

Read this fact sheet if:

- you're afraid for your safety or your children's safety because your partner abused you or threatened to hurt you or damage your property; and
- you need a court order to protect yourself or your children.

You may need help from a lawyer. See "Legal help" in *Who Can Help?*

What are protection orders?



If your partner has threatened you, been violent towards you, or caused you to fear for your or your children's safety, you can apply for a protection order. Protection orders are made by a judge in court or by police to help protect one person from another person. There are two types of protection orders:

- **Peace bonds** are issued in criminal court.
- **Family law protection orders** are issued in family court.

When you get a protection order, make a copy and keep it with you at all times. Show it to the police if you need to call them. You can also give a copy to your child's school or daycare.

What's a peace bond?



A peace bond is a protection order made under the Criminal Code of Canada. It can help protect you from your partner.

A peace bond can set conditions, such as your partner:

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

How do you apply for a peace bond?

You don't need a lawyer to apply for a peace bond. You can call the police or RCMP to ask for one.

- The police may then send a report to **Crown counsel** (the government lawyer). This report describes your situation, why you're 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 for free at Provincial Criminal Court.
- To apply for a peace bond, you'll have to go to court for a hearing. Your partner will probably be there too. At the hearing, you or Crown counsel don't have to prove to the judge that your partner hurt you. You just have to prove that you have a reasonable fear that your partner will hurt you, your family, or a pet, or damage your property.
- A peace bond applies across Canada for up to one year. You can apply for another one if you need it.
- If the application for a peace bond proceeds, Crown counsel will be involved. If there's a court hearing, it will be in criminal court.

If your partner breaches a peace bond

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

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

If you contact your partner, *you're* disobeying the peace bond. If you want to contact them, first ask Crown counsel for a change to the bond conditions.

What's a family law protection order?



A family law protection order is a protection order made under the Family Law Act that can protect you from a family member, such as your partner, your child's parent or guardian, or a relative who lives with you. A judge in family court (Provincial or Supreme Court) can make a family law protection order if there's a risk of family violence, such as:

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

A protection order can tell your partner:

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

How do you apply for a family law protection order?



You can apply for a family law protection order in either Provincial Court or Supreme Court. Usually you apply for a family law protection order (for free) in Provincial Court. You'll have to fill out some forms and go to a hearing.

You can also apply in Supreme Court. It costs \$80 if you have already started a case in Supreme Court. It costs \$200 if you haven't already started a case.

You don't have to give your partner notice when you apply. Giving notice may put you in more danger. After the court makes a protection order, it will **serve** (arrange delivery of) a copy on your partner. Your partner can then ask the court to set aside or change the order. If they can prove there isn't a risk of family violence, the order will be set aside.

- The family law protection order ends **after one year** unless the judge puts another date in it.
- It's made in BC and usually applies only in BC (not the rest of Canada), but you may be able to register your order with the courts in your new location.

If your partner disobeys the order

If your partner breaches this order (if either of you contacts the other), the police can arrest and charge your partner with a criminal offence.

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

Other criminal court orders

If your partner is charged with a criminal offence, such as assault against you, there may be other court orders that have conditions to protect you. These include bail, probation, or conditional sentence orders. These orders may include conditions to have no contact with you or your children, or your family or friends, and not to go to specific addresses such as your home, workplace, or school. It's possible for criminal court orders to be in place at the same time as a protection order.

What's an exclusive occupancy order?



An exclusive occupancy order says you can stay in the family home with your children. Your partner can't come into your home while this order is in place.

If you want to keep living in the family home with your children:

- Tell the police you want a peace bond that says your partner must stay away from your home.
- Apply for a protection order, a parenting order, and an exclusive occupancy order under the Family Law Act.

If you left your abusive partner to go to a safe place, you may be able to apply for an exclusive occupancy order later. You'll need a lawyer to go to court with you to get this order. Legal Aid won't give you a lawyer for this unless you're in danger. To find a lawyer, see "Legal help" in *Who Can Help?*

BC Protection Order Registry

The Protection Order Registry keeps a record of all protection orders made by BC courts. If your protection order is registered and you have to call the police about your partner, they can quickly find out the conditions in your protection order. To make sure your protection order is registered and correct, contact VictimLinkBC:

1-800-563-0808 (24 hours a day)
www2.gov.bc.ca (search for "Protection Order Registry")