application for a Restraining Order in a Family Law Situation” (the Application form).

The facts that you include in your Application form must be complete, accurate and relevant to the current application that is before the court. There are serious consequences if you do not tell the truth. Remember that the other party or their lawyer can cross-examine or ask you questions on anything you include in your Application form.

Please note that the address you are asked to give is an address where you may be served documents, and is not necessarily your residence. Keep in mind that the respondent will receive a copy of this Application form when the respondent receives a copy of the Order - see Step 4. If you do not want the respondent to know where you are living, you should give an address other than your residence.

You may use the sample Application form that starts on page 17 of this booklet as a “rough copy”. Then, when you are ready, complete the good copy of the Affidavit using the extra set of forms included with this package.

Step 2: Prepare the Ex Parte Restraining Order

2-1 Prepare the Order

You will have to prepare the Ex Parte Restraining Order, which will be signed by the judge in court.

The Order has spaces for you to fill in your home and work addresses, and any other address where you spend a lot of time. If the respondent does not know these addresses now, and if you are worried about letting the respondent know these addresses, leave these spaces blank, and when you go to court, you can tell the judge why you don't want that information in the Order.

Step 3: File Your Application form and Go to Court

3-1 Make copies of your Application form

Do not make copies of your Application form until AFTER you have had it signed by the Commissioner for Oaths!

Make 3 copies of your Application form (total of 4 with the original).

When you photocopy your Application form, you must photocopy the exhibits as well (if you have any).

3-2 Prepare for court

You will need to take the following things with you to court:

- a pen and paper;
- your copies of the filed Application form; and
- your form of Ex Parte Restraining Order.

3-3 Attend court

Take the originals and the copies of the Application form and your Ex Parte Restraining Order to the Chambers Office (see the inside back cover for locations). The Chambers Clerk will file your Application form, and will arrange for you to go in front of a judge.

Normally, applications for Ex Parte Orders are heard in Family Law Chambers, starting at 10:00 a.m. When the judge calls for “any ex parte applications”, stand up and go up to the front of the court room. You may have to wait for lawyers and other people who also have ex parte matters.

Hand your form of Order and one copy of your Application form to the clerk in court when you start your application. The clerk will hand them to the judge.

You will be asked to present your case to the judge. The only evidence you can discuss in court is what is included in your Application form. You should be prepared to answer any questions the judge may have.

If the judge grants your Order, the judge will fill in any blanks, sign the Order, and hand it back to you.

Points to Remember When Representing Yourself in Court

The court house is a very traditional place. When you are representing yourself it is up to you to persuade the judge that your position is right. For this reason you must act, dress and speak in a way which helps and does not distract from your case. Here are some tips:

1. When you come to court, dress in clothes that are clean, neat and in good repair. You should be clean and neatly groomed.
2. How you act is as important as how you look. Be respectful to everyone in the court house, which includes the judges, court staff, lawyers, the other party involved in your case and security officers.
3. The court has a very busy schedule. Be on time for any application, case management meeting, pre-trial conference, or trial, or there may be consequences. For example, if you are late for an application, your application may be dismissed if you are the applicant or, if you are the respondent, the court may proceed without you.
4. The judge will not speak to you about your case except during a scheduled application, case management meeting, pre-trial conference or trial, and when the other party or lawyer is present.
5. Wait until you are addressed by the judge before talking, otherwise the judge will not respond.
6. Staff in the Clerk's Office cannot give you legal advice or recommendations on what you should do. Always be polite to court house staff and provide them with any information or materials that are requested.
7. When you represent yourself it is very important that you bring all necessary materials to support your application. You may be able to get legal advice from a lawyer ahead of time to make sure you are proceeding correctly and have all the right materials in their required form. Some lawyers will provide assistance with the preparation of these documents.
8. When you are attending a chambers application and the case is called, come forward to the counsel table at the front of the court room and tell the judge who you are. Always stand when you are addressing the judge. Refer to male judges as "My Lord" and female judges as "My Lady." Speak slowly in a clear voice with sufficient volume.
9. Be respectful to the judge, any counsel and the other party. Do not speak out of turn. Outbursts, inappropriate language and displays of temper will not be tolerated and could well influence the outcome of your application.

Step 4: File and Serve the Ex Parte Restraining Order

4-1 File your Ex Parte Restraining Order

Make 4 copies of your signed Ex Parte Restraining Order (total of 5 with the original). Bring the original and copies of the Order to the Chambers Clerk for filing. Four copies will be returned to you - 2 certified copies and 2 filed copies. Note that one certified copy must be set aside to be attached to the Affidavit of Service. (See Step 4-2) The other certified copy will be given to the police. (See Step 5). The certified copies can be identified by the embossed (raised) seal.

4-2 Serve the respondent

The respondent must be personally served with filed copies of the Application form and the Order. The documents must be handed to the respondent. Do not serve the respondent yourself. Have the documents served by a process server - someone who will know how to handle a possibly dangerous situation. You can find a list of process servers in the yellow pages.

Give the process server 2 filed copies of the Application form, and 1 certified and 1 filed copy of the Restraining Order. The certified copy must not be served.

The process server should provide you with an Affidavit of Service. The Affidavit of Service explains how and when the respondent received a copy of your Application form and the Order.

4-3 Copy the Affidavit of Service

Make 2 copies of the complete Affidavit of Service (total of 3 with the original). The complete Affidavit consists of the Affidavit of Service with the copies of the Application form and Order attached as exhibits.

4-4 File the Affidavit of Service

File the original and copies of the Affidavit of Service with the Chambers Office. They will return 2 filed copies to you.

Step 5: Give the Ex Parte Restraining Order to the Police

It is important that the Ex Parte Restraining Order is properly registered with the police. This makes sure that the police have an accurate record of the Order on their computer system, and are able to act quickly if the order is breached or disobeyed.

5-1 Complete the Statement of Description

You must provide the police with a complete and accurate description of the respondent. Fill in the Statement of Description and attach a photo of the respondent, if you have one.

5-2 Register with the police

Take your remaining certified copy of the Ex Parte Restraining Order, a filed copy of the Affidavit of Service, and the Statement of Description to your local police headquarters or R.C.M.P. detachment. The police may have a specific Restraining Order Registry. See the Restraining Order Registry information on page 20. If you reside outside of Edmonton or Calgary, you will need to contact the local police or R.C.M.P. detachment in your area.

You should still have one filed copy of the Affidavit of Service, which will have one filed copy of the Restraining Order attached. Keep it in your possession at all times while the Order is in effect.

The police may want to see it if the Order is breached or disobeyed in the future. (See step 7)

Step 6: The Review

Because the Ex Parte Restraining Order is made without notice to the respondent, it is important that the court give the respondent an opportunity to respond to the application. For that reason, the Ex Parte Restraining Order is in place only until the “Review Date”. The date for the Review is stated in paragraph 7 of your Ex Parte Restraining Order. At the Review Date, the judge can grant a Restraining Order that will continue on for a longer period.

You must go to court for the Review, even if you believe the respondent will not be attending.

6-1 Prepare for Court

Fill in the Restraining Order. Again, if you don’t want the respondent to know your addresses, leave those spaces blank.

You will need to take the following things with you to court:

- a pen and paper;
- your copy of the filed Affidavit of Service which includes the Application form and Order; and
- the Restraining Order.

6-2 Attend court

Find your court room number by checking the Chambers lists which are posted in the court house. You can also check with a clerk. Make sure you have the correct court room number. There may be more than one court room in the building hearing family matters at the same time.

Your application will be assigned a number on the Chambers list. This number will be called when it is time for your application to be heard.

Other matters will be scheduled in court at the same time as your own. You will have to wait until you (or your number) are called.

You and the respondent will be asked to present your cases to the judge. If the judge agrees that the Restraining Order should be granted, hand it up for the judge to sign.

6-3 File the Order

Make 4 copies of the Restraining Order and file it as you did in Step 4-1 on page 10.

6-4 Serve the Order

Serve the Respondent with the Restraining Order and file the Affidavit of Service following the Steps 4-2 through 4-4 on pages 10 - 11.

6-5 Deliver the Order to the Police

Deliver a certified copy of the Restraining Order and Affidavit of Service to the police or RCMP as you did in Step 5-2 on page 11.

Keep a filed copy of the Restraining Order along with the Affidavit of Service (with the Restraining Order attached) in your possession at all times while the Restraining Order is in effect.

The police may want to see it if the Restraining Order is breached or disobeyed in the future. (See step 7)

Step 7 If the Respondent Breaches the Order

If the respondent breaches or disobeys the Restraining Order, call the police or RCMP.

If the respondent is arrested as a result of disobeying the Restraining Order, you will be contacted at the telephone number you had provided on the backer of the Restraining Order. You may be required to appear in court to give evidence of the breach. A judge will decide what penalty the respondent will face.

As the applicant, you must not contact the respondent or allow the respondent back into your home while the Restraining Order is in effect. The Restraining Order is directed toward the respondent, so it is not revoked if you do contact the respondent. However, these circumstances make it difficult to enforce the Restraining Order. And, it may make it harder to obtain a Restraining Order in the future, especially if no further threats or violence occur during this contact.

Terminating or Extending the Restraining Order

You will have to make a further court application if:

- you decide that you no longer want or need the Restraining Order to be in effect,
- you want to have the Restraining Order continue for a longer period, or
- you want to change what the Restraining Order says.

You should see a lawyer because that procedure is different from the procedure in this booklet.

Appendix 1: Rough Copy of Application form

Use the blank sample Application form on the next 3 pages as a rough or practice copy. Then, when you have all of the necessary information, complete a good copy of the forms which are included with this booklet.

ROUGH COPY OF APPLICATION FORM
FILL IN THIS COPY BEFORE COMPLETING THE ATTACHED COURT FORMS

EX PARTE APPLICATION FOR A RESTRAINING ORDER
IN A FAMILY LAW SITUATION

Date: _____ Action Number: _____

Name of Applicant: _____
FIRST MIDDLE LAST

Address of Applicant: _____

ADDRESS AT WHICH LEGAL DOCUMENTS MAY BE SERVED UPON YOU

Name of person against whom restraining order is being requested (the 'Respondent'):

FIRST MIDDLE LAST

Address of Respondent: _____

ADDRESS AT WHICH LEGAL DOCUMENTS MAY BE SERVED UPON THE RESPONDENT

Status of Applicant and Respondent:

Married ☐ Divorced ☐ Common-law ☐ Other: _____

Date relationship commenced: _____

Date of Separation: _____

Date and action number of any previous applications for a restraining order:

Are there now or have there ever been any divorce, custody, child support or spousal support proceedings against the Respondent in this court or in the Provincial Court? If yes, please provide the action number(s): _____

Will the granting of this order require the respondent to leave his or her residence?

Are there any children (under age 16) of the Applicant and Respondent? Yes ☐ No ☐

If so, list the children's names, birth dates and with whom the children are residing:

1. _____
2. _____
3. _____

Are there any other children involved? Yes ☐ No ☐

If so, list the children's names, birth dates and relationship to Applicant:

1. _____
2. _____
3. _____

Proposed access for all children: _____

Do you currently have a lawyer for family law matters? _____

Does the Respondent have a lawyer? _____

Why should notice of this application not be given to the Respondent? [Note: Judges normally hear from both parties before making decisions. Where there is urgency or danger, for example, the court could hear from only the applicant].

REASONS FOR REQUESTING RESTRAINING ORDER

(Set out details of why you need a restraining order against the Respondent, stating all relevant facts, including the dates, nature and history of the conduct, threats and/or violence which prompted the application, and whether or not the respondent has any weapons. If more space is required, use the "Continuation of Reasons for Requesting Restraining Order" on the next page.)

I, _____, solemnly declare that the facts set out in this
YOUR NAME

document are true. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

SIGNATURE OF APPLICANT

Declared before me to be the truth at _____ this _____ day of _____, _____

COMMISSIONER FOR OATHS

IT IS AN OFFENCE TO MAKE A FALSE DECLARATION

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, leaving small margins at the top and bottom. There is no handwriting or other markings on the paper.

SIGNATURE OF APPLICANT _____

COMMISSIONER FOR OATHS

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RESTRAINING ORDER REGISTRY

The Edmonton Police Service and the Calgary Police Service have a program to file copies of Restraining Orders or Protection Orders and provide police officers access to Restraining Order and Protection Order information through the Canadian Police Information Centre (CPIC).

Correspondence requesting to have a Restraining Order or Protection Order included in the registry may be directed to:

The Chief of Police
Edmonton Police Service
9620 - 103A Avenue
Edmonton, Alberta, T5H 0H7
Attention: Case Management Unit

The Chief of Police
Calgary Police Service
316 - 7th Avenue, SE
Calgary, Alberta, T2G 4Z1
Attention: Case Management Unit

The correspondence must include:

- A. a certified copy of the Order which is valid on its face and contains;
 - a clearly stated set of conditions or terms to be met by the respondent,
 - specific authority and direction given to a police officer,
 - an expressly stated expiry date (if the Order does not specify an expiry or term in which it is valid, we will assign a one (1) year term to comply with computer system retention and purge criteria),
 - proof the respondent is aware of the Order, either through a clause indicating consent or the attachment of a properly completed and sworn Affidavit of Service
- B. a complete and accurate description of the respondent in the following format;
 - full name and given names
 - date of birth
 - sex
 - any aliases
 - residence address and phone
 - employer or school name, address and phone
 - apparent race (based on physical appearance)
 - height and weight
 - eye colour and defects
 - hair colour, length and type
 - marks, scars, amputations and deformities
 - facial hair and colour
 - description of complexion, build, teeth and speech where it would serve to identify the person
 - in addition, a photograph of the respondent may be forwarded
- C. the residence address of the applicant and the address of any other location at which it is anticipated a breach may occur
- D. an understanding that any variations, amendments or extensions to the Order will be brought to our attention immediately after being filed with the court.

QUEEN'S BENCH CHAMBERS OFFICES (OR CLERK'S OFFICES)

Calgary

611 - 4th Street SW
Tel: 403-297-7405

Medicine Hat

460 First Street SE
Tel: 403-529-8710

Drumheller

511- 3rd Ave. West
Tel: 403-823-1700

Peace River

9905 - 97 Avenue
Tel: 780-624-6256

Edmonton

1A Sir Winston Churchill Sq.
Tel: 780-422-2418

Red Deer

4909 - 48 Avenue
Tel: 403-340-5220

Fort McMurray

9700 Franklin Avenue
Tel: 780-743-7136

St. Paul

4704 - 50 Street
Tel: 780-645-6324

Grande Prairie

10260 - 99 Street
Tel: 780-538-5340

Wetaskiwin

4605 - 51 Street
Tel: 780-361-1258

Lethbridge

320 - 4th Street South
Tel: 403-381-5196

ASSISTANCE IN OBTAINING LEGAL ADVICE

Dial a Law - Lawyer Referral

Phone: 1-800-661-1095

Legal Aid

Edmonton: 780 - 427 - 7575
Calgary: 403 - 297 - 2260
Other areas call 310-0000

INTERNET SOURCES OF INFORMATION

Family Law Information Centre	www.albertacourts.ab.ca/familylaw
Federal Justice Website:	www.canada.justice.gc.ca
Alberta Government Website:	www.gov.ab.ca
Alberta Justice Website:	www.gov.ab.ca/just
Alberta Courts Website:	www.albertacourts.ab.ca
Child Support Guidelines Website:	www.canada.justice.gc.ca/en/ps/sup/index.html

General Instructions for Completing Court Documents

- Make an extra copy of the forms, in case you make mistakes.
- These forms have been developed for typical users. If your document is more complicated or requires more space, then you will have to re-type the form.
- All documents must be neat and readable.
- Read each form carefully before beginning to fill it out.
- Fill in all the blank lines with requested information, by either hand printing or typing, (except where signatures are required).
- Write your complete name and the respondent's complete name every time they are asked for in the forms.
- The backer is the last sheet of most of the forms. Fill in the backer with the requested information, making sure to include your court action number. The backer should be reversed so that the type faces out and is visible once the whole document is stapled together.

How to delete information from a document

- You must make sure every statement in your Application form is true. If there are paragraphs that do not apply to you or are not correct, you should cross them off.
- To cross off paragraphs, draw a straight horizontal line, in ink, through both the first and last lines of the paragraph, then draw a straight diagonal line joining these lines and forming a letter "Z."
- To cross off a single sentence, draw a horizontal line, in ink, through the middle of the sentence.
- Use a ruler to make your lines and initial any changes that you have made. **Make sure you put your initials at the beginning and at the end of every strikeout that you make.**
- You cannot use "white out" on any court documents.

Ex Parte Application for a Restraining Order in a Family Law Situation

Use this form to present all of the facts that are relevant to your application.

Instructions:

- ☐ Read pages 1 to 5 and Step 1 on page 7 of the booklet.
- ☐ Fill in the rough copy form that begins on page 17 of the booklet. Then fill in this good copy.
- ☐ Fill in all of the paragraphs that apply to you.
- ☐ If you have a previous court file with the respondent, use that action number. Otherwise, leave it blank, and the clerk will give you an action number.
- ☐ Include your full name and the respondent's full name in the form.
- ☐ If you refer to other documents in the Application form, you identify each document as an "Exhibit" and letter each one consecutively (Exhibit "A", Exhibit "B" and so on). Then label each exhibit in the order in which they appear in the Application form. Attach them in the same order to the back of the Application form.
- ☐ The address you are asked to give on this form is an address where you may be served documents, and is not necessarily your residence. Keep in mind that the respondent will receive a copy of this Application form. If you do not want the respondent to know where you are living, you should give an address other than your residence.
- ☐ Have your application form sworn or affirmed before a commissioner for oaths. You may be asked to provide personal identification.
- ☐ Make 3 copies of your Application form, including any exhibits (total of 4 with the original)

Note: You cannot make any changes to your Application once it has been sworn.

EX PARTE APPLICATION FOR A RESTRAINING ORDER IN A FAMILY LAW SITUATION

Date: _____ Action Number: _____

Name of Applicant: _____
FIRST MIDDLE LAST

Address of Applicant: _____

ADDRESS AT WHICH LEGAL DOCUMENTS MAY BE SERVED UPON YOU

Name of person against whom restraining order is being requested (the 'Respondent'):

FIRST MIDDLE LAST

Address of Respondent: _____

ADDRESS AT WHICH LEGAL DOCUMENTS MAY BE SERVED UPON THE RESPONDENT

Status of Applicant and Respondent:

Married ☐ Divorced ☐ Common-law ☐ Other: _____

Date relationship commenced: _____

Date of Separation: _____

Date and action number of any previous applications for a restraining order:

Are there now, or have there ever been any divorce, custody, child support or spousal support proceedings against the Respondent in this court or in the Provincial Court? If yes, please provide the action number(s): _____

Will the granting of this order require the respondent to leave his or her residence?

Are there any children (under age 16) of the Applicant and Respondent? Yes ☐ No ☐

If so, list the children's names, birth dates and with whom the children are residing:

1. _____
2. _____
3. _____

Are there any other children involved? Yes ☐ No ☐

If so, list the children's names, birth dates and relationship to Applicant:

1. _____
2. _____
3. _____

Proposed access for all children: _____

Do you currently have a lawyer for family law matters? _____

Does the Respondent have a lawyer? _____

Why should notice of this application not be given to the Respondent? [Note: Judges normally hear from both parties before making decisions. Where there is urgency or danger, for example, the court could hear from only the applicant].

REASONS FOR REQUESTING RESTRAINING ORDER

(Set out details of why you need a restraining order against the Respondent, stating all relevant facts, including the dates, nature and history of the conduct, threats and/or violence which prompted the application, and whether or not the respondent has any weapons. If more space is required, use the "Continuation of Reasons for Requesting Restraining Order" on the next page.)

I, _____, solemnly declare that the facts set out in this
YOUR NAME
document are true. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

SIGNATURE OF APPLICANT

Declared before me to be the truth at _____ this _____ day of _____, _____

COMMISSIONER FOR OATHS

IT IS AN OFFENCE TO MAKE A FALSE DECLARATION

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

document are true. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me to be the truth at _____ this _____ day of _____, _____

IT IS AN OFFENCE TO MAKE A FALSE DECLARATION

Ex Parte Restraining Order

Use this form to prepare the Ex Parte Restraining Order.

Instructions:

- ☐ Read Step 2 on page 7 of the booklet.
- ☐ Include your full name and the respondent's full name in the form and on the backer.
- ☐ Fill in paragraph 1 with your complete address and your complete work address. However, if you do not want the Respondent to know these addresses, leave them blank, and tell the Judge in court why you don't want the addresses known.
- ☐ Fill in the **Review date** in paragraph 7. Choose a date that is convenient to you in about two weeks time.
- ☐ Fill in the **Affidavit date** in paragraph 7. Choose the date that is 3 days before your review date (not counting Saturdays, Sundays, and holidays).
- ☐ Include the address where you wish to be served and your contact phone number on the backer. Again, the address you provide does not have to be your residence. The phone number may be important if the clerk needs to contact you if the respondent breaches the order (see Step 7 on page 14).
- ☐ After the Justice signs the Order, make 4 copies (total of 5 with the original).

Remember that the judge may not accept orders that contain crossed out sections.

DO NOT make any changes to the Order after the judge has signed it.

Action No: _____
YOUR COURT ACTION NUMBER

IN THE COURT OF QUEEN'S BENCH
JUDICIAL DISTRICT OF _____

BETWEEN:

YOUR NAME

Applicant

- and -

OTHER PARTY'S NAME

Respondent

BEFORE THE HONOURABLE _____) ON _____, THE _____
MADAM/MR. JUSTICE _____) WEEKDAY DATE
DAY OF _____, _____
MONTH YEAR
COURT HOUSE, _____, ALBERTA)

EX PARTE RESTRAINING ORDER

UPON THE APPLICATION of the Applicant, AND UPON having heard representations of the Applicant, AND UPON having read the Declaration of the Applicant, filed; AND UPON NOTING that the Court is satisfied, pursuant to Rule 387(1) of the Alberta Rules of Court that no notice to the Respondent is necessary or that the delay caused by proceeding by notice of motion might entail serious mischief;

IT IS HEREBY ORDERED THAT:

1. The Respondent is specifically restrained from being within 200 metres of:
(a) the Applicant's residence: _____
ADDRESS

(b) The Applicant's place of employment: _____
ADDRESS

c) The Applicant's other addresses: _____
ADDRESS

or from being within 100 metres of the Applicant anywhere else in the Province of Alberta

2. The Respondent is restrained from harassing, molesting, watching, following, telephoning or otherwise interfering with or contacting the Applicant, either directly or indirectly, and either personally or by agent, anywhere in the Province of Alberta.
3. A copy of this Order, together with a copy of the Ex Parte Application Form relied upon in support of the application, shall forthwith be personally served upon the Respondent.
4. Upon the Respondent being in breach of any of the terms of this Order, any Police Officer is authorized to forthwith arrest the Respondent, and bring the Respondent, as soon as possible, before a Justice of the Court of Queen's Bench of Alberta to show any 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 Police Officer and, upon being given an opportunity to do so, does not then obey it.
5. IT IS FURTHER ORDERED THAT, in making an arrest under this Order, a Police 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 Police Officer believes that the Respondent may be found.

6. This Order is sufficient authority for the keeper of a correctional institution to hold the Respondent in custody pending appearance before a Justice of the Court of Queen's Bench of Alberta.
7. This Order shall remain in effect up to and including the _____ day of _____, 20____. This matter will be back before the Court on _____, 20____. This matter will be back before the Court on that day at 10:00 a.m. so that the Court may consider whether to renew the Order for a further period of time. If the Respondent wishes to appear on that date, the Respondent shall file with this Honourable Court such affidavits as the Respondent intends to rely upon, and shall serve copies of those Affidavits upon the Applicant no later than the _____ day of _____, 20____, by delivering copies to the address for service of legal documents given by the Applicant. If the Respondent does not appear, an Order may be granted in the Respondent's absence.
8. Either party shall have leave to apply to amend, vary, or strike out the within Order upon two clear days notice.

Justice of the Court of Queen's Bench

ENTERED this _____ day of

_____, _____.

Clerk of the Court

Action No: _____
YOUR COURT ACTION NUMBER

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF

BETWEEN:

YOUR NAME Applicant

- and -

OTHER PARTY'S NAME Respondent

EX PARTE RESTRAINING ORDER

YOUR NAME

YOUR ADDRESS FOR SERVICE

YOUR TELEPHONE NUMBER

Statement of Description

Use this form to provide the police with a description of the respondent.

Instructions:

- ☐ Read about the Restraining Order Registry on page 20 of the booklet.
- ☐ Describe the respondent as completely and accurately as you can.
- ☐ Attach a photo of the respondent, if you have one.

Action No: _____
YOUR COURT ACTION NUMBER

BETWEEN:

YOUR NAME

Applicant

-AND-

RESPONDENT'S NAME

Respondent

STATEMENT OF DESCRIPTION

WEAPONS WARNING: The Applicant believes that the Respondent may have the following weapons:

DESCRIBE WEAPON - GUN, KNIFE OR STATE "NONE."

The following is a description of the above-named Respondent:

FULL SURNAME AND GIVEN NAMES: _____

DATE OF BIRTH: _____

SEX: ☐ MALE

☐ FEMALE

ALIASES: _____

ADDRESS OF RESIDENCE AND PHONE NUMBER: _____

EMPLOYER OR SCHOOL NAME, ADDRESS AND PHONE NUMBER: _____

RACE: _____

HEIGHT AND WEIGHT: _____

BUILD: _____

EYE COLOUR AND DEFECTS: _____

HAIR COLOUR, LENGTH AND TYPE: _____

FACIAL HAIR AND COLOUR: _____

COMPLEXION: _____

MARKS, SCARS, AMPUTATION AND DEFORMITIES: _____

TEETH AND SPEECH: _____

PHOTOGRAPH ATTACHED: ☐ YES ☐ NO

ADDITIONAL INFORMATION: _____

Restraining Order (Renewal)

Use this form if the judge renews the Restraining Order.

Instructions:

- ☐ Read Step 6 on pages 12 - 13 of the booklet.
- ☐ Fill in this form before going to court on the review date.
- ☐ Include your full name and the respondent's full name in the form and on the backer.
- ☐ Fill in the date of your Restraining Order and the name of the Judge that granted that Order.
- ☐ Fill in paragraph 1 with your complete address and your complete work address. However, if you do not want the Respondent to know these addresses, leave them blank, and tell the Judge in court why you don't want the addresses known.
- ☐ Fill in the address where you wish to be served and your contact phone number on the backer.
- ☐ Have the judge sign the order in court.
- ☐ Make 4 copies of your signed Order (total of 5 with the original).
- ☐ **The Respondent MUST be served with a copy of this Order. Follow the instructions on pages 10 and 11 for service of this Order.**

Action No: _____
YOUR COURT ACTION NUMBER

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF _____

BETWEEN:

YOUR NAME

Applicant

- and -

OTHER PARTY'S NAME

Respondent

BEFORE THE HONOURABLE _____) ON _____, THE _____
MADAM/MR. JUSTICE _____) DAY OF _____, _____
COURT HOUSE, _____, ALBERTA)

RESTRAINING ORDER

UPON THE APPLICATION of the Applicant, AND UPON having heard representations of the Applicant and the Respondent (or upon proof of service on the Respondent;

AND UPON reviewing the Ex Parte Restraining Order granted by the Honourable Justice _____ on _____;
NAME OF JUSTICE WHO GRANTED THE EX PARTE RESTRAINING ORDER DATE OF EX PARTE RESTRAINING ORDER

AND UPON having read the Declaration of the Applicant, filed;

IT IS HEREBY ORDERED:

1. The Respondent is specifically restrained from being within 200 metres of:
(a) the Applicant's residence: _____
ADDRESS

(b) The Applicant's place of employment: _____
ADDRESS

c) The Applicant's other addresses: _____
ADDRESS

or from being within 100 metres of the Applicant anywhere else in the Province of Alberta

2. The Respondent is restrained from harassing, molesting, watching, following, telephoning or otherwise interfering with or contacting the Applicant, either directly or indirectly, and either personally or by agent, anywhere in the Province of Alberta.
3. A copy of this Order shall forthwith be personally served upon the Respondent.
4. Upon the Respondent being in breach of any of the terms of this Order, any Police Officer is authorized to forthwith arrest the Respondent, and bring the Respondent, as soon as possible, before a Justice of the Court of Queen's Bench of Alberta to show any 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 Police Officer and, upon being given an opportunity to do so, does not then obey it.
5. IT IS FURTHER ORDERED THAT, in making an arrest under this Order, a Police 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 Police Officer believes that the Respondent may be found.

6. This Order is sufficient authority for the keeper of a correctional institution to hold the Respondent in custody pending appearance before a Justice of the Court of Queen's Bench of Alberta.

7. This Order shall remain in effect up to and including _____,
DAY OF THE WEEK
the _____ day of _____, 20____. However, it shall cease to
DATE MONTH YEAR
have any force or effect upon this action being discontinued or upon the trial of this matter unless continued by order of this Court.

7. Either party shall have leave to apply to amend, vary, or strike out the within Order upon two clear days notice.

ENTERED this _____ day of _____
Justice of the Court of Queen's Bench

_____, _____.

Clerk of the Court

Action No: _____
YOUR COURT ACTION NUMBER

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF

BETWEEN:

YOUR NAME Applicant

- and -

OTHER PARTY'S NAME Respondent

RESTRAINING ORDER

YOUR NAME

YOUR ADDRESS FOR SERVICE

YOUR TELEPHONE NUMBER