

# Family Violence Support Booklet

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# **The Today Family Violence Help Centre**

## **780-455-6880**

### **Family Violence Support Booklet**

#### **Who Is This Booklet For?**

The information in this booklet is for any person who is being abused, assaulted or harassed by a current (or ex-) spouse, partner, boyfriend, or girlfriend, and

- is in an abusive relationship, or
- has left an abusive relationship, or
- is trying to leave and abusive relationship.

This information provided applies to people of all genders, ages, and cultures, and also people in same-sex relationships that are experiencing abuse. The term “partner” in this booklet refers to a current or ex-spouse, common-law spouse, boyfriend, or girlfriend.

If you suspect someone you know is being abused, please suggest that they contact Today Family Violence Help Centre or one of the agencies in the resources at the back of this booklet.

#### **What Is This Booklet About?**

This booklet explains what you can do to protect yourself in an abusive situation, how to get help, your personal rights and information on the court system. This information applies regardless of whether you choose to stay or leave the relationship. You will be provided with information about the type of help offered by police, the courts, and other various agencies.

It includes information about:

- What family violence or relationship violence looks and feels like.
- What you can do if you have been assaulted, have been threatened with assault, or are being criminally harassed (stalked and/or obsessively monitored).
- How to get an Emergency Protection Order (EPO).
- What to do when leaving an abusive relationship.
- What actions the police take when they’re called.
- What the court process is like.
- Who can provide emotional support, financial aid and legal advice.

## **Family/Relationship Violence — What Does It Mean?**

When addressing family violence or relationship violence, the term “violence” refers to a systematic pattern of abusive behaviours within a relationship that is characterized by intimacy, dependency and/or trust. The abusive behaviours exist within a context where the purpose is to gain power, control and induce fear (CIAFV, 2001). This includes a range of behaviours from intimidation and threats to physical or sexual assault. An abuser uses these behaviours to gain power and control over the victim in order to remove the victim’s sense of worth. Abuse may start as emotional or verbal, and gradually evolve into physical or sexual violence.

Family violence includes relationships between intimate partners, parents and children, adult children and their parents (seniors), sibling relationships, and relationships within extended families.

### **Examples of Abuse**

Abuse can be physical, sexual, emotional and financial. The following are only a few of many examples of abusive behaviour:

- Threatening, harming, neglecting, or killing a pet;
- Humiliating or degrading you while alone or in front of others;
- Yelling, insulting you or calling you names;
- Isolating you by stopping you from leaving home, using the telephone, or having visitors;
- Threatening to ‘out’ your sexual orientation or gender identity to those who are unaware;
- Removing control of your finances;
- Controlling and limiting what you do, where you go, who you see, and what you wear;
- Breaking things and damaging property;
- Threatening you, your children, your pets, or someone you know;
- Exposing you to sexually transmitted infections (STIs), or not allowing you to use sexual protection or birth control;
- Forcing you into unwanted sexual activity, or not allowing you to consent to sexual activity;
- Shoving, slapping, punching, strangling, or kicking you;
- Not allowing you to practice your faith, or manipulating the interpretation of religious scripture to control you;
- Threatening to end their life if you do not obey their rules, or stay in the relationship;
- Hurting you with an object of any kind;
- Keeping your immigration papers and documents; or
- Threatening to have you deported.

## **Is Sexual Abuse Part of Family/Relationship Violence?**

Sexual abuse is any form of sexual contact without consent. Including acts of unwanted sexual attention and exploitation, including:

- Inappropriate touching or molesting;
- Exposing an unwilling partner to pornographic materials;
- Sexual assault with an object;
- Forced bondage; or
- Sexual assault or rape.

When these activities occur within families and intimate relationships, they become part of family or relationship violence. Abusers use sex to humiliate and inflict violence on victims, which is a way to gain power and control over them.

## **What Is the Cycle of Violence?**

Abuse often happens in a cycle. After an abusive incident, the abuser tries to mend the relationship by apologizing, placing blame on something or someone other than themselves, and showing loving and caring behaviours. If the abusive incident is not discussed and resolved between those in the relationship, abusive behaviours will once again occur when a troubling situation arises.

***Remember: Conflict in a relationship is normal, but abuse is not.***

If victims of family and relationship violence stay silent, then the effects of shame, confusion, fear and anger will not go away. Being a victim of family violence in any form is not your fault. You have the right to be and feel safe.

## **What Is Against the Law?**

Many forms of abuse are viewed as crimes that are against the law, and police are able to lay charges on those who demonstrate abusive behaviours. The two most common charges in family and relationship violence are assault and criminal harassment (stalking and/or being obsessively monitored).

### **Assault**

Assault may include (but is not limited to):

- Hitting or physically hurting you;
- Threatening to hurt you or someone else; or
- Forcing you into any sexual activity.

## **Criminal Harassment (Stalking)**

Criminal harassment (often known as stalking) is a pattern of threats, actions, and unwanted attention that causes you to fear for your safety or the safety of others. This could happen in person, through the internet, or electronics (for example, a cellphone). You may feel like someone is watching you, and that you have to keep looking over your shoulder. You may be afraid someone might hurt you or the people you are with. Criminal harassment does not necessarily result in physical injury, but it may be a sign of future forms of violence.

If a person does any of the actions listed below and causes you to fear for your safety or the safety of your children or pets, it falls under the crime of criminal harassment (stalking):

- Contacting you over and over again (such as at work or at home in the middle of the night);
- Making indecent or offensive phone calls to you or others, or calling you repeatedly and hanging up without speaking;
- Following or watching you or your loved ones (such as parking outside your home or workplace);
- Sending unwanted gifts;
- Threatening you, other family members, or friends;
- Threatening to destroy property or harm your pets; or
- Doing anything that causes you fear that there will be harm done to you.

If any of the actions described above are happening to you, call the police right away. To help the police with your case, keep a written record of every incident, including details about what happened, where it happened, the date and the time. Assault and criminal harassment are against the law. You have the right to safety and protection.

## **Uttering Threats**

Your partner may be guilty of uttering threats if any of the following occur:

- A threat to kill or hurt anyone;
- A threat to burn, destroy or damage property; or
- A threat to kill, poison or hurt a pet.

## **Disobeying Orders of the Court**

Refusing to obey the orders of the Court will result in the accused being charged with a criminal offense. If found guilty, the punishment may include a fine or time in jail.



## **Are You the Only One?**

No, you are not alone. People of all ages, genders, sexual orientations, economic and social backgrounds, and ethnic and cultural groups may experience abuse.

In Canada, women continue to be more likely than men to be victims of family violence. From the age of 16, half of Canadian women report having experienced at least one incident of physical or sexual violence (StatsCan). Family and relationship violence can also happen in the LGBTQ+ community.

**Seniors and those who have disabilities** can be more vulnerable to violence, which often falls under the term “Elder Abuse”. For support services for elderly adults (65+), contact **Seniors Abuse Help Line at 780-454-8888**.

**Newcomers:** Victims may also feel isolated if there are language issues, pressures from family, racism, homophobia or transphobia. If you're a newcomer to Canada, you may be afraid of being deported if you contact the police or a service that can help.

***Remember: in Canada you have a right to live free from abuse.***

There are many resources that can help you. Contact the **Today Centre at 780-455-6880** or refer to the resources at the back of this booklet for support services that can help you through this time.

If you are being abused, it is important to remember that family or relationship violence is not a private matter. Assault and criminal harassment (stalking and/or being excessively monitored) are crimes. If you are being assaulted or criminally harassed, please call the police or contact one of the agencies who can help.

## **Are You New to Canada?**

If you are new to Canada and your partner is violent towards you, please be aware of the following information:

- If you have permanent resident status, you will not be deported if you leave the relationship, even if your spouse is sponsoring you.
- If your spouse is your sponsor and you leave your spouse, you may be able to get social assistance for you and your children.
- If you are a refugee claimant or you do not have permanent resident status, seek legal help right away. Canadian immigration guidelines offer some protection to individuals who are being abused by their partners.

- If you are sponsoring your spouse and your spouse abuses you, you are entitled to legal help.
- If English is not your first language, the **Today Centre at 780-455-6880** or other organizations listed in the resources at the back of this booklet can arrange an interpreter.

### **What Kind of Help Is Available?**

If you are in an abusive relationship, there are many places that can help. The Today Centre offers a safe, inclusive place for adults of all genders who have been victimized by family violence to get free, confidential, emotional and practical support. The Today Centre team consists of highly trained Family Violence Specialists who can support you and your family to stay safe.

If you have experienced sexual violence in your relationship, **Sexual Assault Centre of Edmonton (SACE) at 780-423-4102** provides specialized support services at no fee. The Family Violence Information Line at 310-1818 is also available 24 hours per day and has immediate access to more than 170 languages.

Whether you decide to stay or leave the relationship, the Today Centre can match you with one of our Family Violence Specialists to help you, your children and your pets in several ways:

- Help you identify your rights;
- Help you learn about the court system; or
- Help you find the information about the services that you need.

If these types of services would be useful to you or you would like to know more information, please call the **Today Centre at 780-455-6880**.

### **How Do I Keep My Children, My Pets, and Myself Safe?**

It can be very difficult to leave an abusive relationship. Whether you choose to stay or leave, your safety must come first. The police and court orders may be able to offer some protection, but there are limits to what they can do. To help keep you and your loved ones safe, you need to have a safety plan.

### **What Is a Safety Plan?**

A safety plan is a personalized plan that will help keep you, your children, and your pets safe. You can use a safety plan whether you plan to stay in the relationship, are thinking of leaving, or have left the

relationship, a safety plan is a personalized plan that will help keep you, your children and/or your pets safe. A safety plan can include:

- Telling neighbours or friends to call the police if they hear frightening or loud noises, or if they see anything suspicious.
- Memorizing the telephone number of an agency that can help.
- If you have children, teaching them how to call the police.
- Putting 911 on speed dial and making sure your cell phone is always charged.
- Planning where you can go if you decide to leave (a place that is safe, such as an emergency shelter).
- Putting money in a safe place, and cancelling joint credit cards once you have left.
- Packing a suitcase for you (and your children, if any) and leaving it with a trusted friend.
- Putting an extra set of keys for the car and the house in a safe and easily-accessible place.
- Seeking legal advice about your situation.
- Putting ID, passports and other important papers for you and your children in a safe place (If keeping original documents is a problem, call the **Alberta Law Line 780-644-7777 or toll free 1-866-845-3425** to get certified photocopies).
- Practising and reviewing the safety plan on your own (and with your children, if any).

**Please remember:** you will likely need to revise your safety plan as your life changes. If you move, have children (or have more children), become ill, or if the relationship becomes more abusive, your plan must change accordingly.

### **What Should I Include In A Safety Plan If I Have Pets?**

Including pets in a safety plan will ensure that all family members will escape an abusive situation.

- Know your pets' hiding spot so you do not have to spend time looking for him or her during an emergency.
- If you have a chance to pre-plan your escape try to have these pet items in a safe place where your abuser won't find them:
  - Vaccination & Medical Records,
  - Pet License (to prove ownership),
  - ID Tag,
  - Leash & Collar,

- Carrier, and
- Medication (If required).
- Keep the safe location of your pet a secret from the abuser for your safety.
- Ask someone you trust to help you with your safety plan.

A Family Violence Specialist at **Today Centre at 780-455-6880** can also help you find the information you need and work with you to put together a plan.

### **Where Can I Go?**

If you need a safe place for you and your children to go, find the **nearest shelter by calling 780-479-0058**. Arrangements will be made for you (and your children, if any) to stay at the shelter.

Please read the sections “If You Leave a Violent Relationship” (page 17) and “What if You Want to End the Relationship” (page 30) in this booklet for more information.

### **Where Can My Pets Go?**

The Alberta SPCA’s pet safekeeping program provides temporary care for pets whose owners are in violent and abusive situations.

If you are fleeing a domestic violence situation and you have a pet:

- Contact a local women’s shelter or a Family Violence Specialist at **Today Centre at 780-455-6880** to get a referral to the Pet Safekeeping Program.
- Contact the Pet Safekeeping Coordinator at the **AB SPCA at 780-447-3600 ext 3750** to learn more about the program.

The Pet Safekeeping program will provide your pet with all required supplies and any medical assistance your pet(s) need so you do not have to worry about anything while your pet is in the Pet Safekeeping Program.

### **How to Protect Yourself on the Internet**

The Internet is good place to search for information and seek help, but it is also a way an abusive partner can have power over their power (for example, stalking and harassment). These are instructions to delete Internet browsing history, which can help keep people safe.

## Microsoft Internet Explorer

1. Click on “Tools” in the top menu.
2. Select “Internet Options”.
3. Select the “General” tab.
4. In the middle section, “Temporary Internet Files”, click “Delete Files”.
5. In the bottom section, “History”, click “Clear History”.

## Google Chrome

1. Open Chrome.
2. At the top right, click more.
3. Click history.
4. On the left, click “Clear browsing data”. A box will appear.
5. From the drop-down menu, select how much history you want to delete. To clear everything, select the beginning of time.

## Safari

1. Open Safari
2. Select the Bookmarks icon in the upper left corner
3. Click the History Menu
4. Click Clear and select how much history you would like to clear.  
For example: “all recorded history”

## Contacting the Police

If your partner or ex-partner hits you, sexually abuses you, or is threatening, harassing, stalking or obsessively monitoring you, you can call the police. If you are unsure whether or not it is an emergency, call 911. In the case of a non-emergency, you may call **Edmonton Police Services at 780-423-4567 or by pressing #377 from an Edmonton mobile phone.**

When the police answer, provide your name and address. The person answering the phone needs to understand the situation, so provide all details, speak slowly and clearly, and answer any questions they ask. Tell the police:

- That you are in danger,
- What your partner is doing or has done,
- If there is a weapon, what it is and where it is kept,
- If there has been violence before,
- If you have children with you,

- If either you or the children are hurt, and
- If you already have a protection order in place.

### **What Happens When the Police Come?**

When the police arrive, they will talk to you to find out what happened. Tell them if you are afraid for your safety, what your partner has done to make you afraid, and if you have tried to leave the relationship or have told your partner you are leaving. If you have taken medication or have been drugged, choked or strangled, tell the police. This information is important to share with the police as your partner may become more violent after you have tried to leave or shared that you want to leave.

If the police find that your partner has threatened or assaulted you, (or may threaten to assault you in the future), then they will likely arrest your partner. Enough evidence of abuse will result in the police arresting the accused. The police are allowed to make the arrest even if you do not want them to.

If your partner leaves before the police arrive, they can arrest your partner when he or she is found. If you know where your partner is, tell the police. Any information that you provide will be helpful to your safety.

When talking with the police, it is helpful to get the name of the police officer, their phone number and their badge number. The officer will give you a card with a contact name, phone number and your police case number. They may also arrange for a Victim Services Advocate to come to your home to give you information to help you find a safe place. If your partner returns, you can ask the police to return.

### **How Do I Get to a Safe Place?**

If you need a safe place to stay, you can ask the police or a Victim Services Advocate to help make arrangements at a shelter in Edmonton or surrounding areas. You can also ask the police to accompany you (and your children, if any) to friends or relatives, or to a motel if that is a better place for you to stay. If you have pets, contact a local women's shelter or a Family Violence Specialist at **Today Centre at 780-455-6880** to get a referral to the Pet Safekeeping Program.

### **Should I Seek Medical Treatment?**

The police will connect you to a hospital and/or doctor if you have been physically hurt, choked or strangled, and they will collect medical evidence of the assault.

Strangulation is when something is put around your neck (such as hands or another object) and pressure is applied. If you experience signs after being strangled such as voice changes, painful swallowing, difficulty breathing, blurry vision, difficulty concentrating, or changes in hearing, it is especially important to seek medical attention. Even if you do not have signs, it is important to get medical attention.

**Remember:** You have the right to ask questions about any medical examination, to have a friend or support worker with you, and to refuse treatment.

If you have experienced sexual violence and choose to seek medical attention at a hospital within 7 days, the SART nurses (Sexual Assault Response Team) will be called in to support you. Whether or not you seek medical attention or file a police report, there is no time limit for reporting sexual assault, and at any time you can contact the **Sexual Assault Centre of Edmonton at 780-423-4121** for free specialized supports.

### **Will I Have to Leave My Home?**

If there are no arrests or charges laid, the police will likely ask either you or your partner to leave for a period of time (for example overnight). If you stay in the family home, you may want to have the locks changed and to have a safety plan in case of future violence.

### **What Will Happen if My Partner Is Arrested?**

If the police make an arrest, one of two things can happen:

- The accused will be released, but the police or courts will make an order telling the accused that there are certain things they cannot do (such as contact you or go to your home); or
- The accused will be kept in jail overnight, and will have to appear in front of a judge in a courtroom for a bail hearing to see if they will be released and what the conditions of release are.

If charges are pressed, you may want to request an Emergency Protection Order (EPO) in addition to a no-contact order. This is recommended because no-contact orders are removed as soon as the accused has dealt with their criminal charges. An EPO can be extended up to a year if a judge thinks it is necessary.

### **What if I Do Not Want to Proceed with the Charge?**

Once a charge has been laid, the police cannot drop the charge at your request. If you are looking to have charges dropped, you must contact

the **Crown Prosecutor at 780-422-1111**. The decision to drop charges is not yours to make: the Crown Prosecutor may decide to proceed with charges whether or not you want the trial to move forward.

### **If My Partner Is Not Arrested, Can Charges Still Be Laid?**

If the police do not arrest your partner, they are required to investigate your case and prepare a report. This can occur if you have not been hurt or decide you do not want to be a witness. When the police ask you about the details of the abuse, it is important to share all of the information that you remember. This will help your case and bring you to safety.

If the police believe your partner has committed a criminal offence, they may lay a criminal charge. The Crown Prosecutor will decide if there is a reasonable chance that your partner will be convicted, and whether or not the prosecution will move forward. The police and the Crown Prosecutor do not need your consent to do this.

You have the right to know the status of the police investigation and the court case involving your partner. You also have the right to know if the Crown Prosecutor is not moving forward with legal proceedings. If the charges are not proceeding, you may ask the Crown Prosecutor for an explanation.

### **When Are Charges Not Laid?**

In order to charge an individual with assault, the police must have reasonable and probable grounds. This may include evidence such as bruises, abrasions, or redness on the skin. In cases where there is no witness or physical evidence, it can be extremely difficult to prove the abuse. If this is happening to you, please consult a lawyer.

### **What if I Do Not Call the Police Right Away?**

If you don't call the police right away, you can still write down what happened and report the details of the assault or harassment as soon as possible. Include the times, dates, places, and as many specific details as you can. This will help the police collect the evidence they need to make your case.

You are entitled to get help. Call the police or visit the police station to report the assault or harassment. A Victim Services Advocate at the Edmonton Police Service's Victim Services will accompany you if you wish.



## **What Will Happen at the Bail Hearing?**

At the bail hearing, the Judge or Justice of the Peace will decide if the “accused” (your partner) should be let out of jail while the charges are dealt with. The Judge will say what your partner has to do to be released, which are called “conditions of release”. This can include things like forbidding your partner to use alcohol or drugs, or own guns or other weapons.

As a condition of release, the Judge or Justice of the Peace can order your partner to stay away from your home or where you work, and not to contact you either directly or indirectly. This means that your partner cannot contact you in any way, send gifts, or ask someone else to give you a message.

## **Will My Partner Be Able to See Our Children?**

In some cases, the Judge will order that a third party become involved so that your partner can still see the children. The Judge will determine the frequency and location of the visits, and may require that a third party supervises these visits.

## **How Can I Find Out My Partner’s Conditions of Release?**

You may ask the **Crown Prosecutor at 780-422-1111** to explain you become clear on what the conditions of release are. If the accused is released, the police will contact you as soon as possible to notify you of the conditions of release. It is important to write these down and keep a copy on you at all times.

## **What Happen if My Partner or I Do Not Obey the Conditions of Release?**

It is in your best interest to keep the conditions of release. If your partner does not obey the conditions of release or the no-contact order, your partner can be arrested and charged with a “breach” of bail conditions. This charge will be added to the first assault, criminal harassment, or other family violence-related charge. If your partner breaks any of the conditions, phone the police or go to your local police station and report the incident.

## **If You Leave a Violent Relationship**

### **What About the Children?**

Take your children with you when you leave home to protect them. This action may determine custody (the right to take care of your children) later on.

If you have to return home for your children, be aware of your own safety. You may contact the police to meet you at your home to ensure that you are safe. The police officer cannot force your partner to give you the children if you do not have a court order giving you custody. Therefore, if you are leaving your partner, make arrangements to apply for custody and consider legal advice to assist you with this process.

If your partner refuses to let you take the children or has a court order giving your partner custody, seek legal advice right away. Call 911 if you feel that your children are in immediate danger. If you are concerned about their safety while they are with your partner, you can call your local Child and Family Services and discuss your concerns with a social worker (Child and Family Services is listed in the resources at the back of this booklet). If immediate help or advice is needed, you can call the **Child and Family Services 24 Hour Crisis Unit at 780-422-2001** or toll free at 1-800-638-0715. For more contact information, please see the resources at the back of this booklet.

### **What About My Pet(s)?**

If your pet(s) are at risk of being harmed or killed, take your pet(s) with you when you leave home to protect them. Shelters in the Edmonton area do not allow pets but there are several things you can do:

- If you are driving yourself to a shelter and your pet(s) are at risk of being harmed or killed, take the pet(s) with you. The pet(s) can stay in the car while the shelter staff refer you to the Pet Safekeeping Program.
- If you are being picked up and cannot drive the pet(s) with you to a safe place such as a shelter, ask a neighbor, friend, vet, or a local boarding kennel to hold onto your pet until you can get a referral to the Pet Safekeeping Program.

If you have to leave your pet(s) behind and return home to pick it up, be aware of your own safety. You may contact the police to meet you at your home to ensure that you are safe. The police cannot force your partner to give you the pet(s) if you do not have the pet(s) included on the EPO. You can apply for an EPO that includes your pet(s).

For your lawyer:

- The use of Protection Against Family Violence Act does not amount to a protection order for the animal. Rather, the question is how animals may be considered in the conditions of protection orders for victims of domestic violence.

- Direct protection for animals in domestic violence may also be addressed by Alberta's Animal Protection Act and the following sections of the Criminal Code of Canada: 444 & 445 (injuring or endangering), 445.1 (causing unnecessary suffering), 446 (neglect and abandonment) and 264.1(1)(c) (uttering threats).

For you:

- Tell your lawyer about treats and show them evidence to request that any protective order includes provisions for the safety of your pet or livestock:
  - Make note of the dates and extent of threats.
  - If there is evidence of the treat (letter, email, text, recording), keep that evidence.
  - Take pictures of any injuries.
  - Keep evidence of veterinary bills that pet supplies for which you paid.
  - If there are any ownership papers in your name, be sure to keep a copy and include it in your safety plan.
  - If you have questions about the Pet Safekeeping Program, you can e-mail [aasap@albertaspca.org](mailto:aasap@albertaspca.org) or call 780-447-3600 ext 3750.

### **Can My Partner Go to the School and Take the Children?**

Tell the school of what is happening, and give them with a copy of the court order and a photograph of your partner. If you have a sole custody order, the school will not let your partner pick up the children. If there is no custody order in place, the school does not have the power to determine pick up arrangements, and your partner has an equal right to pick up the children. In the same way, if your partner has a sole custody order, you cannot pick the children up from school.

### **If I Leave My Home, Does My Partner Get to Keep It?**

If you leave the home, you may be able to get a temporary order from a judge at a later date that will give you the legal right to stay in the home. This is called an "exclusive possession order". You need to apply for this order by going to **Resolution Services (1-855-738-4747)** and requesting the appropriate application form.

### **If I Leave, Will the Police Help Me Get My Belongings?**

The police will be on-site to keep the peace, but they have no power over property decisions. For your safety in a violent relationship, it is strongly

suggested that you only take the immediate necessities, such as clothing, toiletries or children's belongings. In addition, the law says that property that is considered "joint property" must not be removed or disposed of by either party until you and your partner, through mediation or the court, can agree upon ownership (through mediation or the courts).

### **What Will I Do for Money?**

If you have a place to stay for now, but you do not have enough money, contact the 24-Hour Emergency **Income Support Contact Centre at 780-644-5135** to apply for the "Fleeing Abuse Fund". This is emergency money that will help you to leave an abusive relationship. If you need help in applying for this money, a Family Violence Specialist at the Today Centre will be happy to help you.

If you choose to stay separated from your partner and do not have enough money, you may apply for regular assistance through Emergency Income Support Contact Centre 780-644-5135. You can also apply to the court to receive financial support from your partner by contacting a lawyer for assistance.

If you already receive money, such as a pension or disability cheque, be sure to contact the office that sends you these cheques to tell them you have separated from your partner. Give them your new address and be sure to tell them you have left an abusive relationship so they can protect your information. If your pension or disability cheque is automatically deposited into your joint bank account, make other arrangements for the deposit.

If you have money in a joint bank account, take out your money right away. If you have credit cards in both your names, contact the credit card company to have the cards cancelled or to have your name removed from the account. If you own a house, car, or other property together, seek legal advice as soon as possible.

### **Where Do I Get Legal Help?**

You may need to talk to a lawyer right away about children, money, or a home you shared with your partner. If you cannot afford a lawyer, contact **Legal Aid Alberta at 780-427-7575** or [www.legalaid.ab.ca](http://www.legalaid.ab.ca). There are also many other agencies that offer legal assistance listed in the resources at the back of this booklet. Please note that Legal Aid Alberta offers low-cost legal help but is not free and repayment is required. For more information call the phone number listed above.

**\*Please note:** if you are using your home computer to research any of these organizations, keep yourself safe by erasing your search history so no one can see the sites you have been visiting. For instructions on how to do so, please see to “How to Protect Yourself on the Internet” (page 12).

## **The Court Process**

### **Introduction**

The provincial court handles family violence-related crimes. The case may move slowly through the justice system.

This process may be a difficult one to go through, but it is important to remember that many who have gone through this process have found it helpful in the end. There are people who want to help you, and workers from community agencies can accompany you during the court process. For contact information, please see to the resources at the back of this booklet.

### **Who Is the Crown Prosecutor?**

The Crown Prosecutor is the lawyer representing the government. If the police have reasonable and probable grounds for a family/relationship violence crime, a charge will be laid on the accused. The role of the Crown Prosecutor is to review the police report and decide if there's a reasonable chance of conviction, and if it is in the public interest to move forward with the case.

Remember that the Crown Prosecutor makes this decision and does not need your consent to do so. The Crown Prosecutor does not act as your lawyer: they represent the government and act in the interest of the public.

### **Will I Have to Go to Court as a Witness?**

If the Crown Prosecutor decides to move forward with the case, you may be seen as an important witness to the abuse in the relationship. If the accused pleads not guilty, you may be asked to “testify” at the trial to explain the abuse that happened. The Crown Prosecutor may interview you before the trial and explain what will happen in court. A worker may also explain this process to you, which is called “court preparation”. Court preparation for individuals that appear as a witness is provided by the **Domestic Violence Complainant Assistance Program (DVCAP) at 780-422-0721**.

If you need an interpreter, the Crown Prosecutor will arrange one for your interview and your court appearance.

### **What if I Do Not Want to be a Witness or Attend Court?**

If you receive a subpoena (a court order), you must appear in court. You must also testify if you are called to do so, and you must be honest and tell the truth about what happened. If you decide you do not want to be a witness, tell the Crown Prosecutor as soon as possible.

### **How Will I Know When I Have to be in Court?**

You will be given a paper called a “subpoena”, which tells you that you have to appear in court and when the trial will take place. The subpoena will be delivered to you in person by a police officer or peace officer.

### **What Is a Victim Impact Statement?**

An Edmonton Police Service’s Victim Services Advocate or a police officer will ask if you want to fill out a Victim Impact Statement, where you can explain what effect the abuse has had on you and your children. This statement is filled out by the victim and returned to the Victim Services Coordinator, who will ensure that it is filed with the Court. The Judge considers this statement when deciding what sentence your partner will receive if convicted. For help in completing a Victim Impact Statement, you can contact the **Domestic Violence Complainant Assistance Program (DVCAP) at 780-422-0721**.

### **Do I Have to be in Court for Every Court Date?**

No. The Crown Prosecutor will tell you if you have to be present. You are also not required to appear at the first court date, but you may appear if you choose to.

### **What Happens at the First Appearance?**

Your partner, “the accused”, will be ordered to appear in front of the Judge. At this first appearance, your partner will be asked if they intend to seek a lawyer and whether they plead guilty or not guilty. If your partner does not have a lawyer, a new court date will be set.

If your partner pleads guilty, there will not be a trial and the court will set a date for sentencing.

If your partner pleads not guilty, a trial will be held at a later date.

If your partner has been in jail (“remanded”) until the first appearance, the Judge may release them on bail until the trial starts. There may be conditions that your partner must follow if they are released, such as not to have contact with you, to stay away from the family home, or not to own guns or other weapons. If your partner does not follow the conditions of release or any other orders, you must contact your local police station and share this with them.

## **The Trial**

Before your partner’s trial, you may want to visit the courthouse to watch some other trials so that you are aware of the process. The following agencies can help you prepare for court and may accompany you to court: Edmonton John Howard Society’s Family Violence Prevention Centre, Edmonton Police Service’s Victim Services, Elizabeth Fry Society, and Royal Canadian Mounted Police (RCMP).

The Crown Prosecutor will present evidence to show family or relationship violence has occurred, and you may be called as an important witness. Other witnesses such as neighbours, police, friends, or your doctor may also be contacted to support the case that violence occurred.

## **Will My Children be Called as Witnesses?**

Not normally. Your children will not have to testify unless it is absolutely necessary.

## **What Does the Defence Lawyer Do?**

The process for the lawyer defending your partner is the same as it is for the Crown Prosecutor. The defence lawyer will present the accused’s side of the story and will question the Crown’s witnesses, including you. Often, the accused will be called as a witness. Since the defence lawyer’s job is to question every part of your story, the defence lawyer’s questions may be more challenging for you to answer than the Crown Prosecutor’s. This can be a difficult process, but try not to be frightened by the defence lawyer’s questions and simply tell the truth.

In some cases, the accused may decide to defend their case without a lawyer. If this happens, you may have to deal with your partner questioning you when you testify.

## **What Does the Judge Do?**

After hearing the facts presented by both sides, the Judge will make a decision about how to proceed with the case.

## **Why Can the Accused be Found Not Guilty?**

If the accused is found not guilty, it does not necessarily mean the Judge didn't believe you. Criminal trials follow strict rules of evidence, and the law states the accused has to be proven guilty "beyond a reasonable doubt". Therefore, it is important to remember that if the accused is found not guilty, it may be because of a lack of evidence or a point of law, not because the Judge thinks that your abuse did not happen.

In rare cases, the Crown will decide to appeal the Judge's decision. Later, the Appeal Court will make their decision based on all written notes taken at the original trial.

## **What Happens if My Partner Is Found Guilty?**

If your partner is found guilty, the Judge will decide what should happen by giving a sentence. Your Victim Impact Statement will be taken into consideration.

## **What Kind of Sentence Will My Partner Receive?**

If your partner is found guilty, sentences may include:

### **Conditional Discharge with Probation**

A Conditional Discharge with Probation means there will be no criminal record. However certain conditions must be followed, such as:

- Staying away from you (and the children, if any);
- Getting counselling;
- Attending a treatment program for drug or alcohol abuse; or
- Attending family violence counselling for a certain period of time.

### **Suspended Sentence with Probation**

A suspended sentence means your partner has been found guilty and will have a criminal record. The Judge has given a sentence to your partner (for example, jail time) but is not requiring your partner to serve that sentence for a period of time. Instead, the Judge is setting conditions that your partner must follow in a "probation order". If your partner meets these conditions during the probation period, the sentence may be dismissed by the Judge. One of these conditions requires your



partner to regularly report to a probation officer, who tells your partner what conditions are in the probation order. The Judge may also order participation in a drug or alcohol treatment program.

If your partner does not follow the conditions of the probation order, they can be charged with another offence along with the original offence.

## **Jail**

If the offence was severe or your partner has committed criminal offences before, the sentence may be time in jail. The Court may allow the possibility for an offender to serve a jail sentence on weekends so the offender to keep their job.

### **How Will I Know When My Partner Gets Out of Jail?**

It is important to tell corrections staff, probation staff, and the National Parole Board (for a federal sentence only) if your address or phone number changes. They can send you up-to-date information about any release hearings and release dates for your partner.

### **How Can I Be Protected if My Partner Is Not Put in Jail?**

There are four types of protection tools that can be used for your protection: Emergency Protection Order, Queen's Bench Protection Order, Peace Bond and Restraining Order.

### **Emergency Protection Order (EPO)**

An Emergency Protection Order makes the protection available to you and your family by making it possible to remove the accused from the home for a certain length of time.

There are two ways to get an EPO:

- You can get an EPO on a 24-hour basis 7 days a week (24/7) with help from the police or Children's Services.
- You can contact the **Edmonton Protection Order Program at 780-422-9222.**

The order will be granted if the Provincial Court Judge or Justice of the Peace decides that by "reason of seriousness or urgency" immediate protection is needed as a result of family or relationship violence. A higher court, the Court of Queen's Bench, will review the EPO within nine working days. Once you file the order, the police will serve the EPO on your partner. At that time, the conditions of the order may be enforced.

An EPO can be used to:

- Keep the accused away from a home, workplace, school or anywhere else family members might be present.
- Prohibit the accused from making contact or communicating with family members.
- Grant exclusive rights to occupy the home to certain family members for a specified period.
- Direct the police to remove the accused from their home and supervise them as they remove their personal belongings.
- Direct the police to seize and store weapons.
- Specify any other provision for the immediate protection of family members.

At the review that is scheduled within nine working days, the Court of Queen's Bench may:

- Confirm the EPO.
- Revoke (cancel) the EPO.
- Direct that an oral hearing be held.
- Issue a new order.

It is important to remember that it is illegal to make false claims. Anyone who does so can be charged with public mischief under the Criminal Code of Canada.

For more information, see the Centre For Public Legal Education Alberta (CPLEA)'s resource section of their website ([www.cplea.ca/publications](http://www.cplea.ca/publications)).

## **Queen's Bench Protection Order**

Any new order resulting from a review of an EPO is called a Queen's Bench Protection Order. You can apply for protection directly from the Court of Queen's Bench. A Queen's Bench Protection Order can be in place for up to one year and may be extended for further one-year periods.

In addition to the terms in an EPO, the Queen's Bench Protection Order can also include terms that:

- Require the accused to pay you for any financial losses suffered as a result of family violence.
- Allow the victim or the accused to temporarily possess specified personal property.
- Instruct the victim or the accused not to deal with property in which they both have an interest (for example, not selling it or giving it away).

- Require the accused to post a bond to ensure compliance they will follow the terms of the order.
- Require any family members involved in the violence to receive counselling.

## **Restraining Order**

A restraining order prohibits the accused from certain actions against you. The Police can arrest your partner for breaking (also, called “breaching”) the restraining order. Breaching the order is not a criminal offence, but it may be in civil contempt of court.

Applying for a restraining order does not involve the police and does not require an investigation or police file, or a court-filing fee. You will have to prepare all the necessary paperwork yourself. It may be a good idea to seek a lawyer to help you in the remainder of the restraining application process. This involves:

- Applying in the courtroom before a Justice of the Court of Queen’s Bench;
- Serving the Order and Declaration/Affidavit to your partner, the “respondent”. The Order must be received to take effect; and
- Registering the Affidavit (proving that your partner received the Order) and Order at your local police station.

In emergencies, you may be able to get a restraining order in one to two days. Once an emergency Order is granted, it is reviewed within two to three weeks. After this review, is effective for about three months or until the orders of the judge have been completed.

For more information, see the Centre For Public Legal Education Alberta (CPLEA)’s resource section of their website ([www.cplea.ca/publications](http://www.cplea.ca/publications)).

If you do not want to serve the documents yourself, you can hire someone to serve them for you.

## **Peace Bond**

If you have good reason to believe your partner might hurt you, your loved ones, or damage your property, you can apply for a peace bond. A peace bond does not require a lawyer; Edmonton Police Services will complete the paperwork, and obtaining the peace bond comes at no financial cost. If your partner breaches the peace bond, they become criminally responsible. The process of obtaining a peace bond is as follows:

- To start, visit your local police station to prepare a form stating how your partner has hurt you or your loved ones.
- The police will then investigate what you have told them.
- You will then need to go to the courthouse to swear to a Justice of the Peace that your form states the truth. You may also be asked to elaborate on your statement.
- The police will tell you when your partner's court hearing is. You may be required to attend court again later; the police will inform you if this is the case.
- If a peace bond is issued, keep a copy with you to show the police.
- A peace bond remains in effect for one year.

In an emergency, it is possible to obtain a peace bond in two to three weeks.

## **Financial Benefits Available**

### **Restitution**

If you have suffered a financial loss as a result of your partner, you may be able to get “restitution”. Restitution is a way for an offender to repay the victim for losses suffered.

To do this, you must complete a Request for Restitution Form. You can get this form from the office investigating the case or Victim Services. Once the form is filled out, return it to Victim Services as soon as possible, and it will be given to the Crown Prosecutor. When you go to court, you will need to bring all necessary documents to court to support your claim. Ask Victim Services about what you will need to bring.

You may be given restitution for:

- Damage, destruction, or loss of property;
- Bodily harm or serious injury;
- Loss of income or support;
- The cost of moving out of the offender's house; or
- Losses from by unknowingly purchasing stolen property.

After an offender is found guilty, the Judge can consider restitution during the offender's sentencing. If the Crown chooses not to ask for restitution during sentencing, you may ask the court to do so yourself. In this case, it may be best to contact a lawyer to file and enforce the order as a Judgment in the Court of Queen's Bench. If the restitution is ordered but not paid, you may also wish to consult a lawyer.

## **Financial Benefits for Victims of Violent Crimes**

The Victims of Crime Act provides one-time financial benefits to innocent victims injured during a crime. You may be eligible for this benefit if you suffered physical or emotional injury as a result of being victims of a crime in Alberta. This program does not cover property damage or loss.

When a crime results in death, dependents of the victim may be eligible for financial benefits. A legal guardian may apply on behalf of minors or dependent adults. If it is determined that the behaviour of the victim contributed to the injury, the amount of the benefit may be reduced.

To be eligible for these financial benefits:

- The crime must have occurred in Alberta;
- The details of the offence must be reported to the police within a reasonable length of time;
- The Financial Benefits Program must receive a written application within one year of the injury; and
- The applicant must provide information about the matter and the injury, as this may be required to make a decision on the application.

You may get the required forms from the Edmonton Police Service's Victim Services. **Domestic Violence Complainant Assistance Program (DVCAP) at 780-422-0721** can assist with filling out the forms.

## **Supports for Albertans Fleeing Abuse**

Albertans in an abusive situation can receive help 24 hours a day, seven days a week through Alberta Works Fleeing Abuse Fund.

**Call 1-866-644-5135 toll-free** from anywhere in Alberta to find out what's available. Financial supports are also available through Alberta Works Income Support. If you meet the program's eligibility requirements. They provide the following services:

### **Getting to Safety**

- Emergency transportation to a safe place, such as a shelter.
- Emergency accommodation in a hotel or motel if shelters are full or not available.
- Help for emergency needs not provided by a shelter, such as prescription drugs, nutritional products, dental, and vision services, and childcare.

- Relocation costs within Alberta or Canada are covered if needed to escape the threat of violence.

### **Setting up a New Household**

- \$1,000 to help set up a new home .
- Damage deposit to secure a residence.
- Financial help for needs such as food, clothing, shelter and other basic needs.
- You are free from the expectation to seek employment, so you can deal with personal and/or family matters.
- \$50 monthly benefit in recognition that you are not ready to go to work.

### **Starting a New Life**

- Employment and training support services to help you find a job.
- Free service for child support from other parent(s), if doing so does not endanger the safety of either family.
- After you get a job, certain amounts are not deducted. Check with Alberta Works for details.
- Continued health benefits after your family is able to leave.
- Health benefits are available for children in low-income families.

### **What if You Want to End the Relationship?**

Whether you are married or living common-law, talk to a lawyer if you want to end the relationship. If you cannot afford a lawyer, you can apply for legal aid. The following address points to discuss with a lawyer.

### **Maintenance and Support**

The Maintenance Enforcement Program's (MEP) is responsible for enforcing child support and spousal orders by collecting payments and getting payments to the right people. MEP relies on the voluntary cooperation of those involved and can only enforce maintenance when the debtor (your partner), creditor (you), or the Crown has registered with the program. You can contact **MEP at 780-422-5555**.

MEP will:

- Keep their client's personal information confidential.
- Attempt to collect on all maintenance orders.
- Conduct child status reviews at the request of debtors who believe their children may no longer be eligible for support under their court order.

- Stop their collection actions within 14 days when debtors pay their arrears (payment still owed) and make arrangements for future payments. Wage support deductions notices issued due to a debtor's failure to pay will normally not be ended until the file is closed.

MEP cannot get court orders for you, change the amount of support ordered by a court, or vary a court order in any way. MEP also does not provide legal advice or legal representation or deal with custody, access, or parenting time. For this type of information, please see the resources at the back of this booklet.

## Family Law Act

The Family Law Act:

- Gives clear guidelines to family members, lawyers and judges about the rights and responsibilities of family members.
- Encourages settling family law and focuses on the best interests of children.
- Outlines responsibilities and powers of parents, guardians and others, as well as how to share responsibilities, powers and time with children when parents do not live together.
- Gives guidance on how to decide on amounts of support and how to apply to the court when people cannot agree.

The Family Law Act does not deal with:

- Divorce;
- Matters involving family property; nor
- Child protection matters.

The Family Law Act can be viewed and printed from the **Alberta Queen's Printer website at [www.qp.alberta.ca](http://www.qp.alberta.ca)**.

The courts may create a parenting order when a child has more than one guardian who live apart and are unable to agree on how to share the powers, responsibilities and entitlements of guardianship.

**A parenting order** allocates parenting time and parenting responsibilities between the parents in an effort to be balanced and focused on the best interests of the child.

**A contact order** involves contact between the child and people other than the guardian, such as grandparents and other people who might be important to the child. An application for in-person visitation or other contact, such as by telephone or e-mail, can be made if a guardian has denied contact with a child.

## Custody

Custody is a parent's legal right to take care of the children. If you leave a relationship, apply to family court for a temporary order for custody of your children, even if you did not take the children with you. Obtain help from a lawyer when applying for custody, or contact **Legal Aid Alberta for information on doing so at 780-427-7575**.

### Taking a Child Out of the Country

In any case of divorce/separation or family violence, child safety or child custody is always significant but it is a very complex issue and dependent on variety of factors. One fear in this situation is taking a child out of the country without consent.

However, a mother or father who are afraid that the other parent will take their child out of the state or out of the country without consent may be able to get a Parenting Order to prevent the children from out of country travel. Contact **Resolution Services for more information 1-855-738-4747**.

### Guardianship

Guardianship gives a parent the right to make decisions about how their children are raised (including education, religious training, etc). It is important to talk to your lawyer about this when making custody arrangements.

### Access

Access is the legal term for the children's right to see a parent that does not have custody. You can ask the Judge to order specified access. This allows the non-custodial parent to see the children only if they follow certain conditions such as not drinking or using drugs for 48 hours before the visit, not taking them out of province, or seeing them only at specific times.

### Property

Whether you are married or living common-law, you have a right to a fair share of the family assets such as a car, house, furniture and other things the family used together.

### What Is Mediation?

In mediation, parents or others involved in raising children work with a trained mediator to decide on parenting arrangements and resolve other



issues that result when parents live apart. Mediation is a cooperative process, so it is important to disclose family violence, as this is an imbalance of power and control. This will allow the mediator to assess and best serve the family. The cost of mediation services can depend on if you have a child less than 18 years of age, and/or the combination of you and your partner's income.

If you prefer to hire a private mediator, please visit the **Alberta Family Mediation Society's website at [www.afms.ca](http://www.afms.ca)**.

## Who Can Help?

*Remember: You are not alone. #thereishelp*

### Phone Numbers

#### Emergency Lines

Ambulance, Fire, Police (Emergency) .....911  
Child and Family Services Crisis Unit (24 Hours) .....780-422-2001  
..... or 1-800-638-0715

#### Family Violence Information

Today Family Violence Help Centre ..... 780-455-6880  
.....info@thetodaycentre.ca  
Family Violence Prevention Centre .....780-423-1635  
Family Violence Info Line (24 Hours) (area code not required).....310-1818

#### Non-Emergency Lines

Edmonton Police Services Switchboard .....780-423-4567

#### Crisis

24 Hour Distress Line .....780-482-4357  
Edmonton Women's Shelter (WIN House) .....780-471-6709  
A Safe Place (Strathcona County) .....780-464-7233  
Kids Kottage Crisis Nursery (24 Hours) .....780-944-2888  
Mental Health Help Line ..... 1-877-303-2642  
Sexual Assault Centre Crisis Hotline .....780-423-4121  
24-Hour Emergency Income Support Contact Centre .....780-644-5135  
Addiction Helpline — AHS (24 Hours) ..... 1-866-332-2322  
Youth Empowerment & Support Services .....780-468-7070

#### Short Term Counselling Services

City of Edmonton – Individual and Family Well-Being .....780-496-4777  
YWCA Counselling Centre .....780-970-6501  
Sexual Assault Centre Counselling .....780-423-4102  
Aboriginal Consulting Services of Alberta .....780-448-0378  
Community Urgent Services and Stabilization Team  
(Mental Health Crisis Unit) .....780-342-7777

## Legal Services

Resolution Services .....	1-855-738-4747
Emergency Protection Order Program (EPOP) .....	780-422-9222
Edmonton Community Legal Centre (ECLC) .....	780-702-1725
Legal Aid Society of Alberta .....	780-427-7575
Alberta Law Line .....	780-644-7777
Crown Prosecutor's Office (Edmonton) .....	780-422-1111

## Community Services

Pet Safekeeping Program .....	780-447-3600 ext 3750
.....	<a href="mailto:aasap@albertaspca.org">aasap@albertaspca.org</a>
The Family Centre .....	780-423-2831
Catholic Social Services Immigration & Settlement .....	780-424-3545
Bent Arrow Traditional Healing Society .....	780-474-2400
Pride Centre of Edmonton .....	780-488-3234
Elder Abuse Resource & Support (EARS) .....	780-477-2929
Directory of Services in Edmonton .....	<a href="http://www.linkyeg.ca">www.linkyeg.ca</a>

## Additional Resources Online:

Centre For Public Legal Education Alberta (CPLA):  
[www.cplea.ca/publications](http://www.cplea.ca/publications)

Alberta Justice and Solicitor General:  
[justice.alberta.ca/programs\\_services](http://justice.alberta.ca/programs_services)

Alberta Queen's Printer (search for Family Law Act):  
[www.qp.alberta.ca](http://www.qp.alberta.ca)

Today Family Violence Help Centre:  
[www.todaycentre.ca](http://www.todaycentre.ca)

## Support for updating this information booklet was provided by:

- City of Edmonton – Family Violence Prevention
- Sexual Assault Centre of Edmonton
- Edmonton Women's Shelter
- Family Violence Prevention Centre — John Howard Society
- Pet Safekeeping Program — Alberta SPCA
- Legal Ave
- Indo Canadian Women's Association

