

For Your Protection

Peace Bonds and Family Law Protection Orders

Information for people in relationships
who need protection from violence
or the threat of violence

October 2017



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This booklet explains the law in general. It
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About this booklet

People seek court orders for protection for a
variety of reasons, in a variety of situations — for
example, to help prevent physical violence or
damage to property by a co-worker, a neighbour,
or a relative other than a spouse. However, most
protection orders are for women seeking protection
from a man they are or have been in an intimate
relationship with.

This booklet is written for people in British Columbia
affected by family violence, including any children
or other relatives in the home. The information
in this booklet applies to those in same-sex
relationships and to men who need protection
from a female partner.

**This booklet doesn't contain legal advice. It
provides information only about peace bonds
issued under section 810 of the *Criminal Code*
of Canada, and protection orders issued under
section 183 of the *Family Law Act* of BC.**

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Chapter 1: Help Is Available

If you've experienced family violence or been threatened with family violence, remember that you aren't alone. Help is available for you from the police, victim service workers, community organizations, and the court system.

This chapter outlines immediate steps to take if you feel your safety is at risk. Chapter 2 explains how to choose between a section 810 recognizance under the *Criminal Code* (called a "peace bond" in this booklet) and a protection order under the *Family Law Act* (called a "family law protection order" in this booklet).

In this booklet, we use the word "partner" to mean the person you:

- are or were married to,
- live or lived with in a marriage-like relationship for any length of time, or
- have a child with.

If you're in immediate danger

It's against the law for anyone to assault you or your children, to harass or stalk you, to threaten to hurt you physically, or to damage your property.

If you're afraid and think you, your children, and/or others are in immediate danger from your partner, call the police **right away** by dialling 911. (If your community doesn't have a 911 service, call your local police emergency phone number.) The police will take immediate steps to ensure your safety and the safety of others.

The police then gather evidence (facts) from you and others. **There doesn't need to be physical evidence or a witness — your story, told by you, is key evidence.** Two things may happen next:

- If there's enough evidence, the police will probably arrest your partner. They'll ask Crown counsel (a lawyer with the BC Attorney General ministry) to charge your partner with a crime. Crown counsel will decide if your partner should be charged (or if a peace bond is more appropriate). If they approve the charge, your partner will have to go to court.
- There may not be enough evidence for a charge of assault, uttering threats, etc., but the police may agree that your partner could harm you in the future unless you have some protection. In this situation, the police may ask Crown counsel to apply for a peace bond, and/or recommend that you apply for a family law protection order.

If you aren't in immediate danger, but still fear for your safety

If you've been threatened or experienced violence in the past, and/or you fear for your or your children's safety in the future, you can:

- ask the local police or RCMP to help you get a peace bond, or
- apply to court for a family law protection order.

(See Chapter 2 for how to decide which is best for you.)



You have the right to feel safe and get help from the police to be safe. It's their job. You can ask the police to take you to a transition house or safe house, or to another safe place — such as a relative's or friend's house. The police can also refer you to a local victim service program where staff will support you and help you make a personal safety plan.

Help for the next steps

If Crown counsel seek a peace bond, they'll guide you through the steps. Remember that a Crown counsel isn't your personal lawyer — they don't represent individual victims. Crown counsel are lawyers employed by the Attorney General ministry who act as prosecutors on behalf of society as a whole. You don't have to pay Crown counsel for their work.

If you apply for a family law protection order, it's best to have a family law lawyer help you go to court and advise you about all options for protection. You can hire a family lawyer or talk to legal aid to find out if you can get a free lawyer (see page 35). Crown counsel can't apply for a family law protection order for you. However, you don't have to have a lawyer — you can represent yourself in family court.

Talk to a victim service worker in your community to get additional support and information about peace bonds and family law protection orders.

If your family is involved with Child Protection Services

Under BC law, anyone who suspects that a child may be in danger or knows that a child is being abused or neglected must report this. They can contact a child protection worker with the Ministry of Children and Family Development (MCF), a delegated Aboriginal agency, or the Helpline for Children at **310-1234** (no area code needed).

If a child protection worker has been assigned to your family because of concerns about violence

from a partner, you can ask the worker to apply to court for a protective intervention order. This order tells your partner to stay away from the children for up to six months. At the same time, you can also go to the police to ask for their help to get a peace bond, or go to court to ask for a family law protection order. You may want to talk to a lawyer or ask about legal aid. You should also talk to a victim service worker.

Victim Services in BC

Free victim service programs are available in most communities across the province. Victim service workers provide:

- emotional support;
- safety planning;
- practical assistance, such as going with you to court or to the police, or helping you understand forms;
- information about the criminal court process, the criminal justice system, and the status of your case; and
- referrals to other community resources if you need them.

To find the victim service program nearest you, call VictimLinkBC, a toll-free, 24 hours a day, confidential, multilingual telephone service available across BC and the Yukon. It provides information and referral services to all victims of crime and immediate crisis support to victims of family or sexual violence.

1-800-563-0808

See page 33 for full contact information.



Chapter 2: Peace Bonds and Family Law Protection Orders

“Protection order” is a general term for orders made in court by a judge to protect one person from another. *Criminal Code* peace bonds and *Family Law Act* protection orders are both types of “protection orders.”

What are peace bonds and family law protection orders?

All protection orders have a list of conditions set by a judge that a person must follow. The conditions are meant to protect the person who applies for the order (the victim). Most often, one of the conditions is that the person must have no contact or limited contact with the person being protected.

Your protection order is based on your safety needs. It will likely have the condition that your partner have no direct or indirect contact with you and/or your children. This means no visits to your home or workplace, no phone calls, emails, or letters, and no messages through a friend or relative. It may have other conditions as well.

It’s a criminal offence to not obey the conditions in a peace bond or family law protection order. If your partner is convicted, they could face serious consequences.

The Protection Order Registry

The Protection Order Registry is a confidential computer database that contains all protection orders (including peace bonds) in BC. All protection orders are entered in the registry by the court after a judge signs them. If you call the police to say that your partner hasn’t obeyed a protection order, the police can get up-to-date information about the order immediately. They can then act to enforce the order right away.

You can make sure your peace bond or family law protection order is registered in the database by calling VictimLinkBC (toll-free) at **1-800-563-0808**, any time.

Which one should I choose?

It may be up to you to decide whether a peace bond and/or a family law protection order will best protect you. The following chart, which sets out the important differences between these two types of orders, can help you decide.

You can try to get both a peace bond and family law protection order at the same time. Applications for a peace bond are dealt with in criminal court and applications for family law protection orders are dealt with in family court. Two separate court proceedings will be required if you want both types of protection orders.

For more information about peace bonds, see Chapter 3. For more information about family law protection orders, see Chapter 4.





Peace Bonds

Family Law Protection Orders



Can be ordered to protect you from anyone, including:

- “family members,”
- someone you have only dated, such as a boyfriend or ex-boyfriend,
- a co-worker, or someone you don’t know but who is harassing you.

(See the glossary on page 40 for a full definition of a family member.)

Can only be ordered against a “family member,” which includes:

- your partner or former partner,
- your child’s parent or guardian,
- a relative of your partner, or a relative of your child’s parent or guardian, or
- a relative of yours who lives with you.

(See the glossary on page 40 for a full definition of a family member.)



Can protect the following:

- you,
- your children,
- your current partner, and/or
- your property.

Can protect the following people:

- 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.



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’re afraid that someone could hurt any of you, damage your property, or distribute harassing or sexually explicit material about you.

Meant to protect you from what the law calls “family violence” by a family member, which includes:

- physical abuse (or attempts),
- sexual abuse (or attempts),
- emotional or mental abuse, and
- children being exposed to family violence.

(See the glossary on page 40 for a full definition of family violence.)



You call the local police or RCMP to ask for a peace bond. You don’t need a lawyer. If your application for a peace bond goes ahead, Crown counsel will be involved.

(See page 15 for information about applying for a peace bond when the police decide not to ask Crown counsel to apply for one.)

You may apply to court for the order with or without a lawyer — it’s your choice but a lawyer is recommended. You’ll be responsible for paying the lawyer’s fees, unless you qualify for a lawyer through legal aid.

(See page 35 for more information about legal aid.)



If there’s a court hearing, it will be in criminal court.

There will be a court hearing in family court.





There's no fee to apply.

There's no fee to apply in Provincial Court. However, you must pay a fee to apply in Supreme Court. If you would find it difficult to pay, you can apply to have the fee waived (cancelled). See pages 22 – 23 for more information about the two courts.



Lasts up to one year, but you can ask for another peace bond under certain circumstances (see page 21).

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.



A peace bond from BC can be enforced by local police and RCMP anywhere in BC and in the rest of Canada.

(This means the police can arrest the person named in the order if they don't obey it.)

A family law protection order from BC can be enforced by local police and RCMP anywhere in BC. However, if you move out of BC:

- you may be able to register your existing order with the courts in your new location, or
- you may have to apply for another order in your new location.



Be alerted about a release from jail

The person named in your order may be serving a sentence in a provincial jail. You can arrange to have a Victim Safety Unit caseworker contact you when they're about to be released. You need to fill out a Victim Safety Unit Notification Application Form, available at your nearest victim services office or online at www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/if-you-are-a-victim-of-a-crime/victim-of-crime/victim-notification.

You can also call the Victim Safety Unit directly and apply over the phone at 1-877-315-8822.

Note: The Victim Safety Unit isn't able to notify you *where* the person named on your order is released from police custody. See "Stay connected to the police" on page 17.



Chapter 3: Peace Bonds

Once you decide you want to get a peace bond to protect yourself, your children, and/or a current partner, follow these steps.

How do I get a peace bond?

Call your local police or RCMP and tell them that you need a peace bond (the legal name is an “810 recognizance”). In Vancouver, call 911 to get a peace bond even if it isn’t an emergency.

A police officer will ask you to describe what’s happened to make you feel afraid or in danger.

Tell the officer if you’ve kept any notes about past incidents, if you’ve received any threatening letters, voicemails, or online messages, or if there’s anyone who saw your partner being violent or threatening you.

When you speak to the police

Make sure you write down the police file number and the officer’s name. If you have any questions or concerns, it’s easiest if you talk to the same officer, who’ll be familiar with you and the case.

What happens next?

If the police officer agrees that your fears are reasonable, the officer will send a Report to Crown Counsel to BC’s Prosecution Service outlining your situation and why you feel you need the protection of a peace bond.

The report will include what conditions you’d like in the peace bond. For example, you might want the peace bond to say that your partner can’t have contact with you, your children, and/or your current partner.

Crown counsel will review the report to see whether it’s likely a judge will order a peace bond. If Crown counsel decides that it’s likely, they’ll have an “Information” prepared. The Information is a document that begins the court process to apply for a peace bond. The police officer will then take an oath before a judge or justice of the peace that they have reasons to believe that a peace bond is required. This is called “swearing the Information.” If an Information is sworn, the judge or justice of the peace will issue either an arrest warrant or a summons for your partner. Either way, your partner will have to attend court to respond to the peace bond application. If your partner doesn’t consent to the peace bond, a court date for the application will be set.

What if the police don’t agree to ask Crown counsel to apply for a peace bond?

You can consult a lawyer (you must pay the lawyer’s fees) or you can go to the court registry at the nearest courthouse and ask to speak to a justice of the peace. (In Vancouver, go to the Provincial Criminal Court at 222 Main Street.) A justice of the peace can give you the documents you need to swear an Information yourself. Then, a judge will decide whether to issue an arrest warrant or a summons for your partner. If approved by the judge, Crown counsel will usually take on the case and make recommendations to the court.

What’s the difference between an arrest warrant and a summons?

Your partner will either be arrested and released (usually with some conditions), or summoned (told to go) to court.

An arrest warrant

If Crown counsel decides that you, your children, your current partner, and/or your property may

need immediate protection, they'll ask a justice of the peace or a judge for an arrest warrant. An arrest warrant is a court document that allows the police to take your partner into police custody as soon as they find them. Once your partner has been arrested, one of two things will happen:

- they'll be released from police custody soon after and may have to follow certain "release conditions," until a peace bond hearing, or
- they'll be kept in police custody for up to 24 hours and brought to court for a bail hearing (you don't have to go). The judge will decide to either release them with release conditions, or keep them in custody until the peace bond hearing.

Any release conditions will most likely include having no contact with you and anyone else named in the peace bond application, either directly or indirectly. This means no face-to-face contact, phone calls, online messages, letters, or messages through a friend or relative. The release conditions may also require them to stay away from certain places, such as your home or work. They may also be ordered not to use drugs or alcohol or have firearms or weapons.

If your partner doesn't obey the release conditions, they may be arrested again and charged with an offence for "breaching" the conditions.

Release conditions are different than the conditions ordered by a court in a peace bond. Release conditions can address your safety needs if you need protection *before* a judge can make a decision on your peace bond application. The conditions stay in place until then.

Your partner will be told to appear in court again on a particular date.

A summons

Crown counsel will ask for a summons instead of an arrest warrant if they decide that conditions don't seem to be needed to protect you (or your children,

your current partner, and/or your property) while you're waiting for a court hearing for the peace bond.

Your partner will receive a summons document in the mail or a police officer will deliver the summons to them in person. The summons will require them to appear in court on a particular date.

Stay connected to the police

Make sure the police have your current phone number, email address, and address, or the number of a contact person who can reach you. The police will try to let you know when your partner is released from custody.

Ask a victim service worker or court staff to help you get a copy of the release conditions and keep the copy with you at all times. If your partner breaks any of the conditions, **contact the police immediately** by calling 911.

What's next? Do I have to go to a court hearing?

Before a court hearing for the peace bond application, your partner will appear in court. A judge will ask if your partner agrees that your fears are reasonable and if they agree to be placed on the peace bond. If your partner agrees, the judge will order them to "enter into" the peace bond. This means that your partner must follow all of the conditions that the judge orders in the peace bond. In this situation, there's no further need for a formal court hearing for your peace bond application.

However, if your partner doesn't agree to "enter into" the peace bond, they'll be told to appear at a court hearing where a judge will decide whether to order them to enter into a peace bond. In this situation, you have to go to the court hearing.

The Crown counsel office will let you know the date of the hearing and will schedule a short interview

with you before you go to court. At that interview, you'll be able to tell Crown counsel what conditions you'd like in the peace bond. For example, you may ask that the peace bond require that your partner have no contact with you and/or your children, or that your partner only be allowed to contact you and/or your children indirectly, through a friend or relative. However, it's the judge who makes the final decision about what conditions will be in the peace bond.

At the court hearing, Crown counsel will present the case for why a peace bond is needed, and call you as the main witness to testify (tell your story). Crown counsel will ask you to explain to the judge why you're afraid of your partner and what's happened to make you feel this way.

Crown counsel is allowed to call other witnesses to support your story.

Your partner or, if they have a lawyer, your partner's lawyer, is allowed to ask you and other Crown witnesses questions during the hearing. Your partner can also testify about their own version of the events and call their own witnesses. If you don't want your partner to be able to ask you questions, ask Crown counsel to appoint a lawyer to cross-examine you instead.

If the judge decides that you have reasons to be afraid, the judge will order your partner to enter into and sign the peace bond. The peace bond will contain the list of conditions that your partner must obey and the date the peace bond will expire (end). The peace bond can last up to one year. The judge may ask your partner to deposit a certain amount of money to make sure they keep their promise to obey the conditions.

What happens once the peace bond is in place?

Once the peace bond is in place, ask the court staff, Crown counsel, or a victim service worker for a copy and read it carefully to make sure you understand

the conditions. If you need any help, or would like to make a safety plan, it's a good idea to contact a victim service worker.

Although the court staff will send the peace bond to the Protection Order Registry, it's still a good idea to keep a copy with you.

If the peace bond mentions your children, give a copy of the order to anyone who takes care of them when they aren't with you, such as their teachers, child care providers, coaches, or other instructors. Tell them to call the police if your partner doesn't follow the conditions in the peace bond.

What if my partner shows up at my home although they aren't supposed to?

Call 911 right away. (If your community doesn't have 911 service, call your local police emergency phone number.) Remember that the local police and RCMP can enforce all peace bonds. Explain that you have a peace bond and that the person named in the peace bond isn't obeying its conditions.

It's a crime to disobey the terms of a peace bond. In most cases, particularly if you're in danger, the police will arrest your partner and ask Crown counsel to charge them with a criminal offence for "breaching" the peace bond. If your partner is found guilty of disobeying the terms of the peace bond, they'll have a criminal conviction on their record and may be:

- put on probation,
- fined up to \$5,000, and/or
- ordered to serve time in jail for up to two years.

The judge will choose the punishment based on the details of the case and whether your partner has a criminal record and a history of disobeying court orders. Unless the circumstances are very serious or your partner has a history of disobeying court orders, the judge won't usually order the maximum sentence.

What if I want to see or talk to my partner after the peace bond is in place?

Once the peace bond is signed, the person named in it must follow its conditions. If your partner doesn't, they're breaking the law. This means that with a "no contact" condition in place, your partner can't contact you even if you want them to (unless a judge changes the peace bond). If, for example, you invite your partner over, they may be arrested. (However, **you can't be charged** with a crime for contacting your partner because the order wasn't made against you — it's for your protection.)

What if I want the peace bond changed?

Remember that the peace bond was put in place to protect you. Before you make any changes, talk to a victim service worker about how this could affect your personal safety. If you still want to change the peace bond, contact Crown counsel. The decision is up to the court, but the judge will consider your wishes.

What if I move to another province?

A peace bond made in BC can be enforced by police or RCMP anywhere in Canada. Visit the police in your new province, show them a copy of the peace

bond, and tell them about your situation. Through a Canada-wide computer system, the police in any province or territory can check the conditions in the peace bond and enforce it.

What happens if my partner follows everything the peace bond says?

If your partner follows everything the peace bond says, the peace bond will end, and nothing more will happen. A peace bond isn't a criminal offence and your partner won't have a criminal conviction for entering into the peace bond.

What can I do if the peace bond is about to end and I'm still afraid for my safety?

A peace bond lasts for up to one year and then it ends. If you still fear for your safety and want to apply for another peace bond, speak to the police. To get a new peace bond, a judge has to decide that it's still reasonable for you to fear for your safety and/or the safety of your children or current partner. If your partner has breached the peace bond during the year, the court will consider this in deciding whether to order a new peace bond. This is why it's important to report all breaches of the peace bond or at least keep a diary of all the breaches with as many details as possible.

If you're still afraid for your safety, talk to a lawyer or legal aid about getting a family law protection order. You can apply for a family law protection order while the peace bond is still in effect. Remember that you can also talk to a victim service worker about your situation and that they can help you with safety planning.





Chapter 4: Family Law Protection Orders

Once you've decided that you want to apply for a family law protection order to protect yourself (and/or other family members who are at risk), follow the steps in this chapter.

How do I apply for a family law protection order?

You can apply for a family law protection order in Provincial Court or Supreme Court. Once you choose which court you want to appear in, you have to fill out the necessary court forms. The forms are available online or at the courthouse. In the chart below, there are some things to consider when deciding which court to use:

	Provincial Court	Supreme Court	
	Simpler and less formal process.	More complex and formal process.	
	No court fee.	<p>Unless you qualify for legal aid, you must pay a court "filing" fee of about \$280 (or \$80 if you already have a case started in Supreme Court).</p> <p>If you can't afford the court fee, you may be able to have the fee waived (cancelled).</p> <p>See the self-help guide, "How to get an order to waive fees" on the Family Law in BC website at familylaw.lss.bc.ca/guides/waiveFees/index.php for more information.</p>	
	<p>You can apply for a family law protection order on its own or at the same time as you apply for parenting or support orders.</p> <p>(You can't apply for a property order or divorce order in Provincial court.)</p> <p>Note that you're allowed to have a file open in both courts if each court is dealing with different issues. (Only orders about safety can go in the protection order.)</p>	<p>You can apply for a family law protection order on its own or at the same time as you apply for parenting, support, divorce, or property orders.</p> <p>Note that you're allowed to have a file open in both courts if each court is dealing with different issues. (Only orders about safety can go in the protection order.)</p>	
	<p>Evidence in court is given in person and by affidavit.</p> <p>(An affidavit is a document where you write out your evidence instead of telling it in court.)</p>	<p>Evidence in court is usually given by affidavit.</p> <p>(An affidavit is a document where you write out your evidence instead of telling it in court.)</p>	
	More locations around the province.	Fewer locations around the province.	

Remember:

If you're in immediate danger, call the police right away by dialing 911. (If your community doesn't have 911 service, call your local police emergency phone number.)

Will I need a lawyer?

You can apply for a family law protection order in either court without a lawyer's help, but it's best to have one. If you don't qualify for legal aid and can't afford a lawyer, other help is available. See "Who Can Help" on page 33.

If you go to either court with the help of a lawyer, you'll need to pay the lawyer's fees, unless you qualify for a free lawyer from legal aid.

How do I get the court forms?

All the court forms are available online. The names of the forms are listed below. **Check with the registry to see if they need you to fill out any additional forms.**

For Supreme Court

- Notice of Family Claim (Form F3) unless you've already filed one
- Notice of Application (Form F31)
- Affidavit (Form F30)
- Protection Order (Form F54)
- Requisition for consent order or for order without notice (Form F29) (see page 26)

For Provincial Court

- Application to Obtain an Order (PCFR Form 1)
- Notice of Motion (PCFR Form 16)
- Affidavit (PCFR Form 17)

The Supreme Court forms are available at www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/sup-family-forms.

The Provincial Court forms are available at www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/prov-family-forms or at the Provincial Court in your area. (To find your local Provincial Court, check online at www2.gov.bc.ca/gov/content/justice/courthouse-services/courthouse-locations.)

You can also find information and links to the forms on the Family Law in BC website at familylaw.lss.bc.ca.

If you have a lawyer, they'll fill out the forms and take them to the registry at the courthouse to be stamped and put in your file. However, you have to help by giving your lawyer the information they need.



Does my partner need to know that I'm applying? And what if I want the order right away?

There are three options, which you can discuss with your lawyer or duty counsel:

- don't let your partner know,
- let your partner know but get the order quickly,
- let your partner know and get the order in the usual amount of time.

(You aren't required to personally tell your partner about going to court. You let them know by "serving" the court documents: either by sending them the documents (in the mail, etc.) or by hiring someone to hand them the documents.)

With the first option, your partner doesn't have to know you're going to court if letting them know would increase the risk to your safety. This is called a "without notice" application. This is an exception to the usual rule that both parties must have a chance to be heard by a judge before an order is made affecting them. You have to explain to the court why the matter is urgent and why letting your partner know would be dangerous. The judge will expect you to tell the whole story.

If the judge makes the order, a copy of the court order must be served on (delivered to) your partner.

If your partner is in BC, and you can provide the court registry with an address where they can be served, the registry will serve the protection order for you. However, if the judge orders you to arrange for service yourself, see the self-help guides for serving documents on the Family Law in BC website at familylaw.lss.bc.ca. (If you don't know where to find your partner, talk to your lawyer or the registry about your options.)

Your partner can then go to court and ask that the order be cancelled or changed. This will only happen if they can show that there isn't a risk of family violence.

The second option is for when it isn't safe for you to wait too long to get the order. Your partner will know you're going to court, but you ask for a "short-leave/urgent" application to get the order handled more quickly than usual. Your partner will be given only a short time to respond before going to court.

With the third option, your partner will know you're applying and will have the normal amount of time to respond before going to court.

Do I have to go to a court hearing?

Unless you make an order without notice (see above), you and your partner will both have to go to the same court hearing about your application.

If you have a lawyer, your lawyer will work with court registry staff to schedule the court hearing. If you're going to court without a lawyer, court staff will let you know when you need to appear in court. It's your responsibility to have the application served on your partner to tell them about the hearing.

What happens at the court hearing?

What happens at the hearing will depend on whether you are in Provincial or Supreme Court, and whether you have a lawyer or not.

In Provincial Court

- If you have a lawyer, your lawyer will present your case, including what you'd like in the order, but you'll be expected to "give evidence." This means your lawyer will ask you:
 - to explain to the judge, under oath, why you need the order, or
 - to give them the facts and they'll put it in an affidavit (a sworn document) for the court.
- If you don't have a lawyer, the judge will ask you to explain your situation and what you want to have in the order.

You or your lawyer may also call witnesses to support your story, although this isn't necessary — **your spoken or affidavit evidence is enough.**

Your partner (or their lawyer) is allowed to ask you and your witnesses questions during the hearing. Or, your partner can file an affidavit that gives their side of the story and call their own witnesses.

In Supreme Court

- If you have a lawyer, your lawyer will present your case, using affidavits (sworn documents) from you and any other witnesses to support your case. You won't usually be asked to speak unless you go to trial. Going to trial in Supreme Court is rare because of the cost and the long wait to get a court date. Generally, your lawyer will go to court to make short applications rather than wait for a long and formal trial.
- If you don't have a lawyer, the judge will ask you to explain your situation and to present your own affidavit and affidavits from any other witnesses.

Your partner (or their lawyer) will also present affidavits to support their version of events.

How does the judge decide?

The judge will make a decision based on the facts presented at the hearing and will also consider:

- any history of family violence by your partner;
- whether the violence is increasing;
- whether any mental abuse shows a pattern of forcing you or other family member(s) to do things your partner wants;
- your current relationship with your partner, including if you're separated;
- certain issues with your partner such as drug abuse, employment or financial problems, mental health problems, and access to weapons; and
- certain issues with you or other family member(s) such as pregnancy or family circumstances, or if you rely on your partner for money.

What can the judge decide?

If the judge grants the order, it will list the exact conditions the person named in it must follow. A judge can make orders that ban your partner from:

- communicating with you directly or indirectly;
- distributing information about you or pictures of you;
- going to places where you or other family member(s) go, including a school, a business, and a home — even if your partner owns the home;
- following you or other family member(s); and
- having a weapon.

The judge could allow some communication, but with set guidelines. The judge can also:

- tell a police officer to go with you to a house so you can remove your personal belongings;
- take away weapons; and
- require your partner to report to court.

However, if your partner can show there's no risk of family violence, the judge can decide to deny your application.

If your application is denied, speak to your lawyer or duty counsel about re-applying for the family law protection order or about getting a conduct order. A conduct order tells your partner what they can and can't do in relation to you, your children, or anyone else affected by them. Unlike a protection order, there are no criminal consequences for disobeying a conduct order, so the judge may be more willing to order a conduct order than a protection order. If your partner breaches a conduct order, you have to go to court to enforce it. A judge may fine your partner, make a tougher conduct order, or decide to order a protection order.

How is the order prepared?

Unless the judge orders otherwise, the clerk or registrar will prepare the family law protection order. As soon as the judge signs the order, court staff will send it to the Protection Order Registry. The order is in effect from the moment the judge orders it verbally.

What do I do with the order?

Remember to ask your lawyer or the court staff for a copy of the order and read it carefully to make sure you understand the conditions. Make sure that the names, addresses, and birthdates are correct. It's a good idea to keep this copy with you. You can show it to the police if your partner doesn't follow one of the conditions.

If the order includes your children, also give a copy to anyone who takes care of them when they aren't with you, such as their teachers, child care providers, coaches, or other instructors. Tell them to call the police if your partner doesn't follow the conditions in the order.

What if my partner shows up at my home although they aren't supposed to?

Call 911 right away. (If your community doesn't have 911 service, call your local police emergency phone number.) Remember that all family law protection orders can be enforced by the police and RCMP. Explain that you have a protection order under the *Family Law Act* and that the person named in the order hasn't obeyed its conditions. (It's also a good idea to call your lawyer, if you have one.)

It's a crime to disobey the terms of a family law protection order. The order says this, so your partner will know. If they "breach" the order, in most cases, the police will arrest them (particularly if you're in danger). Then the police will ask Crown counsel to charge them with a crime.

If your partner is found guilty of disobeying the terms of the order, they may be fined, sent to jail, or put on probation. They'll have a criminal conviction on their record. The judge will choose the punishment based on the details of the case. Unless the circumstances are very serious or your partner has a history of disobeying court orders, the judge won't usually choose the maximum fine or sentence.

What if I want to see or talk to my partner after the order is in place?

Once you have the order, the person named in it must follow its conditions. If your partner doesn't, they're breaking the law. This means that with a "no contact" condition in place, your partner can't contact you even if you want them to (unless a judge changes the protection order). If, for example, you invite your partner over, they may be arrested. (However, **you can't be charged** with a crime for contacting them because the order wasn't made against you — it's for your protection.)

What if I want the order changed or cancelled?

Remember that the order was put in place to protect you. Before you make any changes, you should talk to a victim service worker and/or a lawyer about how this could affect your personal safety and/or your case. If you still want to change or cancel the order, you'll need to apply to the court that issued the order.

What if I move to another province?

The local police or RCMP in your new province may be able to enforce your family law protection order. Check with the nearest court registry in your new province. Court staff will tell you if (and how) you can have your order from BC recognized or if you'll have to apply for a new one. They may ask you to take a copy of your BC order to the local police.

What happens if my partner follows everything the order says?

If your partner follows everything the order says, and you no longer fear for your safety, and don't need to apply to extend the order, the order will expire (end). Nothing more will happen. A family law protection order isn't a criminal offence and your partner won't have a criminal conviction because of it.

What can I do if the order is about to end and I'm still afraid for my safety?

A family law protection order lasts for as long as the judge sets it for. If the judge doesn't set an end date, it lasts for one year. If you still fear for your safety and your order is about to end, talk to a lawyer or legal aid about getting another family law protection order. During your application, you'll have to convince the judge that you still have reason to fear for your safety or you must provide new evidence. If your partner has breached the family law protection order, it will help convince the judge to order a new family law protection order. This is why it's important to report or record all breaches.

Consider talking to a victim service worker, who can help you make a safety plan.



Chapter 5: Who Can Help

Police/RCMP

For an emergency, always call 911 to reach the police. If your area doesn't have 911 service, call your local police emergency phone number. For all other calls, use the non-emergency police number.

VictimLinkBC

Call VictimLinkBC to:

- find a local victim service, counselling, or outreach program,
- find a transition house, or
- check that your peace bond or family law protection order is registered in the Protection Order Registry.

VictimLinkBC services are available in over 110 languages, 24 hours a day, 7 days a week.

Phone: **1-800-563-0808** (toll-free)

TTY: **604-875-0885** (to call collect, call the Telus Relay Service at 711)

Text: **604-836-6381**

victimlinkbc@bc211.ca

victimlinkbc.ca

Victim service programs

The BC government funds more than 160 victim service programs throughout British Columbia that provide information, referrals, emotional support, safety planning, and practical help to victims of crime. These are free services. To find a victim service program in your area, call VictimLinkBC or consult the Victim Services directory at www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/bc-criminal-justice-system/if-victim/publications/victim-service-directory.pdf.

VictimLinkBC: **1-800-563-0808** (toll-free)



Violence against women counselling and outreach programs

The BC government funds more than 240 programs that offer counselling and outreach to women and children impacted by family violence:

- Stopping the Violence counselling programs provide individual and group counselling for women who have experienced childhood abuse, sexual assault, and family violence in their relationships.
- PEACE (Prevention, Education, Advocacy, Counselling and Empowerment) programs provide group and individual counselling for children ages 3 to 18, who have witnessed abuse, threats, or violence in the home.
- Outreach Service programs provide emotional support, information and referrals, accompaniment, and transportation to other necessary services.
- Multicultural Outreach Service programs provide services to ensure immigrants and newcomers receive help from workers who speak their own language and are familiar with their culture.

These are free services. To find a program in your area, call VictimLinkBC.

1-800-563-0808 (toll-free)

Transition house programs

Transition houses, safe homes, and second stage housing programs provide a range of services. These include temporary shelter and support services to women (with or without dependent children) who have experienced violence or who are at risk of experiencing violence. For more information, see the BC Housing website at [bchousing.org/housing-assistance/women-fleeing-violence/transition-houses-safe-homes](https://www.bchousing.org/housing-assistance/women-fleeing-violence/transition-houses-safe-homes) or call VictimLinkBC.

1-800-563-0808 (toll-free)

Legal aid (Legal Services Society)

If you need a lawyer but can't afford one, you may qualify for a free lawyer to take your case. Legal aid provides free lawyers for people whose income is below a certain level and whose legal problem is covered by legal aid. You can get a lawyer if you and/or your children are at risk of physical violence from your partner. Other situations covered by legal aid include if you're being denied parenting time, contact with, or access to your children, or if you're unable to represent yourself in court because you're suffering from emotional abuse or mental trauma.

You can call the toll-free, province-wide legal aid call centre (see phone numbers below) or apply for legal aid at offices throughout the province. Look on the legal aid website at legalaid.bc.ca/legal_aid/howToApply.php for the phone number of the legal aid office nearest you.

If you can't speak English, and you can't bring along someone else who can, legal aid will pay for an interpreter. If you're denied legal aid, you may be able to ask for a review of the decision.

If you need help navigating the legal aid application process, contact an organization that serves women. These organizations often have advocates who know the process and can help you apply.

Legal Aid Call Centre:

Greater Vancouver: **604-408-2172**

Elsewhere in BC: **1-866-577-2525** (toll-free)

Family duty counsel

If you don't qualify for a legal aid lawyer to take your case, you may still qualify for free advice from family duty counsel. Duty counsel are lawyers who can help you with family problems if you qualify financially. Duty counsel can give you advice and speak on your behalf in court on simple matters. They may be able to help you even if your income is

above the guidelines. For the location and hours of duty counsel offices:

- see the legal aid website at lss.bc.ca/legal_aid/familyDutyCounsel.php,
- call your local legal aid location (see lss.bc.ca/legal_aid/legalAidLocations.php), or
- call your local court registry. To find your local court registry, go to www2.gov.bc.ca/gov/content/justice/courthouse-services/courthouse-locations.

Lawyer Referral Service

If you don't have your own lawyer, you can call the Lawyer Referral Service. They'll give you the name and number of a lawyer in your community. You can have a brief meeting with this lawyer for \$25 plus taxes. See cbabc.org/For-the-Public/Lawyer-Referral-Service.

Greater Vancouver: **604-687-3221**
Elsewhere in BC: **1-800-663-1919** (toll-free)

Access Pro Bono Society of British Columbia

The Access Pro Bono Society has free legal clinics around BC for people who can't get legal aid or afford a lawyer.

Greater Vancouver: **604-878-7400**
Elsewhere in BC: **1-877-762-6664** (toll-free)
accessprobono.ca

Family LawLINE

If you have a low income, you may be eligible for free legal advice over the telephone from a family lawyer. Call the Legal Aid Call Centre:

Greater Vancouver: **604-408-2172**
Elsewhere in BC: **1-866-577-2525** (toll-free)

Justice Access Centres

Justice Access Centres (JACs) are located in Nanaimo, Vancouver, and Victoria. Visit the centres to:

- learn about the family and civil court system and court procedures,
- get legal information,
- get and fill out court forms,
- find out how to get free legal advice, and
- learn about ways to solve your problems without going to court.

For more information, see www2.gov.bc.ca/gov/content/justice/about-bcs-justice-system/jac.

At the Vancouver JAC, you'll also find Self-help and Information Services (drop-in only), located at 290 – 800 Hornby Street, Vancouver, BC. For more information, see www2.gov.bc.ca/gov/content/justice/about-bcs-justice-system/jac/how-to-find-us/vancouver.

Family justice counsellors

Family justice counsellors are located at Family Justice Centres throughout the province. They can provide you with information about the Provincial Court process and family law issues, including parenting and support. Family justice counsellors also provide dispute resolution services and referrals to other community resources. Their services are free, but people with low incomes have priority.

Call Service BC and ask the operator to transfer you to the Family Justice Centre nearest you:

Greater Vancouver: **604-660-2421**
Greater Victoria: **250-387-6121**
Elsewhere in BC: **1-800-663-7867** (toll-free)
TTY: **604-775-0303**
(from Vancouver)
TTY: **1-800-661-8773**
(elsewhere in BC)

www2.gov.bc.ca/gov/content/life-events/divorce/family-justice/who-can-help/family-justice-counsellors

QMUNITY

Information, referral, and peer support to the gay, lesbian, bisexual, and transgender community, 10 a.m. to 7 p.m. (Monday to Friday).

Greater Vancouver: 604-684-5307 (ext. 100)
qmunity.ca

BC211

Phone service that provides free information and referrals to community, government, and social services.

211 (24 hours a day)
bc211.ca

Useful websites

Family Law in BC website

This Legal Services Society website provides information about family law, including:

- a step-by-step self-help guide on how to apply for a family law protection order in Provincial Court,
- links to court forms,
- links to organizations and people who can help you, and
- much more.

familylaw.lss.bc.ca

Clicklaw

Links to legal information, education, and help for British Columbians. Here, you can find out about your rights and options to solve legal problems, find toll-free numbers for law-related help, and learn about family law and the legal system.

clicklaw.bc.ca

BC Government

Legal information and links to the court forms on the BC Government website:

- for Supreme Court at www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/sup-family-forms
- for Provincial Court at www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/prov-family-forms

Find information about victim services at:

www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/if-you-are-a-victim-of-a-crime/victim-of-crime

BC Laws

Links to all BC legislation, including the *Family Law Act* (under Laws — Family Law Act).

bclaws.ca

MyLawBC website (Legal Services Society)

Guided pathways that produce action plans, including the Abuse & Family Violence pathway.

mylawbc.com





Glossary: Legal terms to know

Affidavit

An **affidavit** is a document that contains facts about your case (in other words, your evidence). Most often, you'll be asked to give your evidence by writing it in an affidavit rather than telling the court in person. You must swear under oath that the evidence in your affidavit is true. You do this by asking a lawyer, notary public, or commissioner for taking affidavits to witness your signature and to sign your affidavit.

Family member

Under BC law, a "family member" is:

- someone you are or were married to,
- someone you live or lived with in a marriage-like relationship for any length of time,
- your child's parent or legal guardian,
- a relative of any of the people above who lives with them,
- a relative of yours who lives with you, and
- your own child.

Family violence

Under BC law, "family violence" is the abuse of family members, including:

- (a) physical abuse (includes being locked up or denied food or basic needs),
- (b) sexual abuse,
- (c) attempts to abuse physically or sexually,
- (d) mental or emotional abuse, including
 - (i) harassment or threats towards people, pets or property,

- (ii) unreasonable restrictions (financial or personal),
 - (iii) stalking,
 - (iv) damage to property, and
- (e) in the case of a child, witnessing family violence.

Protection orders

Protection orders are documents made in court by a judge to protect someone from someone else.

A protection order can be a:

- **peace bond** made by a judge in criminal court. You ask the police or RCMP to help you get one.
- **protection order** made under the BC *Family Law Act* by a judge in family court. In this booklet, we call these "family law protection orders." You apply to court for one with or without the help of a lawyer.
- **no contact order** made by a judge in criminal court when a person is granted bail or sentenced for a criminal offence. For more information, see the online Legal Services Society fact sheet *If You Have a No Contact Order Made Against You* available at mylawbc.com/pubs.

Serve

When making a court application, you're often required to **serve** a court document on the other person involved. This means that you must provide them with the document.

- You may have to serve some documents by **personal service**. This means that someone must physically hand them to the person who needs to receive them. You can't do this yourself — you must have someone else, who's at least 19, do this for you.
- You can serve some documents by **delivery** (called **ordinary service** in Supreme Court). This means that the documents can be dropped off, mailed, faxed, or emailed to the other person.

For help in your community, call:

*How to get For Your Protection:
Peace Bonds and Family Law
Protection Orders*

Ministry of Public Safety and Solicitor General
Community Safety and Crime Prevention Branch
302 – 815 Hornby Street
Vancouver, BC V6Z 2E6
Phone: 604-660-5199
Fax: 604-660-1635
Email: victimservices@gov.bc.ca

To order this and other publications:

crownpub.bc.ca
(under "Quick Links," click "BC Public Legal
Education & Information")

Questions about ordering publications?

604-601-6000
distribution@lss.bc.ca

Read:

mylawbc.com/pubs

*For Your Protection: Peace Bonds and Family Law
Protection Orders* is available in English, French
(online only), Punjabi, simplified Chinese, and
traditional Chinese.



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