

Protection Orders

Who this is for

This fact sheet is for you if:

- you are afraid for your safety and/or your children's safety because your partner has abused, assaulted, or threatened to hurt you or damage your property; and
- you want to know what you can do to protect yourself and/or your children.

In this fact sheet, **partner** means the person who you are or were married to, you live or lived with in a marriage-like relationship, or you have a child with.

What you can do

You can make a safety plan to protect yourself, your children, and other family members who may be at risk of abuse. See the fact sheet *Safety Planning*. You can also get a protection order. Your partner does not have to be charged or convicted with a criminal offence for you to get certain types of protection orders.

There are three types of protection orders:

- **Peace bond** (criminal court)
- **No contact order** (criminal court)
- **Family law protection order** (family court)

When a judge makes a protection order for you, get a copy of it and keep it with you at all times. You can show it to the police if you need to call them. You may also want to give a copy to your child's school or daycare.

Peace bond

A judge in criminal court can make a protection order called a **peace bond** that says your partner must "be of good behaviour and keep the peace" for up to 12 months. This means your partner must not **harass** (contact often) or threaten you (and/or your children).

A peace bond can have certain conditions, such as:

- Your partner cannot have direct or indirect contact with you (and/or your children). Your partner must stay away from where you live and work. He or she must not contact you by phone, mail, email, through another person, or in any other way.
- Your partner cannot carry weapons or use drugs and alcohol, and has to go for counselling.

Getting a peace bond

To get a peace bond, you do not have to be married to or be living with your partner. If you are not in immediate danger, but you are afraid for your (and/or your children's) safety, you can tell the police that you want to apply for a peace bond.

The police may then send a report to **Crown counsel**, who is the prosecuting lawyer. The report will set out your situation, the reasons you are afraid for your safety, and why you need to be protected by a peace bond. Crown counsel can then apply to court for a peace bond for you.

You can apply for a peace bond yourself at the Provincial Criminal Court. There is no fee to apply.

A peace bond applies across Canada for up to one year. You can apply for another one after that if you need it.

When you or Crown counsel apply for a peace bond, you will have to go to court for a hearing in front of a judge. Your partner will probably be there too. At the hearing, you or Crown counsel do not have to prove or convince the judge that your partner hurt you. You or Crown counsel have to prove that you have a reasonable fear that your partner will hurt you or your family, harm a pet, or damage your property.

If your partner **breaches** (disobeys) the peace bond, call the police right away. Tell them that you have a peace bond. The police can arrest and charge your partner with a criminal offence.

Write down all the times your partner breaks the peace bond, every time you call the police, and the incident numbers you get from the police.

If you contact your partner, you are disobeying the peace bond. If you want to contact your partner, you must ask Crown counsel for a change to the peace bond conditions.

No contact order

A judge in criminal court can make a protection order called a **no contact order** when your partner has been arrested, charged with threatening or assaulting you, and put in jail. The judge can let your partner out of jail with a no contact order that says your partner cannot see or talk to you and/or your children, and must stay away from your home and work. You and your partner cannot phone or write to each other, or ask someone to pass messages between you.

If *either* of you contacts each other, the police can arrest and charge your partner with another criminal offence. If you want to contact your partner, you must ask Crown counsel for a change to the no contact order.

Protection order (family court)

A judge in family court (Provincial or Supreme Court) can make a **family law protection order** when there is a risk of family violence. Family violence includes when:

- you or a family member are abused physically, emotionally, psychologically, or sexually;
- you are followed or stalked;
- your property is damaged; and/or
- your child is exposed to family violence.

A family law protection order can tell your partner:

- not to contact you, your children, or other family members who may be at risk of abuse;
- to stay away from your home, your work, school, or other places where you, your children, or other family members spend time;
- not to follow you, your children, other family members;
- not to have a weapon; and/or
- that the police can take him or her from the family home, or that the police can go with you to your home to get your personal belongings.

Getting a family law protection order

You can get a family law protection order against:

- your partner,
- your child's parent or guardian, or
- a relative who lives with you, with your partner, or with your child's parent or guardian.

If other family members live with you and are at risk of abuse, they can also get a family law protection order against that person.

Usually you apply for a family law protection order in BC Provincial Court. It is free to apply in Provincial Court.

You can also apply in Supreme Court. The fee is \$80 if you have started a case in Supreme Court. The fee is \$200 if you have not started a case in Supreme Court.

You do not have to give notice to your partner when you apply. Sometimes the risk to your safety may increase if you give notice. If a family law protection order is made, you must *serve* (arrange delivery of) a copy on your partner. He or she can then go to court and ask that the order be set aside or changed. If the order shows there is no risk of family violence, the order will be set aside.

You can apply for the family law protection order on its own, or at the same time as you apply for other family court orders. The family law protection order can only include orders about safety. Other orders need to be put in a separate order.

If you are before the judge for another reason and the judge decides you need the family law protection order, the judge can make the order even if you did not apply ahead of time.

A family law protection order:

- ends after one year unless the judge puts another date in the order. An order made in BC usually applies only in BC (not the rest of Canada).
- must be obeyed before all other orders. For example, you may have a parenting order that is different. The family law protection order must be obeyed first, and the parenting order goes on hold.

If your partner breaches the family law protection order (by either of you contacting each other), the police can arrest and charge your partner with a criminal offence. The protection order explains the police's arrest powers.

If you want to contact your partner, you must apply to court to change or cancel the family law protection order. Before you make changes to the protection order, talk with a victim service worker or a lawyer. You need to know how changes may affect your and/or your children's safety.

BC Protection Order Registry

In BC, the central Protection Order Registry has records of protection orders made by BC family and criminal courts. To make sure your order is registered and correct, call VictimLink BC (below phone number).

If your protection order is registered and you have to call the police about your partner, the police can quickly find out about the conditions in your protection order.

Legal help

Legal Services Society (legal aid)

604-408-2172 (in Greater Vancouver)

1-866-577-2525 (no charge, elsewhere in BC)

- For free services like the Family LawLINE, advice from **family duty counsel** (lawyers) at courts, a lawyer if you cannot afford one, and legal aid information, see www.legalaid.bc.ca.
- See free legal information at www.familylaw.lss.bc.ca.

Lawyer Referral Service

604-687-3221 (in Greater Vancouver)

1-800-663-1919 (no charge, elsewhere in BC)

- Gives you the name of a lawyer to discuss the legal problem with you for \$25 plus taxes (first half-hour). You can then hire this lawyer or ask for another name.

If you are Aboriginal

- You may be able to get legal help from your friendship centre, your band's social development office, and/or an Aboriginal delegated agency.
- Call VictimLink BC (below phone number) for the name of a Native courtworker near you who can help.

More information

- *For Your Protection: Peace Bonds and Family Law Protection Orders and Surviving Relationship Violence and Abuse* (booklets)
www.legalaid.bc.ca/publications
(click "Abuse & family violence")
- VictimLink BC (family violence phone service for confidential help and information)
1-800-563-0808 (call no charge, 24 hours every day)
- BC government website about support services
www.domesticviolencebc.ca
- Links to brochures about abuse in same-sex relationships
www.legalaid.bc.ca/publications
(click "Gays, lesbians, trans, & bisexuals")

This fact sheet explains the law in general. It is not intended to give you legal advice on your particular problem. This fact sheet is one of a series produced by the Legal Services Society. Other fact sheets in this series (some are in several languages):

- What Is Abuse?
- Women Abused by Their Partners
- Men Abused by Their Partners
- If Your Sponsor Abuses You
- Safety Planning
- Getting Help from the Police or RCMP
- Parenting
- What to Do About Money
- The Criminal Court Process
- Staying in the Family Home on Reserve



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