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Domestic Violence and Protection Orders

 (<https://www.justiceeducation.ca/print/137>)

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What is Domestic Violence?

Abuse or violence in a relationship can take many forms and has many names: assault, spousal abuse, wife abuse, domestic violence and family violence are just a few.

Domestic violence may include more than physical or sexual violence; it can include other forms of abuse in an attempt to control or intimidate someone.

Domestic violence exists on a continuum that can include intimidation, mental or emotional abuse, financial exploitation, stalking, harassment and assault.

For more information, see [Domestic Violence \(https://www.justiceeducation.ca/legal-help/family/family-violence/what-domestic-violence\)](https://www.justiceeducation.ca/legal-help/family/family-violence/what-domestic-violence).

Protection Orders

Family Law Protection Orders are made under the *Family Law Act*, but there are other protections for people facing family violence under criminal law – these are called Peace Bonds.

 **Help**

A protection order is an order made by a judge after a court hearing. It lists conditions that the person named in the order has to follow. This usually includes an order that the person have no contact with the person that the order is intended to protect.



Protection Orders	
There are two types of protection orders Peace Bonds and Family Law Protection Orders	
Peace Bonds	Family Law Protection Order
Free. Enforced by police in BC and Canada	Free. Enforced by police in BC
Get one by calling police	Get one by completing a court form
Made in criminal court by a judge	Made in family court by a judge
Protects people and property	Protects people

The chart below describes the differences between the two.

Peace Bonds	Family Law Protection Order
A peace bond is a protection order made in a criminal court under the <i>Criminal Code of Canada</i> .	A family law protection order is a protection order made in family court (Provincial or Supreme Court) under the BC <i>Family Law Act</i> .
A peace bond can protect you from anyone, including someone you have only dated, such as a boyfriend or ex-boyfriend.	The order can protect you from a "family member," which includes: <ul style="list-style-type: none"> - someone you've been married to or lived with in a marriage like relationship, - a relative of yours who lives with you, - a relative of the abuser who lives with them, or - your child's parent or guardian.

<p>A peace bond can protect the following:</p> <ul style="list-style-type: none"> - you, - your children, - your current partner, and/or - your property. 	<p>The order can protect the following people:</p> <ul style="list-style-type: none"> - you, your children, and other family members who live with you, and - any other children living in your home, the home of your partner, or the home of your child's parent or guardian.
<p>A peace bond is meant to protect you when you fear for your safety, the safety of your children, and/or the safety of your current partner. This means that you are afraid that the person could hurt any of you.</p>	<p>The order is meant to protect you from what the law calls "family violence" by a family member, which includes:</p> <ul style="list-style-type: none"> - physical abuse (or attempts), - emotional or mental abuse, - sexual abuse (or attempts), and - children being exposed to family violence.
<p>You don't need a lawyer to apply for a peace bond. You call the police or RCMP to ask for one. If the application for a peace bond proceeds, Crown counsel will be involved.</p>	<p>You may apply to court for the order with or without a lawyer. It is your choice but a lawyer is recommended. Usually duty counsel (a free lawyer located at the court) will help you.</p>
<p>Free. No court fee to apply.</p>	<p>Free. No court fee to apply.</p>
<p>A peace bond lasts up to one year. You can ask for another peace bond under certain circumstances.</p>	<p>The order lasts until the end date the judge puts on the order. If the judge doesn't put an end date on the order, it lasts one year.</p>
<p>A peace bond from BC can be enforced by police and RCMP anywhere in BC and in the rest of Canada.</p>	<p>A family law protection order from BC can be enforced by police and RCMP anywhere in BC. However, if you move out of BC, you may have to apply for another order in your new location.</p>
<p>Not obeying a peace bond is a criminal offence.</p>	<p>Not obeying a family law protection order bond is a criminal offence.</p>

This information was reprinted, with some changes, from For Your Protection (<https://familylaw.lss.bc.ca/publications/your-protection>). The booklet is available in several languages. It provides more detailed information about the differences between peace bonds and protection orders. You can also see the Protection Orders Fact Sheet (http://www.familylaw.lss.bc.ca/resources/fact_sheets/familyLawProtectionOrders.php).

Peace Bond: To get a peace bond (Called "811 Recognizance"), call your local police.

Family Law Protection Order: To get a protection order, use this BC Provincial Court form (<https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/courthouse-services/court-files-records/court-forms/family/pfa003.pdf>)



Criminal Charges

If the police get information that a crime, like physical assault, may have happened, they will investigate the situation by talking to the people involved, as well as any witnesses. If they believe someone should be charged with a criminal offence, they will send a report to the Crown Counsel who will decide whether to charge the person with an offence.

An accused person often pressures the victim to drop criminal charges. Or, sometimes a victim changes his or her mind about how bad the abuse was. If you change your mind, you should talk to the police or Crown Counsel about it. You can also talk to a victim services worker (<http://www.justicebc.ca/en/cjis/understanding/parts/victim/workers.html>). It is the Crown's decision whether to go ahead with criminal charges, not yours. That means that charges may *not* be dropped, even if you say you want to drop them. Criminal charges may lead to a trial.

Will the Accused Person go to Jail?

If the accused is convicted of a criminal offence, the judge will decide what sentence they get. Sometimes the convicted person will be sent to jail. If the convicted person is not a permanent resident, it could affect their immigration status, which should be discussed with a lawyer.

To learn more, see: [Applying for a Peace Bond and Filing Assault Charges](http://www.justiceeducation.ca/legal-help/family-violence/applying-peace-bond-and-filing-assault-charges/applying-peace-bond-and) (<http://www.justiceeducation.ca/legal-help/family-violence/applying-peace-bond-and-filing-assault-charges/applying-peace-bond-and>). Also, read [Family Law Protection Orders](http://www.familylaw.lss.bc.ca/resources/fact_sheets/familyLawProtectionOrders.php) (http://www.familylaw.lss.bc.ca/resources/fact_sheets/familyLawProtectionOrders.php).

IMPORTANT: This page provides legal information, not legal advice. If you need legal advice consult a lawyer (<http://www.cbabc.org/For-the-Public/Lawyer-Referral-Service>).

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Lawyer Referral Service (<http://www.accessprobono.ca/lawyer-referral-service>)



(<http://www.accessprobono.ca/lawyer-referral-service>)

This service provides access to a 30-minute session with a lawyer for free.

VictimLinkBC (<http://www2.gov.bc.ca/gov/content/justice/criminal-justice/victims-of-crime/victimlinkbc>)



(<http://www2.gov.bc.ca/gov/content/justice/criminal-justice/victims-of->

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VictimLinkBC is a toll-free, confidential, multilingual telephone service available across B.C. It provides information and referral services to all victims of crime.

Need Legal Help?



Call/ Text Free: 1-855-875-8867

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