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# **APPLYING FOR A FAMILY RESTRAINING ORDER (Without Notice)**

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## CONTENTS

INTRODUCTION.....	2
OPTIONS AND RESOURCES .....	3
WHEN TO USE THIS BOOKLET .....	4
IMPORTANT THINGS TO KNOW ABOUT EX PARTE RESTRAINING ORDERS.....	4
WILL YOU BE ALLOWED TO APPLY WITHOUT NOTICE? .....	5
GETTING READY .....	6
PREPARING YOUR COURT MATERIALS .....	7
FILING YOUR COURT MATERIALS.....	10
<input type="checkbox"/> STEP 1- MAKE COPIES OF APPLICATION FOR RESTRAINING ORDER .....	10
<input type="checkbox"/> STEP 2 – GO TO THE COURT OF QUEEN’S BENCH FILING COUNTER TO FILE YOUR APPLICATION FOR RESTRAINING ORDER .....	10
GOING TO COURT .....	11
AFTER COURT .....	13
DELIVER THE ORDER TO THE POLICE .....	14
THE NEXT COURT DATE .....	15
IF THE RESPONDENT DISOBEYS THE RESTRAINING ORDER.....	16
TERMINATING, VARYING OR EXTENDING THE RESTRAINING ORDER.....	16
MORE INFORMATION .....	17
SHOULD YOU HIRE A LAWYER? .....	18
THE COURT FILE .....	19
PARENTING AFTER SEPARATION SEMINAR .....	22
GETTING HELP .....	20
ANY QUESTIONS?? .....	22

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

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

# APPLYING FOR A RESTRAINING ORDER (Without Notice)

## INTRODUCTION

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This booklet has been prepared for you by the staff at the Family Law Information Centre. You can reach us at:

### **Calgary**

Family Justice Services  
7<sup>th</sup> floor, Calgary Courts Centre  
601 - 5 Street SW  
Phone 403-297-6981

### **Edmonton**

Family Law Information Centre  
Main Floor, Law Courts  
1A Sir Winston Churchill Square  
97 Street & 103A Avenue  
Phone 780-415-0404

### **Grande Prairie**

Law Information Centre  
Main Floor, Court House  
10260 - 99 St.  
Phone: 780-833-4234

### **Lethbridge**

Family Justice Services  
1<sup>st</sup> Floor, Court House  
320 - 4 St. S  
Lethbridge AB T1J 1Z8  
Phone: 403-388-3102

### **Red Deer**

Family Justice Services  
Main Floor, Court House  
4909 - 48 Ave  
Phone: 403-755-1468

### **Medicine Hat**

Family Justice Services  
Court House  
460 First Street SE  
Medicine Hat, AB T1A 0A8  
Phone 403-529-8716

**Outside these centres, contact us toll free at 310-0000**

## Options and Resources

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**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 a Restraining Order, there are other types of applications you can make.

There are community resources that can help you with safety planning, advice and counseling.

More information is provided at the end of this booklet.

## WHEN TO USE THIS BOOKLET

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This booklet tells you what steps to take when:

- You lived together in a “relationship of interdependence with your spouse or partner;
- You have reason to believe your spouse or partner will cause you and/or your children physical harm;
- It would be dangerous for you to provide your spouse or partner with advance notice of your application; and
- You have chosen not to get a lawyer and will be representing yourself throughout the court process.



### **Tip:**

The instructions in this booklet are general and apply to most cases. There are cases where different rules apply. The Alberta Rules of Court tells you the process and procedure for all kinds of cases in the Court of Queen’s Bench. You can find the Rules of Court in the library in your courthouse or at : [www.qp.alberta.ca](http://www.qp.alberta.ca)

## Important things to know about Ex Parte Restraining Orders

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A Restraining Order is an order made by the court and enforced by the police. It will limit the contact the respondent (your spouse or partner) can have with you and your children.

The Order will state that the respondent can have no contact, either directly or indirectly, and in person or by other means (for example, by telephone). The respondent will also be prevented from coming within a certain distance of certain places (for example, your residence or place of employment).

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 should not contact the respondent during the time the Restraining Order is in place unless your order says that you can (eg to arrange access).

When court is over, you will have to have someone personally serve the respondent with a copy of the Restraining Order. Court staff and the police do not serve Restraining Orders.

You will have to come back to court to have the Restraining Order reviewed by a judge after the respondent has been served. Usually, this second court date is in about 2 weeks. At that point, the Restraining Order can be extended or terminated.

If you change your mind and want to end the Restraining Order early, you will have to make a court application on notice to the respondent.

## **Will you be allowed to apply without notice?**

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In almost every court application, the other party must be given notice of the application. You do this by serving them, which is by handing them copies of the court forms that you have filed.

A court application made without notice to the other party is called an **ex parte application**. There are some very limited cases where you can make an application without first serving the other party. One case where you can make an ex parte application is if it is an emergency in that your safety or your children's safety will at risk if you serve the other party ahead of time.

If your case is not an emergency, you may want to use our booklet "Applying for a Restraining Order on Notice".

## GETTING READY

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Before you start to prepare your court forms, you should think about what kinds of documents you will need to prove your case. You will have to attach all of the documents to your application form, so you will need to collect them ahead of time.



### ***Tips:***

If you have made a report to the police, it can be helpful to attach a copy of the report.

You only have one chance to make your case to the court. The judge makes their decision using only the materials that are on the court file. Make sure you have all the information that the judge will need.

## PREPARING YOUR COURT MATERIALS

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### *At the beginning of every form*

Fill in the following:

- Court File Number – Your file number as written on your other court documents (You may not have a file number yet.)
- The Judicial Centre, e.g. Edmonton
- Both parties' full names
- Your complete address and phone number



### **Tip:**

You may not want to put your own address and phone number on this form, if you think it will put you in danger. However, you **MUST** have an address on the form where court documents can be delivered to you. It is OK to use a friend's address or a work address as your address for service, so long as the people there know that the Respondent may be coming there to deliver documents.

You do not have to put your phone number on this form if you do not want the Respondent to have it.

### *Fill in the Application for a Restraining Order*

The purpose of this form is to tell the court "what" you want, and "why". The Court wants to know what kind of an Order you are asking for, and your story. It is a summary of the "why" that supports what it is that you are asking for.

If you want the Court to know something, it has to be in this court form. You can't say anything to the Court that you haven't already written in your application form. You can't hand letters or documents to the judge that were not attached to this form when it is sworn.

When filling in your application form, be sure to:

- Only state the facts that you know to be true
- Only state the facts that are relevant to what you are asking for
- Explain why your case is special or an emergency such that you should not have to serve the other party ahead of time
- Attach as exhibits copies of all the documents that you want the Court to see

Your application form is your evidence and the Court will use this to help makes its decision. There are serious consequences for not telling the truth in this form.

**Fill in each section of the form**

1. Check off the box that applies.
2. The date your relationship began.
3. The date your relationship ended.
4. If you have ever applied for a Restraining Order before, write in the date that you applied and the court file number. If you do not know, ask us and we can search the court computer for you.
5. Give information about any family law court proceedings the two of you have been involved in.
6. Check off "yes" or "no". If the two of you are living together now, then a Restraining Order will make the Respondent vacate the residence.
7. Here, you list children that have both you and the Respondent as their parents.
8. Here, you list children living with you who are not the child of the Respondent.
9. State what contact the Respondent should have with the children. If you want the Restraining Order to apply to the children too, state "none".
10. State whether or not you have a lawyer, and if so, your lawyer's name.
11. State whether or not the Respondent has a lawyer, and if so, the lawyer's name. (If you don't know it, leave it blank)
12. Explain why you think the judge should make a Restraining Order without first giving notice to the Respondent. What do you think the Respondent would do if they were given a copy of this application form ahead of time?

Reasons: Here is where you tell your story to the judge. Explain what has happened that makes you afraid that the Respondent will cause you harm.



**Tip:**

Be specific when writing out your story. Write down what the Respondent did and give dates whenever you can. For example:

*Too vague*

My ex is violent.

I am afraid of my ex.

My ex has made threats.

*More Specific*

My ex has slapped me and punched me several times in the last year. The last time was last Tuesday, when he punched me 4 or 5 times in the face.

I am afraid that my ex will come to my house when he is drinking and try to break down the door so that he can get to me.

My ex has said to me that I had better watch my back.

Once you have finished filling in your Application for Restraining Order form, you must have it declared before a Commissioner for Oaths.

You may come to Family Justice Services/Family Law Information Centre or the Clerk's office to have your application declared. Bring identification with you when you come.

***Fill in the Ex Parte Restraining Order***

Leave the date and Judge's name blank.

In the first paragraph of the Order, fill in your name.

In #1, fill in the Respondent's full name and any addresses from which you specifically want the Respondent to be kept away.

The judge will fill in the rest of the form for you.

***Fill in the Statement of Description***

Fill in the form with as much information as you have. If you do not know some of the information, just leave it blank.

## FILING YOUR COURT MATERIALS

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Once you have had your Affidavit or Statement sworn by a Commissioner for Oaths, there are several steps you need to follow to get ready for court.

**Step 1:** Make copies of the Application for Restraining Order form.

**Step 2:** Go to the Court of Queen's Bench filing counter to file your Application for Restraining Order.

### **Step 1- Make copies of Application for Restraining Order**

Remember that you should not make photocopies of this form until after you have had it declared. After this is done, you should make **2 copies** (including all attachments).

### **Step 2 – Go to the Court of Queen's Bench filing counter to file your Application for Restraining Order**

Go to the filing counter at the Court of Queen's Bench and hand them your completed Affidavit or Statement. They will stamp and keep the original copy of the form. They will stamp and return your copies to you.



#### **Tip:**

Each court location has a different name for the counter that files these types of forms. Ask us, or ask one of the court staff where the proper filing counter is.

## GOING TO COURT

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Your court application will be heard by a Justice of the Court of Queen's Bench.

The Court of Queen's Bench can seem quite intimidating. Although the staff and judges try to make the court system as open and friendly as possible, there are still some basic things you should know going in:

- Dress for court in a neat and respectable manner;
- Be on time;
- Do not eat, drink or chew gum/tobacco in the courtroom;
- Remove your hat;
- Turn off cell phones, pagers and music devices;
- Make sure you have copies of all of your filed court materials;
- Make sure to bring a pen and paper to write down the judge's decision, name, room number and the date;
- Speak clearly and loudly when you are in court;
- Stand up when the judge is speaking to you or when you are speaking to the judge;
- Be respectful of the judge and refer to him/her as "My Lord/My Lady"; and
- Be respectful of the other party and do not interrupt them while they are speaking.

The Clerk at the filing counter will tell you which courtroom to go to.

In Edmonton and Calgary, in the mornings, Duty Counsel will be outside the courtroom. If you would like their help, speak to them before you go into court.

Sit in the gallery area of the courtroom. All conversation in the courtroom is recorded, so it is best to have any discussions outside. Once the judge comes in, you should not talk.

If you are in court at 10:00, you will hear the judge say "Any ex parte applications?". You will see lawyers and others go to the front of the courtroom and speak to the judge about their applications. When you have the chance, you can go up too.

If you arrive after court has started, you may have to wait until the end of the scheduled cases to speak to the judge. Again, you will go to the front of the courtroom to speak to the judge.

Stand up to speak. Introduce yourself and hand one of the copies of the Affidavit or Statement to the Clerk to give to the judge.

Tell the judge briefly what you want (e.g. "I am asking to change my custody order"), then talk about the facts that you have written in your court form and make any arguments you want to make.

**If the other party has a lawyer, you must tell that to the judge.**

The judge may ask questions.

The judge then gives their decision. You should write down the judge's decision (along with their name and the courtroom number).

Family Justice Services / Family Law Information Centre staff will type up the Order for you. You will be told what to do to get a copy of the Order.



**Tips:**

Morning chambers is a busy place and the judge will not be familiar with your file. Make sure you cover all of the important points when you are given your chance to speak.

When the judge is giving their decision, make sure they have addressed everything you want decided. If they did not, politely ask the judge about it. It may help to have a checklist with you before you start, so you can make sure the judge has dealt with all of the issues.

If the judge tells you that you must give notice to the other party before the Court will hear your application, go to the Family Justice Services / Family Law Information Centre office and the staff can give you the forms and instructions that you will need.

## AFTER COURT

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Make sure your Order is filed. It should have a “Clerk of the Court” stamp on the first page. You should also receive 2 certified copies of the Order.

In most cases, you will now have to serve the Respondent with:

- a filed copy of your Order; and
- a filed copy of your Application for Restraining Order.

Unless the judge has made a different order about how to serve, another person over the age of 18 must serve the respondent by hand-delivering the documents directly to the Respondent (this is called personal service).

When serving the court materials:

- **Do not serve the Restraining Order yourself.** Have someone else serve the documents for you – i.e. ask a friend or family member or hire a process server.
- Have whoever is delivering the documents make a note of the address where the Respondent is when they hand-deliver the documents;
- Make sure the person that serves the documents knows that they will have to swear an Affidavit of Service.



### ***Tips:***

You should think about hiring a **process server** to serve the Respondent for you. You can find one by looking under “Process Servers” in the yellow pages or on [www.canada411.ca](http://www.canada411.ca). Process servers can sometimes help you find the Respondent, will serve the court materials, and will complete the Affidavit of Service for you. They do charge a fee for their services.

After you have served your Order and Application for Restraining Order on the Respondent, you have to prepare your **Affidavit of Service**. This is the court form that proves to the court that the other party received these documents.

Your Affidavit of Service must be completed and sworn by the person who served the documents.

The Affidavit of Service will:

- Explain who delivered the documents;
- Say the date the documents were delivered; and
- Say the address of where the Respondent was served.

Make 2 copies of the Affidavit of Service. You must be sure to **file** the original Affidavit of Service at the clerk's office.

## **Deliver the Order to the Police**

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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.

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 addresses for the Restraining Order Registry offices in Edmonton and Calgary are:

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.

You should still have one filed copy of the Affidavit of Service and a certified copy of your Restraining Order. Keep these 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.

## **THE NEXT COURT DATE**

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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 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.

If the Respondent wants to object to the Restraining Order, they will have to file an Affidavit setting out their evidence for the court. They should serve the Affidavit to you by delivering to your address for service.

You can reply to the Respondent's Affidavit, if you wish. To do so, ask us for an Affidavit form and write down all of the information that you want the judge to know. You do not have to repeat information that is already in your Application for a Restraining Order form.

If you have filled in an Affidavit, have it sworn, make 2 copies then have it filed at the Queen's Bench filing counter.

You must serve the Respondent with your Affidavit a reasonable time before court. Again, do not serve the Respondent yourself. The person who serves must swear an Affidavit of Service.

At the Review date, the judge will hear arguments from both of you about whether or not the Restraining Order should be renewed. If it is, an Order will be typed up for you by our staff.

If the Respondent was not in court, or if they did not stay to receive their copy of the Restraining Order, you must arrange to have them personally served with the Restraining Order.

**You must also bring a copy of this Restraining Order and your Affidavit of Service to the police.**

## **If the Respondent disobeys the Restraining 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 first page 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, Varying 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.

## MORE INFORMATION

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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 an **Emergency Protection Order**. This order is available if the respondent is a member of your immediate family or an adult interdependent partner and your case is an emergency. An Emergency Protection Order is very similar to a Restraining Order. If you think you need an Emergency Protection Order, call the police, or come to your nearest Provincial Court location.

Another 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.

Or, you can apply for a **Peace Bond**. If 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.

## Should you hire a lawyer?

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The staff at the court house cannot give you legal advice and cannot do your work for you.

Lawyers can help with steps along the way. They can:

- Tell you about your legal rights and obligations;
- Give you an opinion about what your chances are, or how the judge might decide;
- Tell you which option is the better choice for you;
- Complete the court forms and other necessary paperwork;
- Do legal research to find case law to help convince the judge;
- Tell you which court materials would be helpful to your case;
- Help you decide which facts the judge will want to hear;
- Negotiate with the other side;
- Rehearse the court hearing with you;
- Represent you in meetings or in court;
- Go to court for you if you can't go yourself;
- Prepare the Order after court;
- Prepare any letters needed as your matter goes through court; and/or
- Prepare any follow up documents.



### **Tip:**

Many lawyers are willing to give “unbundled legal services.” This means that you can choose which steps the lawyer will do and which steps you will do yourself. If you are interested in this, talk to a lawyer about how unbundled legal services can work in your case.

In **Calgary and Edmonton**, Duty Counsel is available at court. The Duty Counsel program is funded by Calgary Legal Guidance and Legal Aid. The Duty Counsel Lawyers (or students) will speak with you just before court begins, and will help you present your case to the judge. If both parties do not have a lawyer, Duty Counsel will present both sides to the judge. If the judge tells you to take other steps, Duty Counsel will explain those to you after court and tell you where you need to go for more help.

You should hire a lawyer if:

- You don't want to or can't do the paperwork yourself;
- You don't want to or can't make several trips to the courthouse during business hours;
- You will have problems speaking for yourself in the court hearing; or
- The judge recommends to you that you hire a lawyer.

## The Court File

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The court keeps a file folder with all of the court materials that have been filed in your case. That folder is labeled with a court file number (or action number). You must put the court file number on all of your court forms, so that they can be properly filed.

If you need to get copies of any of the materials on your court file, you can ask for them. You will be charged \$10 to pull the file, plus \$1 per page for photocopying. If you want a certified copy of any of the court materials, there will be an extra \$10 fee.

You must ask for the copies of the court materials from the court where your file is located. For example, if your court file is in Red Deer, you must make your request for copies of the materials to the courthouse in Red Deer.

Other provinces' courts also keep court files, and will give you copies of court materials if you ask. Their fees may be different. If you are asking for a copy of an Order from another province, always ask for a certified copy.



**Tip:**

A certified copy of a court form has a stamp on it saying that it is a certified (or true) copy of the original. It is signed by a court official under the stamp. To be a certified copy, the copy must have this original stamp and signature.

## Getting Help

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It is always a good idea to get legal advice before you start.

**Legal Aid 310-0000**, then ask for the Legal Aid office near you.

If you are a low income Albertan, and need a lawyer to take your case, you can apply for help from Legal Aid.

### ***Pro Bono (Volunteer) services by lawyers***

Calgary Legal Guidance	403-234-9266
Lethbridge Legal Guidance	403-380-6338
Grande Prairie Legal Guidance	780-882-0036
Central Alberta Community Legal Clinic (Red Deer)	403-314-9129

Check the Pro Bono Law Alberta website [www.pbla.ca](http://www.pbla.ca) to see if there are any other services that can help you.

### ***Lawyer Referral Service 1-800-661-1095***

This service will refer you to lawyers in private practice. You will be given the names of 3 lawyers who practice in the type of law you want, and in your area. You can speak to any of them for the first ½ hour for free.

There are other services that may be able to help you with legal information (not advice) and the filling in of forms. Some of these are:

- Student Legal Services (Edmonton) 780-492-8244
- Student Legal Assistance (Calgary) 403-220-8637
- Immigration Services in your area
- Paralegal Companies in your area

### ***Alberta Law Society Library***

These libraries are located in most courthouses in Alberta. You can go to the library to:

- Do research on cases with facts similar to yours;
  - Find sample court forms for other kinds of court applications;
- or
- Look for specific procedures in the Alberta Rules of Court.

The library has reference librarians who can answer questions and get you started.

## ***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.

## **Parenting After Separation Seminar**

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The Parenting After Separation (PAS) Seminar is not mandatory before making this application, but it is recommended, if you have children.

PAS is a free 6 hour seminar offered at most courts. In remote locations, it is offered by video. To register for a course, phone:

Calgary	403-440-3833	Drayton Valley	780-514-2200
Edmonton	780-413-9805	Edson	780-865-8280
Fort McMurray	780-743-7136	Grande Prairie	780-532-0373
Lethbridge	403-320-4232	Lloydminster	780-853-8130
Medicine Hat	403-504-8026	Peace River	780-624-6256
Red Deer	403-343-6400	Slave Lake	780-523-6600
St. Paul	780-645-6324	Wetaskiwin	780-361-1258

Once you're done the course, you will get a certificate, which you must file at the court.

## **ANY QUESTIONS??**

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If you have questions about the steps in the booklet or the court forms given to you, please contact us. Our addresses and phone numbers are on page 2 of this booklet.

Clerk's Stamp

COURT FILE NUMBER \_\_\_\_\_  
COURT Court of Queen's Bench of Alberta  
JUDICIAL CENTRE \_\_\_\_\_  
APPLICANT \_\_\_\_\_  
RESPONDENT \_\_\_\_\_

DOCUMENT **Application for a Restraining  
Order Without Notice in a  
Family Law Situation**

SWORN / AFFIRMED BY \_\_\_\_\_  
*Name of person making this Affidavit*

SWORN / AFFIRMED ON \_\_\_\_\_  
*Date Affidavit sworn / affirmed*

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT  
\_\_\_\_\_  
*Name*  
\_\_\_\_\_  
*Full address*  
\_\_\_\_\_  
(       )

---

I, \_\_\_\_\_, of \_\_\_\_\_, Alberta,  
*Your name* *Name of City / Town*

**SWEAR / AFFIRM AND SAY THAT:**

- Status of Applicant and Respondent:  
 Married  
 Divorced  
 Common-law/Adult Interdependent Partner  
 Other: \_\_\_\_\_
- Date relationship commenced: \_\_\_\_\_
- Date of separation: \_\_\_\_\_
- Date and action number of any previous application for a restraining order:  
\_\_\_\_\_  
\_\_\_\_\_

5. 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?

Yes     No

If yes, please provide the court file number(s): \_\_\_\_\_

6. Will the granting of this order require the Respondent to leave his or her residence?

Yes     No

7. Are there any children under the age of 16 years of the Applicant and Respondent?

Yes     No

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

Child's Full Name	Birth date (yyy/mm/dd)	Residing with

8. Are there any other children involved?

Yes     No

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

Child's Full Name	Birth date (yyy/mm/dd)	Relationship to Applicant

9. Proposed access for all children:

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

10. Do you currently have a lawyer for family law matters?

Yes     No    If yes, name of lawyer: \_\_\_\_\_

11. Does the Respondent have a lawyer?

Yes     No    If yes, name of lawyer: \_\_\_\_\_

12. 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)

Four horizontal lines for writing the answer to question 12.

13. REASONS FOR REQUESTING RESTRAINING ORDER

(Describe what has happened to make you afraid of the Respondent. Give details. If you need another page, use a clean sheet of paper – do not write on the back.)

Multiple horizontal lines for writing the reasons for requesting a restraining order.

Sworn (OR Affirmed) before me

on \_\_\_\_\_, 20 \_\_\_\_

at \_\_\_\_\_, Alberta.

\_\_\_\_\_  
Commissioner for Oaths, Justice of the  
Peace or Notary Public in and for the  
Province of Alberta



\_\_\_\_\_  
*Signature of person swearing / affirming Affidavit*

ID Verified \_\_\_\_\_

COURT FILE NUMBER \_\_\_\_\_  
COURT Court of Queen's Bench of Alberta  
JUDICIAL CENTRE \_\_\_\_\_  
APPLICANT \_\_\_\_\_  
RESPONDENT \_\_\_\_\_



DOCUMENT

## Restraining Order Without Notice

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Full address  
\_\_\_\_\_  
( ) \_\_\_\_\_

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**DATE ON WHICH ORDER WAS PRONOUNCED:** \_\_\_\_\_

**NAME OF JUDGE WHO MADE THIS ORDER:** \_\_\_\_\_

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**ON THE APPLICATION** of the Applicant, \_\_\_\_\_;  
(Your Name)

**AND ON** having heard representations of the Applicant;

**AND ON** having read the Affidavit of the Applicant, filed;

**AND ON NOTING** that the Court is satisfied, pursuant to Rule 6.4 of the *Alberta Rules of Court*, that no notice to the Respondent is necessary or that serving notice of the application on the Respondent might cause undue prejudice to the Applicant;

**IT IS ORDERED THAT:**

1. The Respondent, \_\_\_\_\_, is specifically restrained  
(Respondent's name)  
from being within 200 metres of:  
(a) the Applicant's residence:  
(your complete address)  
\_\_\_\_\_
-

(b) the Applicant's place of employment:  
*(name and complete address of your place of employment)*

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(b) the Applicant's other addresses:  
*(name and complete address of any other place that you want the Respondent to stay away from)*

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or from being within 100 metres of the Applicant anywhere else in the Province of Alberta except as required to exercise court ordered access.

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 Affidavit/Declaration/Questionnaire relied on in support of the application, shall forthwith be personally served on the Respondent.
4. On 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 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, on 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 remains in effect up to and including the \_\_\_\_\_ day of \_\_\_\_\_, 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 on, and shall serve copies of those Affidavits on 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 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.

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Justice of the Court of Queen's Bench of Alberta

## STATEMENT OF DESCRIPTION FOR RESTRAINING OR PROTECTION ORDER

*(Give this form to the Police along with a Certified Copy of your Restraining or Protection Order)*

Applicant's Full Name: \_\_\_\_\_

Respondent's Full Name: \_\_\_\_\_

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

\_\_\_\_\_

*(Describe weapon – gun, knife, etc. or state "none")*

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

FULL SURNAME AND GIVEN NAMES: \_\_\_\_\_

ALIASES: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_ SEX:  MALE  FEMALE

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: \_\_\_\_\_

\_\_\_\_\_

Clerk's Stamp

COURT FILE NUMBER \_\_\_\_\_  
COURT Court of Queen's Bench of Alberta  
JUDICIAL CENTRE \_\_\_\_\_  
APPLICANT \_\_\_\_\_  
RESPONDENT \_\_\_\_\_

DOCUMENT

### Affidavit of Personal Service

SWORN / AFFIRMED BY

\_\_\_\_\_  
*Name of person making this Affidavit*

SWORN / AFFIRMED ON

\_\_\_\_\_  
*Date Affidavit sworn / affirmed*

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Full address*

( ) \_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, Alberta,  
*(Name of person who served)* *(Name of City / Town)*

#### SWEAR / AFFIRM AND SAY THAT:

- I have personal knowledge of the following information, except where I say that what is stated is based on information from another person, in which case, I believe that information to be true.
- I am 18 years of age or older.
- On \_\_\_\_\_, I served the  Applicant OR  Respondent  
*(Date)*

\_\_\_\_\_ with the following documents:  
*(Name of the Applicant or Respondent)*

Application form filed \_\_\_\_\_  
*(Date filed)*

Originating Application form filed \_\_\_\_\_  
*(Date Filed)*

Affidavit filed \_\_\_\_\_  
(Date Filed)

Claim filed \_\_\_\_\_  
(Date Filed)

Statement filed \_\_\_\_\_  
(Date Filed)

Order filed \_\_\_\_\_  
(Date Filed)

Other:  
(Name of document and date filed with the Court. If not filed, attach a true copy of the document as an Exhibit to this Affidavit)

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

4. I served the documents listed above by personal service, that is, I left the documents with the  Applicant OR  Respondent at:  
(Complete address where you served the Applicant or Respondent)

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

**Sworn (OR Affirmed) before me**  
on \_\_\_\_\_, 20 \_\_\_\_  
at \_\_\_\_\_, Alberta.

\_\_\_\_\_  
Commissioner for Oaths  
in and for the Province of Alberta, Justice  
of the Peace or Notary Public



\_\_\_\_\_  
*Signature of person swearing / affirming Affidavit*

I.D. Verified \_\_\_\_\_