English



For Your Protection

PEACE BONDS AND FAMILY LAW PROTECTION ORDERS

Legal Aid BC

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

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This resource explains the law in general. It isn't intended to give you legal advice on your particular problem. Because each person's case is different, you may need to get legal help. *For Your Protection: Peace Bonds and Family Law Protection Orders* is up to date as of July 2025.

About this resource

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. However, most protection orders are for women seeking protection from a man with whom they are or have been in an intimate relationship.

This resource is for people in British Columbia affected by intimate partner violence or family violence (which includes children or other relatives in the home). The information in this resource applies to people in same-sex relationships and to men who need protection from a partner.

In this resource, 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,
- dated, or
- have a child with.

This resource doesn't contain legal advice.

It provides information only about peace bonds issued under sections 810 and 810.03 of the Criminal Code of Canada, and protection orders issued under section 183 of the Family Law Act of BC.

DID YOU KNOW?

Every year, some women die at the hands of their current or former intimate partner.

Violence usually gets worse over time, not better. Women, and men, of all income levels may experience intimate partner violence.

Intimate partner violence involves abusive behaviour by one person in a relationship to get control over the other person. Even if you're not ready to leave your partner **but you're in an abusive relationship**, take the following steps:



Tell trusted family and friends about the violence/abuse — and ask for support

Describe the abuse in a diary or in emails that your partner can't find and that no one else will show them

Even if you don't want to leave, make a safety plan just in case

Reach out for counselling and other supports

If you start a court case, leave before you do so, or make a safety plan

Call the police whenever you're abused or experience violence to create a record and to get protection

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CHAPTER 1

Help Is Available

If you've experienced intimate partner violence or been threatened with 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 explains the steps to take right now if you feel your safety is at risk.

See also Chapter 5: Who Can Help on page 34.

If you're in immediate danger — call 911 immediately

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 or your children are in immediate danger from your partner, call the police **right away** by calling 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 that you and others are safe.

The police will 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**. These things may happen next:

- When the police arrive, they'll likely remove your partner. If your partner accuses you of abusing them, be ready with examples of past abuse and mention if the police have been there before to protect you.
- If there's enough evidence, the police will arrest your partner and ask the Crown that your partner be charged with a crime. The Crown prosecutor (government lawyer who presents the case against you, also called the Crown) will decide if your partner should be charged or if a peace bond is more appropriate. (If they approve the charge or make an application for a peace bond, your partner will have to go to court. A peace bond is not a criminal conviction.)
- If there's not enough evidence for a charge such as assault, the police may still agree that your partner could harm you in the future. They may ask the Crown to apply for a peace bond or recommend that you apply for a family law protection order.
- If the Crown does not approve charges or apply for a section 810 peace bond, you or anyone else may apply for one under section 810.03 of the Criminal Code, where there exists reasonable grounds to fear that a personal injury offence may be committed against the intimate partner or a child of the other person, or to a child of the other person's intimate partner. An intimate partner includes a current or former spouse, common-law partner, and dating partner. This section does not include fear of damage to property.



Everyone has the right to be safe.

The police will help you. Ask them to take you to a transition house or safe house, or to another safe place — such as a trusted 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. If you can safely stay in your home and have your partner removed by police, consider if that option is better for you.

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

If, for any reason, you fear for your or your children's future safety, you can:

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

You may be able to try to get both a peace bond and a protection order at the same time. This will give you as much protection as possible.

You can talk to a victim service worker in your community for support and information about getting peace bonds and family law protection orders.

If your family is involved with Child Protection Services

Duty to report child abuse

Under BC law, anyone who suspects that a child is in danger or knows that a child is being abused or neglected must report it. It's a criminal offence not to report a child who needs protection from physical or emotional harm, neglect, or abuse of any kind. They can contact a child protection worker with the Ministry of Children and Family Development (MCFD) or call **1-800-663-9122**, a delegated Aboriginal agency, or the Helpline for Children at **310-1234** (no area code needed). It's also an offence to make false accusations of such harm.

Protective Intervention Order

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, which is valid for one year. 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 complete application forms for benefits that you may be entitled to (such as Crime Victim Assistance Program benefits),
- 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 help line available across BC and the Yukon. You can also text or email them. VictimLinkBC provides information and referral services to all victims of crime and immediate crisis support to victims of family or sexual violence.

Call or text: **1-800-563-0808**

Email: **211-VictimLinkBC@uwbc.ca**

See page 34 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 that a person must follow. The conditions are based on the victims' own specific safety needs. For example, your partner may be told not to have any direct or indirect contact with you or your children. This means:

- no visits to your home or workplace,
- no visits to your children's school,
- no phone calls, emails, texts, or letters, and
- no messages through a friend or relative.

The protection order may have other conditions as well. For example, it may require your partner to leave the home or to not own a weapon.

It's a criminal offence to not obey the conditions in a protection order — if your partner doesn't follow the conditions, call the police immediately. Failing to follow the conditions in a protection order is called "breaching." Breaching a protection order can lead to a criminal charge resulting in a fine, probation, or time in jail.



The Protection Order Registry

The Protection Order Registry is a confidential database that contains all protection orders in BC. All peace bonds and family law protection orders are registered 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 as soon as possible.

How are they different?

The following chart shows the important differences between peace bonds and family law protection orders.

Then see Chapter 3: Peace Bonds (on page 17) and Chapter 4: Family Law Protection Orders (on page 24).

	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 legal definition in the Glossary on page 43.*	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 legal definition in the Glossary on page 43.*
	Can protect the following: • you, • your children, • your current partner, and • your property (not included under a section 810.03 peace bond).	Can protect the following people: • you, • your children, and • other family members who live with you.
	Meant to protect you when you have a reasonable fear for the safety of yourself, your children, or your current partner. It means 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 "family violence" by a family member, which includes: • physical abuse (or attempts), • sexual abuse (or attempts), • psychological, emotional, or verbal abuse, and • children being exposed to family violence. *See legal definition in the Glossary on page 42.*

Peace Bonds (cont.)	Family Law Protection Orders (cont.)
You can call the police to ask for a peace bond under section 810. You don't need a lawyer. Or, you or any other person can apply under section 810.03, if you or any person fears on reasonable grounds that another person will commit a personal injury against an intimate partner or a child of the other person, or to a child of the other person's intimate partner. Remember, section 810.03 does not apply to property.	You can apply to court for the order with or without a lawyer — it's your choice, but a lawyer is recommended. You're responsible for paying the lawyer's fees, unless you qualify for a lawyer through legal aid. *See Who Can Help? on page 36 for more information about legal aid.*
If there's a court hearing, it will be in criminal court.	There'll be a court hearing in family court.
There's no fee to apply.	There's no fee to apply in Provincial Court. There is a fee to apply in Supreme Court. If you can't afford to pay, you can apply to have the fee waived (cancelled).
Generally, a section 810 peace bond lasts one year. A section 810.03 peace bond can last up to 24 months if the defendant was previously convicted of an offence where violence was used against any former or current intimate partner, their child or the defendant's child.	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 police anywhere in Canada.	A family law protection order from BC can be enforced by police anywhere in BC. 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 register with the Victim Safety Unit to be notified 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:

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**.

If the person named in your order is serving a sentence in a federal jail, you can register with Correctional Service Canada (CSC) to be notified when they're about to be released. The Victim Safety Unit can help you register. Or see the CSC website:

canada.ca/en/correctional-service/services/you-csc/victims/register.html

Note: The Victim Safety Unit can't tell you which location the person named on your order is released from. *See "Stay connected to the police" on page 18.*



CHAPTER 3

Peace Bonds

People in abusive relationships can have a tough time recognizing when they need urgent help or when a situation may be less urgent. This is because abusers can be unpredictable, violence can suddenly escalate, and violence is normalized.

If you feel unsafe, trust your instincts and call 911. If you're living with your partner or your partner is making threats of imminent harm, call 911. If you're in a safe place, you can call the police on their non-emergency line and tell them you need a peace bond.

How do I get a peace bond?

Once you tell police that you want to get a peace bond to protect yourself, your children, and/or a current partner, the following will happen.

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,
- if there's anyone who saw your partner being violent or threatening you, or
- if you have involved the police in the past.

Tell the police officer what conditions/rules you want to keep you, your children, or your family safe.

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, they follow a process that usually leads to your partner being told that they're facing a criminal process. They may be taken into custody.

Your partner will have to attend court to respond to the peace bond application. If your partner agrees to the peace bond, a judge will order it, and they have to follow the conditions in it. If your partner doesn't agree to the peace bond, a court date for the application will be set. If your partner has been arrested, they'll be released on conditions designed to protect you until the hearing date.

The Crown will contact you and guide you through the steps. The Crown isn't your personal lawyer — they're employed by the Ministry of Attorney General and act as prosecutors on behalf of society. You don't have to pay the Crown for their work.

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

Ask the police why they didn't agree and make a note of what you can do differently next time to get the protection you need. A victim service worker may be able to help you contact police to get more information in this situation. **If possible,** **apply for a family law protection order right away (see page 24).**

If you want to try to apply for a peace bond on your own, you can talk to a lawyer or a justice of the peace at your nearest courthouse.

Stay connected to the police

Make sure the police have your current phone number, address, and email 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.

Do I have to go to a court hearing?

If your partner doesn't agree to "enter into" the peace bond, there will be a hearing where the Crown under section 810, or the person who applies under section 810.03, will have to prove there is a reasonable basis for fear of harm and a peace bond is needed for safety.

If the application is under section 810, or the Crown proceeds under section 810.03, the Crown's 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 the Crown what conditions you'd like in the peace bond. For example, you may ask that the peace bond says that your partner can't have 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, or by text or emails. If you or another person make the application under section 810.03, the Court Registry will tell you of the hearing date.

A section 810 peace bond can include an order not to use drugs or alcohol or not to have firearms or weapons or, under section 810.03, also to attend treatment or wear an electronic monitoring device. The judge makes the final decision about what conditions will be in the peace bond.

At the court hearing, the Crown, or the applicant under section 810.03, will present the case for why a peace bond is needed and call you as the main witness to testify (tell your story). The Crown 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.

The Crown, or the applicant under section 810.03, is allowed to call other witnesses to support the request for a peace bond.

Your partner, or their lawyer, if they have one, 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 your partner doesn't have a lawyer and you don't want your partner to be able to ask you questions directly, ask the Crown or the judge 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 under section 810 or up to 24 months under section 810.03. 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 a peace bond is in place?

Once the peace bond is in place, ask the court staff, the Crown, 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.

The court staff will send the peace bond to the Protection Order Registry, but 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 when the order says they can't?

Call 911 right away. (If your community doesn't have 911 service, call your local police emergency phone number.) Remember that the police 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 not obey the terms of a peace bond. In most cases, particularly if you're in danger, the police will arrest your partner and ask the Crown to charge them with a criminal offence for breaching peace bond. If your partner is found guilty of not obeying 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 not obeying court orders. Unless the circumstances are very serious or your partner has a history of not obeying 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. A "no contact" condition means that your partner can't contact you even if you want them to (unless a judge changes the peace bond). For example, if you invite your partner to meet with you, they might 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.) Be aware that if you invite your partner to meet or communicate with you, doing so may affect whether the court believes you in any further problems which may arise. If you need to communicate with your partner and feel that you can do so without putting yourself in danger, it's best to go to court and ask that the no contact condition be changed by a judge. Talk to the Crown and/or Victims Services before you do this.

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 the Crown. The decision is up to the judge who will consider your wishes.

What if I move to another province?

A peace bond made in BC can be enforced by police anywhere in Canada. Visit the police in your new province or territory, 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 them.

There is also a process to register the order in other provinces or territories if the person who has the order against them moves to another area of Canada.

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 usually 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 not followed the conditions set out in 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 and to 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 (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 following chart, there are some things to consider when deciding which court to use.

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.

In either court, 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.

In Supreme Court, you can also apply at the same time as any divorce or property orders.

Even if you have other family law matters, the protection order will only include terms to protect your safety.

(You're allowed to have a file open in both courts if each court is dealing with different issues.)

	Provincial Court	Supreme Court
	Simpler and less formal process. Better use of the hours given to a legal aid lawyer.	More complex and formal.
	No court fee.	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). If you can't afford the court fee, you may be able to have the fee waived (cancelled). See the step-by-step guide, "Get an order to waive fees" on Justice Education Society's Family Law in BC website at **familylawinbc.ca/bc-legal-system/court-orders/get-order-bc/supreme-court/ get-order-waive-fees** for more information.
	At Provincial Court hearings, you give **evidence** (tell the facts) in person and/or by an **affidavit** (a document where you write down evidence and it's sworn under oath). Your application also serves as an affidavit.	For Supreme Court hearings, you prepare a separate affidavit to give your evidence, in addition to your application.
	More locations around the province. More access to duty counsel (free lawyers at courthouses) to help you.	Fewer locations.

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 to advise you. You can hire a family lawyer or talk to Legal Aid BC to find out if you can get a free legal aid lawyer (see page 36). If you don't qualify for legal aid and can't afford a family law lawyer, ask duty counsel at the courthouse for help. They're knowledgeable and free.

For more information and for other ways to get free legal advice, see Who Can Help on page 34.

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.**

After you fill out the form(s), take them to the registry at the courthouse to be stamped and put in your file. If you have a lawyer, they fill out the form(s) and take them to the registry for you. However, you have to help by giving your lawyer the information they need.

For Provincial Court

- Application About a Protection Order (Form 12)

For Supreme Court

- Notice of Family Claim (Form F3) unless you've already filed one
- Notice of Application (Form F31)
- Affidavit (Form F30)

The Provincial Court forms are available at **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 **gov.bc.ca/gov/content/ justice/courthouse-services/courthouse-locations**.

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

You can also find information and links to all the forms on the Justice Education Society's Family Law in BC website at **familylawinbc.ca/forms**.

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:

- let your partner know by serving them with an application at least seven days before the hearing date and get the order in the usual amount of time,
- let your partner know but get the order quickly with a shorter notice period, or
- don't let your partner know (however, the court must be satisfied with your evidence that the matter is urgent).

With the first option, your partner will know you're applying and may respond to your application any time before the date of the hearing.

The second option lets you get the order more quickly, when your or your children's safety must be dealt with right away. When you ask for a "short-leave/urgent" application, you'll be in court either on the same day or in the next few days, depending on court availability. Your partner will know you're going to court and will have only a short time to respond.

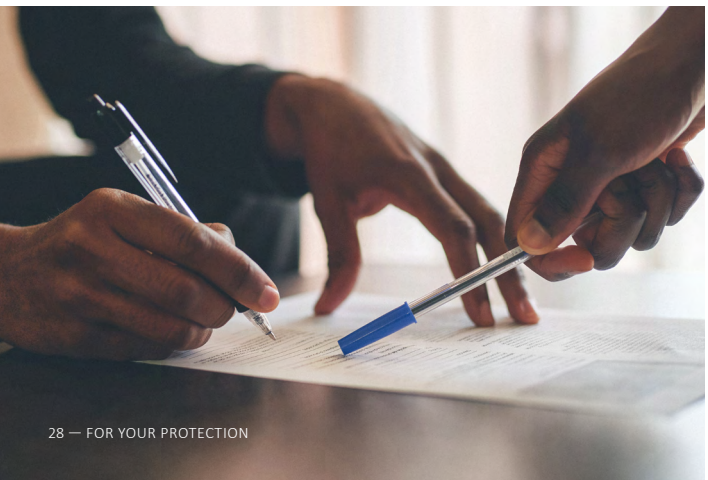
With either of these options, it's your responsibility to have the application "served on" (delivered to) your partner to tell them about the hearing. You don't have to personally tell your partner; you let them know by sending them the documents. You can also have another adult who is not a party and who is at least 19 years old hand your partner a copy of the documents. You can hire someone to do this, or you can ask a friend or family member. The person serving the documents must complete a Certificate of Service Form 7 to prove service. You must attach a copy of the documents to the Certificate of Service. Remember to make a copy before the documents are served.

With the third 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" or "ex-parte" 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 in advance would be dangerous. The judge will expect you to tell the whole story.

If the judge makes the court order, your partner will be given a copy of the order, unless it was made without notice. In this case, the order has to be served on your partner. However, the police can enforce it even before it's served.

If your partner is in BC, and you can give the court registry 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, see the step-by-step guides for serving documents on the Justice Education Society's Family Law in BC website at **familylawinbc.ca/bc-legal-system/legal-forms-documents/serving-documents**. (If you don't know where to find your partner, talk to your lawyer or the registry about your options.)

Once your partner has the order, they can go to court and ask for the order to be cancelled or changed. This will only happen if they can show that there is not a risk of violence.



Do I have to go to a court hearing?

Yes, you do have to attend any hearing(s) set by the court.

Unless you use the option of making an order without notice, your partner will also go to the same court.

If you have a lawyer, they'll 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.

What happens at the court hearing?

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

If you have a lawyer, your lawyer will explain why you need the order and what you'd like in it and present the written evidence (the affidavits) you have to support your case.

In Provincial Court hearings, you may be asked to give evidence or speak. (In Supreme Court, you won't usually be asked to speak unless you go to a trial, which is rare.)

If you don't have a lawyer, the judge will ask you to explain your situation and what you want in the order, and to present your own affidavit evidence and affidavits from any other witnesses.

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

If they're in court, your partner (or their lawyer) is allowed to ask you and your witnesses questions during the hearing. They can present their own affidavit and call their own witnesses.

How does the judge decide?

The judge decides based on the facts presented at the hearing and will also consider:

- whether your partner has a history of intimate partner violence or family violence,
- whether the violence is increasing,
- whether you think your safety is at risk,
- whether any psychological, emotional, or verbal abuse shows a pattern of forcing you or other family member(s) to do things they want,
- your current relationship with your partner, including if you're separated,
- whether your partner has issues such as substance abuse, employment or financial problems, mental health problems associated with a risk of violence, and access to weapons, and
- whether you or other family member(s) are pregnant or have other family issues, 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, or 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 or your partner to your home so you or your partner 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 violence, the judge can refuse to make a protection order.

If your application is refused, speak to your lawyer or duty counsel about reapplying for the family law protection order or about getting a conduct order.

A **conduct order** tells your partner what they can and cannot do in relation to you, your children, or anyone else affected by them. Unlike a protection order, there are no criminal consequences for not obeying 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 protection order prepared?

Once the judge says they'll give you the order, it is in effect. Court staff then write it up and send it to the Protection Order Registry.

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. Explain that you have a protection order and that the person named in the order hasn't obeyed its conditions. (Call your lawyer, if you have one.)

It's a crime to not obey 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 the Crown to charge them with a crime.

If your partner is found guilty of not obeying 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.

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). For example, if you invite your partner to meet with you, 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.) If you contact your partner after asking for a protection order against them that includes no contact, this will affect your credibility of being at risk if you need to go to court against them.

What if I want the order changed or cancelled?

Remember that the order was placed 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 or your case. If you still want to change or cancel the order, you need to apply to the court that issued the order.

What if I move to another province?

The police 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 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, you no longer fear for your safety, and don't need to apply to extend the order, the order will 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 BC 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 and record all breaches.

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

CHAPTER 5

Who Can Help

Police

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, or
- find a transition house.

VictimLinkBC services are available in 240 languages, 24 hours a day, 7 days a week.

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

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

Email: **211-VictimLinkBC@uwbc.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 and Violence Against Women Program Directory at **gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/if-you-are-a-victim-of-a-crime/victim-of-crime/victim-services-directory**

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

Violence against women counselling and outreach programs

The BC government funds approximately 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 or consult the Victim Services and Violence Against Women Program Directory.

1-800-563-0808 (toll-free) **gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/if-you-are-a-victim-of-a-crime/victim-of-crime/victim-services-directory**

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** or call VictimLinkBC.

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

Legal Aid BC

If you need a lawyer but can't afford one, you may qualify for a free lawyer to take your case. Legal Aid BC 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 BC Call Centre (see phone numbers below) or apply for legal aid at locations throughout the province. Look on the Legal Aid BC website at **legalaid.bc.ca/contact/call-us/local-phone-numbers** for the phone number of the legal aid location nearest you.

If you can't speak English, and you can't bring along someone who can, Legal Aid BC 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 BC Call Centre:

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

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

Did you know?

Calling a local legal aid location may get you help quicker. See **legalaid.bc.ca/contact/call-us/local-phone-numbers** for the phone number of the legal aid location nearest you.

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 BC website at **legalaid.bc.ca/services/family-duty-counsel**
- call your local legal aid location **legalaid.bc.ca/contact/call-us/local-phone-numbers**
- or call your local court registry **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 free.

Greater Vancouver: **604-687-3221**

accessprobono.ca/our-programs/lawyer-referral-service

Access Pro Bono Society of BC

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 BC Call Centre:

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

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

legalaid.bc.ca/services/family-lawline

Family Law Centre

If you are a survivor of family violence and can't afford legal representation, you may be eligible for Family Law Centre services to help you stabilize your legal and non-legal issues. Call the Legal Aid BC Call Centre:

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

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

legalaid.bc.ca/services/family-law-centre

Justice Access Centres

Justice Access Centres (JACs) are located in Abbotsford, Nanaimo, Surrey, 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.

gov.bc.ca/gov/content/life-events/divorce/family-justice/who-can-help/family-justice-services-division/justice-access-centres

At the Vancouver JAC, you'll also find Supreme Court Self-Help and Information Services (drop-in only), located at **290 – 800 Hornby Street, Vancouver, BC**.

Indigenous Justice Centres

Indigenous Justice Centres (IJCs) provide culturally appropriate information, advice, support, and representation directly to Indigenous people in their communities.

bcfnjc.com/indigenous-justice-centres

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 provide information and support with protection order applications, as well as dispute resolution services and referrals to other community resources. Their services are free. 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)
Video Relay Service (VRS): **1-800-663-7867**
Telephone Device for the Deaf (TDD): **711**

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

QMUNITY

Information, referral, and peer support to the queer, trans, and Two-Spirit community,

10 a.m. to 6 p.m. (Monday to Friday).

Greater Vancouver: **604-684-5307**

qmunity.ca

211

Phone service by United Way BC that provides free information and referrals to community, government, and social services.

211 (24 hours a day)

uwbc.ca/helpline-services



Useful websites

Family Law in BC website

This Justice Education Society website provides information about family law, including:

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

familylawinbc.ca

Clicklaw

Links to legal information, education, and help for British Columbians. 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 **gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/sup-family-forms**
- for Provincial Court at **gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/prov-family-forms**

Find information about victim services at:

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 of British Columbia — Family Law Act).

bclaws.ca

Glossary: Legal terms to know

Affidavit

An **affidavit** is a document sworn under oath that contains facts about your case (in other words, your evidence). 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 or affirm 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 or a child who is living with, or whose parent or guardian is any of the above.

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. psychological or emotional abuse, including
    i. harassment, coercion, or threats including threats towards other 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 or exposure to family violence.

Intimate partner violence

Intimate partner violence involves abusive behaviour by one person in a relationship to get control over the other person. It can include physical assault, sexual assault, or threat of assault against a current or former partner, regardless of marital status, gender, or sexual orientation. It often involves a broad pattern of abusive behaviours aimed at gaining or asserting power and control.

Protection orders

Protection orders are documents a judge makes in court 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 to help you get one (under section 810 of the Criminal Code). Or any person can apply for a peace bond (under section 810.03) who fears on reasonable grounds that another person will commit an offence that will cause personal injury to the intimate partner or a child of the other person, or to a child of the other person's intimate partner.
- **protection order** made under the BC Family Law Act by a judge in family court. In this

resource, 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, read the online Legal Aid BC resource, *When You're Told to Have "No Contact"* at **info.legalaid.bc.ca/resources/criminal-law/when-youre-told-have-no-contact**

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 give them 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.

Spouse

Under BC law, a "spouse" generally is:

- someone you are or were married to,
- someone you live or lived with in a marriage-like relationship for two or more years (often called a "common-law" spouse), or
- someone you live or lived with in a marriage-like relationship for less than two years but who is the other parent of your child.

A spouse can be opposite sex or same sex.

In this resource, we use the word "partner" to mean "spouse" but also to include:

- a person you live or lived with in a marriage-like relationship for any length of time, and
- a person you never lived with but who is the parent of your child.

Swear

To **swear** means to take an oath that the contents of an affidavit or statements made in court are true to the best of your knowledge and belief. A non-religious alternative is to **affirm**. You swear or affirm documents in front of a lawyer, notary public, commissioner for taking affidavits, or in front of a judge if making statements in court.



Notes



For more intimate partner violence resources, see Legal Aid BC's information resource website at **info.legalaid.bc.ca/topic/abuse**

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