



Bernadette LaBrie, Lawyer

*Emergency Protection Order Program, Alberta Legal Aid*

Theme: Accessible and Responsive Legal and Justice Systems

Legal Aid Alberta's Family Law Office helps victims of family violence through its Emergency Protection Order Program. The program is offered in Edmonton, Calgary and Lethbridge (and surrounding areas). The Emergency Protection Order Program provides clients with information and a lawyer who can help them to obtain and confirm protection orders. They attend court on a daily basis to represent Albertans who have experienced violence in their lives. The Emergency Protection Order Program also provides ongoing information, risk assessment and safety plans to victims of family violence.

#### *Critical Elements*

- Legal Aid Duty Council is available in provincial court to support victims applying for EPOs. There is no cost for the service and there are no financial eligibility requirements.
- Many of the lawyers in the Calgary office have been trained to administer the Danger Assessment and this is an important part of the process of determining level of risk for claimants
- The Family Violence Protection Act is used as a basis for determining eligibility for an EPO. The Order requires that victims be in an emergency situation and a family member must be involved. Those individuals that do not qualify are supported to explore other alternative.
- When the EPO is reviewed – the Family Violence Protection Act is used as a basis for determining likelihood of the order being granted in Court of Queen's Bench.
- Legal Aid has implemented two additional components to EPOs. When there are children involved and Family Court has ruled that the children are to have some contact with the individual yet the EPO states there is not to be any contact- there can be specific considerations added to the EPO. For example, the individual may be allowed to see the children under certain specified conditions and not risk breaching the EPO. Or there may be a clause in the EPO that allows exchange of the children that would not result in a charge.
- The social worker in the Legal Aid office attempts to make telephone contact with claimants to review safety plans and make referrals to other supports. The social worker has had a very close working relationship with the shelters in Calgary.
- The Calgary Legal Aid office has a very close working relationship with the Calgary Police Service. When the police intervene in a domestic situation they typically ask the individual experiencing the abuse to sign a waiver so that the police can have conversations with the Legal Aid office. This collaboration is an essential to the work of the Legal Aid EPO service. Bernadette stressed the importance of collaborative work in the area of domestic violence. She would like to see a process where all community organizations adopt a protocol asking their clients applying for an EPO to sign a consent waiver allowing that organization to share information with the lawyers seeking an EPO for clients.