

For Your Protection

Peace Bonds and Family Law Protection Orders

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



March 2013

Revised for the new BC Family Law Act



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COLUMBIA



Legal
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This booklet explains the law in general. It is
not 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* was up to date as of March 2013.

*For Your Protection: Peace Bonds and Family Law
Protection Orders* is available in English, French
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traditional Chinese. All versions are available
as PDFs on the Ministry of Justice website at
www.pssg.gov.bc.ca/victimservices/publications
and on the Legal Services Society website at
www.legalaid.bc.ca/publications.

Feedback: publications@lss.bc.ca

About this booklet

People seek court orders for protection for a variety of reasons, in a variety of situations — for example, to prevent violence or damage to property by a co-worker, a neighbour, or a relative other than a spouse. But by far the greatest number of these orders are issued by the courts to women looking for protection from a man they are — or have been — in an intimate relationship with.

This booklet is written for women living in British Columbia in this situation. It also has information for others affected by family violence, including children and other relatives in the home. The information in this booklet also applies to people in same-sex relationships and to men who need protection from a female partner.

This booklet does not 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 BC Family Law Act.

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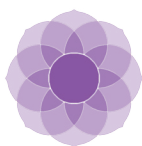
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Chapter 1: Help Is Available

If you have experienced family violence or been threatened with family violence, remember that you are not alone. Help is available for you — from the police, victim service workers, 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 peace bond and a Family Law Act protection order (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 911 service, look for the local police emergency phone number on the first page of your phone book.) After the police talk to you, they will decide if there is enough evidence to recommend to Crown counsel (a lawyer with the Ministry of Justice) that your partner be charged with a criminal offence (a crime).

- If there is enough evidence, the police will probably arrest your partner and ask Crown counsel to charge him with the crime. If Crown counsel approves the charge, your partner will have to go to court.

- If there isn't enough evidence, but the police agree that you need protection from your partner, 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, or you fear for your or your children's safety in the future, but you aren't in immediate danger, you can:

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

You have the right to feel safe and get help from the police to be safe. It is 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 work with you to make a personal safety plan.

Help for the next steps

If an application for a peace bond goes ahead, Crown counsel will be involved and will tell you the next steps. Remember, though, that the person who is Crown counsel is not your lawyer. Crown counsel are lawyers with the BC Ministry of Justice who represent the community as a whole. 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 other options for protection. You can hire a lawyer or talk to legal aid to find out if you can get a free lawyer (see page 35). Whichever application you make, talk to a victim service worker in your community to get additional information and support.

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 to a child protection worker with the Ministry of Children and Family Development (MCFD), a Delegated Aboriginal Agency, or to the Helpline for Children at 310-1234 (no area code needed). If a child protection worker has been assigned to your family, you can ask the worker to apply to court for a protective intervention order. This order would require 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

Victim service programs are available in most communities across the province. Victim service workers are trained to provide:

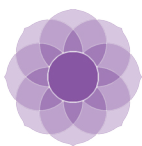
- emotional support;
- safety planning;
- practical assistance, such as going with you to court or to the police, or helping you understand forms;
- information about the criminal court process, the criminal justice system, and the status of your case; and
- referrals to other community resources if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

All victim services are free. To find the victim service program nearest you, call:

VictimLink BC
1-800-563-0808 (toll-free)
24 hours a day, 7 days a week
or visit www.victimlinkbc.ca

VictimLink BC is a toll-free, 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.

VictimLink BC is TTY accessible. Call TTY at 604-875-0885; to call collect, call the Telus Relay Service at 711. You can also text 604-836-6381 or email victimlinkbc@bc211.ca.



Chapter 2: Peace Bonds and Family Law Protection Orders

“Protection order” is a general term for various types of decisions 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.”

In this booklet, we call the protection orders made under the Family Law Act, “family law protection orders.”

What are peace bonds and family law protection orders?

All protection orders, including peace bonds and family law protection orders, list conditions set by a judge for one person to follow that are meant to protect someone else. Most often, they require the person to have no contact or limited contact with the person being protected.

How are they the same?

Peace bonds and family law protection orders are the same in some ways:

- Both are “court orders.” This means they’re made by a judge in court: in criminal court for peace bonds and in family court for family law protection orders.
- They both list certain conditions, based in part on your own safety needs, that your partner must follow. Usually, the court order requires that your partner can 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. The order may include other conditions as well.

- Having to follow conditions in a court order is not the same as being found guilty of a criminal offence.
- Disobeying either of these orders *is* a criminal offence. Disobeying a court order is often called a “breach” of a court order. Both of these orders must be obeyed or your partner could be charged with an offence for breaching the order. If convicted, your partner could face serious consequences including a fine, probation, or time in jail. Both orders can be enforced by the police and RCMP anywhere in BC, meaning that the police can arrest the person named in the order if they disobey it.
- Both are entered in the Protection Order Registry after a judge signs them.

The Protection Order Registry

The Protection Order Registry is a confidential computer database that contains all protection orders (including peace bonds) in BC. If you call the police to say that your partner has not obeyed a protection order, the police can get up-to-date information about the order at any time of the day or night. 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 VictimLink BC (toll-free) at 1-800-563-0808, any time.

How are they different? Which one should I choose?

After you have taken care of any immediate safety concerns, it is up to you to decide whether a peace bond and/or a family law protection order will best protect you. There are several important differences. The following chart can help you decide which one is best for you. (You may get both at the same time but this is usually unnecessary.)

Peace Bonds	Family Law Protection Orders
A peace bond is a protection order made under the Criminal Code of Canada.	A family law protection order is a protection order made under the BC Family Law Act.
A peace bond can protect you from anyone, including someone you have only dated, such as a boyfriend or ex-boyfriend.	<p>The order can protect you from a “family member,” which includes:</p> <ul style="list-style-type: none"> • your partner, • your child’s parent or guardian, • a relative of any of the people above who lives with them, or • a relative of yours who lives with you <p>(See the glossary on page 39 for a full definition of a family member.)</p>
<p>A peace bond can protect the following:</p> <ul style="list-style-type: none"> • you, • your children, • your current partner, and/or • your property. 	<p>The order can protect the following people:</p> <ul style="list-style-type: none"> • you, your children, and other family members who live with you, and • any other children living in your home, the home of your partner, or the home of your child’s parent or guardian.

Peace Bonds	Family Law Protection Orders
<p>A peace bond is meant to protect you when you fear for your safety, the safety of your children, and/or the safety of your current partner. This means that you are afraid that the person could hurt any of you.</p>	<p>The order is meant to protect you from what the law calls “family violence” by a family member, which includes:</p> <ul style="list-style-type: none">• physical abuse (or attempts), including being locked up or denied food or other basic needs,• emotional or mental abuse, such as being intimidated, harassed, stalked, threatened, or having your property damaged,• sexual abuse (or attempts), and• children being exposed to family violence.
<p>You don’t need a lawyer to apply for a peace bond. You call the police or RCMP to ask for one. If the application for a peace bond proceeds, Crown counsel will be involved. If there is a court hearing, it will be in criminal court. (If the police don’t ask the court for a peace bond, you may apply for one yourself. See page 17.)</p>	<p>You may apply to court for the order with or without a lawyer. It is 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.) There will be a court hearing in family court.</p>

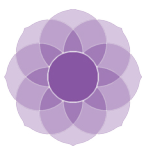
Peace Bonds	Family Law Protection Orders
There is no fee to apply for a peace bond.	There is no fee to apply for an order in Provincial Court. However, you must pay a fee to apply in Supreme Court. If you would find it difficult to pay, you can apply to have the fee waived. (See page 24 for more information about the two courts.)
A peace bond lasts up to one year, but you can ask for another peace bond under certain circumstances (see page 23).	The order lasts until the end date the judge puts on the order. If the judge doesn't put an end date on the order, it lasts one year.
A peace bond from BC can be enforced by police and RCMP anywhere in BC and in the rest of Canada.	<p>A family law protection order from BC can be enforced by police and RCMP anywhere in BC. However, if you move out of BC:</p> <ul style="list-style-type: none"> • 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

If the person named in your order is in custody or serving a sentence in a provincial jail, you can arrange to have a Victim Safety Unit caseworker contact you when he is 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 www.pssg.gov.bc.ca/victimservices/victim-safety. You can also call the Victim Safety Unit directly and apply over the phone at 1-877-315-8822.

To find the victim service program closest to you, call VictimLink BC at 1-800-563-0808.

For more information, see www.pssg.gov.bc.ca/victimservices/victim-safety.



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 has happened to make you feel afraid or in danger. Tell the officer if you have kept any notes about past incidents, if you have received any threatening letters, voicemails, or online messages, or if there is anyone who saw your partner being violent or threatening you.

When you speak to the police

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

What happens next?

If the police officer agrees that you have good reason to be afraid, the officer will send a report to Crown counsel outlining your situation and why you feel you need the protection of a peace bond.

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

Crown counsel will review the report to see if there's enough evidence to apply for the peace bond. If Crown counsel agrees there's enough evidence, they will 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 swear before a judge or justice of the peace that he or she has 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, he'll have to attend court to respond to the peace bond application.

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

If the police don't agree to send a report to Crown counsel asking for a peace bond application, you can go to 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. If you swear an Information with the justice of the peace, a judge will decide whether to issue a warrant or a summons for your partner.

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 decide that you, your children, your current partner, and/or your property may need immediate protection, they will 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 him. Once he has been arrested,

one of two things will happen:

- he'll be released from police custody soon after and may have to follow certain "release conditions," or
- he'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 him with release conditions, or keep him in custody until the peace bond hearing.

The release conditions will most likely include having no contact with the persons 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 him to stay away from certain places, such as your home or work. They may say that he can't use drugs or alcohol or own guns. If your partner doesn't obey the release conditions, he can be arrested again and charged with a crime.

Release conditions are different than the conditions that are 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 (you don't have to go to this either).

A summons

Crown counsel will ask for a summons if he or she decides that conditions don't seem to be needed to protect you, your children, your current partner, and/or your property while you are waiting for a court hearing for your peace bond application.

Your partner will receive a summons document in the mail or a police officer will deliver the summons to him in person. The summons will require him to appear in court on a particular date (you don't have to go to this).

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, *call the police immediately*.

What's next? And will I have to go to the court hearing?

Before any court hearing for the peace bond is scheduled, your partner will appear in court. A judge will ask if your partner agrees that you have good reasons to be afraid and if he agrees to be placed on the peace bond. If your partner agrees, the judge will order him 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 is no need for a formal court hearing for your peace bond application.

However, if your partner doesn't agree to “enter into” the peace bond, he will be told to appear at a court hearing where a judge will decide whether to order him to “enter into” a peace bond. In this situation, you'll 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 would like in the peace bond. For example, you may ask that the peace bond require that your partner have no contact at all 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 are afraid of your partner and what has happened to make you feel this way. Crown counsel is allowed to call other witnesses to support your story.

Your partner or, if he has a lawyer, your partner's lawyer, is allowed to ask you and your witnesses questions during the hearing. He can also testify about his version of the events and call his own witnesses.

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 he keeps his promise to obey the conditions.

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 develop a safety plan, it is 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. You can show it to the police if your partner doesn't follow one of the conditions, or for another reason.

If the peace bond includes your children, also give a copy to anyone who takes care of them when they are not 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 after he has signed the peace bond?

Call 911 right away. (If your community doesn't have 911 service, look for the local police emergency phone number on the first page of your phone book.) Remember that the police and RCMP can enforce all peace bonds. Explain that you have a peace bond and that the person named in the peace bond hasn't obeyed its conditions.

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

- put on probation for up to three years,
- 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. 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 him or talk to him after the peace bond is in place?

Once the peace bond is signed, the person named in it must follow its conditions. If he doesn't, he is breaking the law. This means that even if you want your partner to contact you, he can't, unless a judge changes the peace bond. If you contact him, he may be arrested.

What if I want the peace bond changed or cancelled?

Remember that the peace bond was put in place to protect you. Before you make any changes, you should talk to a victim service worker about how this could affect your personal safety. If you still want to change or cancel the peace bond, please contact Crown counsel.

What if I move to another province?

A peace bond 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.

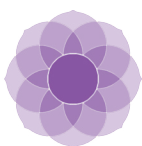
What happens if he follows everything the peace bond says?

If your partner follows everything the peace bond says, the peace bond will end, and nothing more will happen. A peace bond is not a criminal offence and your partner will not 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 you have a good reason to fear for your safety and/or the safety of your children or current partner.

If you are still afraid for your safety, talk to a lawyer or legal aid about getting a family law protection order. You can also 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 these steps.

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. You can apply for one on its own, or when you apply for other family court orders. (Only orders about safety can go in the family law protection order.) You choose the court, and then fill out the necessary court forms. Here 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 \$200 (or \$80 if you already have a case filed in Supreme Court).</p> <p>If you can't afford the court fee, you may be able to have the fee waived (cancelled). See the self-help guide, "How to get an order to waive fees" on the Family Law in British Columbia website at www.familylaw.lss.bc.ca/guides/waiveFees/index.php for more information.</p>

Provincial Court	Supreme 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.	You can apply for a family law protection order on its own or at the same time as you apply for parenting, support, or property orders.
Evidence in court is usually given in person. You'll have to explain your situation in court.	Evidence in court is usually given by affidavit (sworn documents). If you don't have a lawyer, you'll also have to explain your situation in court.
More locations around the province	Fewer locations around the province

Remember: If you are in immediate danger, call the police right away by dialing 911. (If your community doesn't have 911 service, look for the local police emergency phone number on the first page of your phone book.)

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 35. The forms you need to fill out and the court process can be complicated and difficult, especially in Supreme Court. A lawyer may be able to present your case more effectively than you can on your own.

If you go to either Provincial or Supreme 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?

The forms you need to fill out are:

For Supreme Court

- Affidavit (Form 30)
- Notice of Application (Form 31)
- Notice of Family Claim (Form F3) unless you've already filed one
- Protection Order (Form F54)
- Requisition (Form 17) to ask for an "order without notice" and/or an urgent application (see next section)

For Provincial Court

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

The Supreme Court forms are available at www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_family.htm.

The Provincial Court forms are available at www.ag.gov.bc.ca/courts/family/info/forms.htm or at the Provincial Court in your area. (To find your local Provincial court, look in the blue pages of your phone book under "British Columbia — Court Services Branch" or check online at www.ag.gov.bc.ca/courts/index.htm.)

You can also find information and links to the forms on the Legal Services Society's Family Law in British Columbia website at www.familylaw.lss.bc.ca.

If you have a lawyer, he or she will do the forms with you.

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

Your partner doesn't have to know if letting him know would increase the risk to your safety. You can also have your application handled quickly if you feel it isn't safe to wait to get the order.

Tell court registry staff your situation, and they'll let you make an "order without notice" and/or urgent application.

An order without notice means you'll go to a hearing in front of a judge and your partner won't be told about it. The judge will expect you to tell your whole story. He or she may order that a record of the hearing go into your court file.

If the judge makes the order this way, you must "serve" (arrange delivery of) a copy of the order to your partner. (See the self-help guides for serving documents on the Family Law in British Columbia website.) Your partner can then go to court and ask that the order be cancelled or changed. This will only happen if your partner can show that there isn't a risk of family violence.

Will 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 a court hearing about your application. If you're applying 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 him about the hearing.

What happens at the court hearing?

What happens at the court 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 would 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.
- 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. Your partner (or his lawyer if he has one) is allowed to ask you and your witnesses questions during the hearing. He may also tell his own version of the same events and call his 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.
- 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 his lawyer if he has one) will also present affidavits to support his 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 keeps being repeated or is getting worse;
- whether any mental abuse shows a pattern of forcing you or other family member(s) to do things he wants;
- your current relationship with your partner, including if you are 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 him for money.

What can the judge decide?

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

- communicating with you directly or indirectly;
- going to places where you or other family member(s) go, including a school, a business, and a home — even if he 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 cancel your application.

How is the order prepared?

Remind your lawyer, if you have one, to bring to court a draft order outlining the conditions you want in it. If the judge orders different conditions, your lawyer can change the draft right away. As soon as the judge signs the order, court staff will send it to the Protection Order Registry. The order is in effect as soon as it is made.

If you don't bring a draft order with you to Supreme Court, and you don't have a lawyer, you must fill one out based on what the judge ordered. If you're unsure what the judge decided, you may ask the court registry for a copy of the Court Summary.

In Provincial Court, if you don't have a lawyer, court staff will prepare the order for you and get it signed by the judge.

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. It's also 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, or for another reason.

If the order includes your children, also give a copy to anyone who takes care of them when they are not 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 after I get the order?

Call 911 right away. (If your community doesn't have 911 service, look for the local police emergency phone number on the first page of your phone book.) 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. In most cases, particularly if you are in danger, the police will arrest him and ask Crown counsel to charge him with a criminal offence.

If he is found guilty of disobeying the terms of the order, he may be fined, sent to jail, or put on probation. He will have a criminal conviction on his 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 him or talk to him after the order is in place?

Once you have the order, the person named in it must follow its conditions. If he doesn't, he is breaking the law. This means that even if you want your partner to contact you, he can't, unless a judge changes the order. If you contact him, he may be arrested.

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. If you still want to change or cancel the order, you will need to apply to the court that issued the order.

What if I move to another province?

The 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.

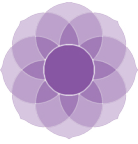
What happens if he follows everything the order says?

If your partner follows everything the order says, the order will expire (end) and nothing more will happen. A protection order is not a criminal offence and your partner will not 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. A judge has to agree that you still fear for your safety or have evidence to show that something has happened since the order was first made.

Consider talking to a victim service worker, who can help you develop 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, look for the emergency police number on the first page of your local telephone book. For all other calls, use the non-emergency police number, also located on the first page of your local telephone book.

VictimLink BC

Call VictimLink BC to find a local victim service program or transition house, or to check that your peace bond or family law protection order is registered in the Protection Order Registry. Call 1-800-563-0808 (toll-free), 24 hours a day, 7 days a week, or visit www.victimlinkbc.ca. VictimLink BC services are available in over 110 languages. VictimLink BC is also TTY accessible; to call collect, call the Telus Relay Service at 711.

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

TTY: 604-875-0885

Text: 604-836-6381

Email: victimlinkbc@bc211.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. To find a victim service program in your area, contact VictimLink BC at 1-800-563-0808.

Violence against women counselling and outreach programs

The BC government funds more than 250 programs that offer counselling and outreach to women and children impacted by violence:

- Stopping the Violence counselling programs provide individual and group counselling for women who have experienced childhood abuse, sexual assault, and violence in their relationships.
- Children Who Witness Abuse counselling programs provide group and individual counselling for children ages 3 – 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.

To find a program in your area, please contact VictimLink BC at 1-800-563-0808.

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, please contact VictimLink BC at 1-800-563-0808 or see www.bchousing.org/Options/Emergency_Housing.

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 pays for 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 are being denied access to your children, or if you are unable to represent yourself in court because you are 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 in the white pages of the phone book under "Legal Aid — Legal Services Society" for the phone number of the legal aid office nearest you or on the Legal Services Society website at www.legalaid.bc.ca.

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 are denied legal aid, you may be able to ask for a review of the decision. For more information about legal aid, visit www.legalaid.bc.ca.

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. Duty counsel 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 Services Society website at www.legalaid.bc.ca/legal_aid/familyDutyCounsel.php,

- call your local legal aid office (see above), or
- call your local court registry. To find your local court registry, look in the blue pages of your phone book under “British Columbia — Court Services Branch” or go to www.legalaid.bc.ca.

Lawyer Referral Service

If you don't have your own lawyer, you can call the Lawyer Referral Service. They will give you the name and number of a lawyer in your community. You can have a 30-minute consultation with this lawyer for \$25 plus taxes. For more information, see www.cba.org/BC/Public_Media/main/lawyer_referral.aspx.

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)

Family LawLINE

If you are a person with a low income, you may be eligible for free legal advice over the telephone from a family lawyer. Call the Legal Services Society 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 and Vancouver. 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 www.ag.gov.bc.ca/justice-access-centre.

At the Vancouver JAC, you will also find Self-help and Information Services (drop-in only), located at 290 – 800 Hornby Street, Vancouver, BC. For more information, see www.supremecourtselfhelp.bc.ca/self-help.htm.

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 Victoria: 250-387-6121

Greater Vancouver: 604-660-2421

Elsewhere in BC: 1-800-663-7867 (toll-free)

TTY: 604-775-0303 (from Vancouver)

TTY: 1-800-661-8773 (elsewhere in BC)

For more information, see www.ag.gov.bc.ca/family-justice/help/counsellors/index.htm.

QMUNITY

For information, referral, and peer support to the gay, lesbian, bisexual, and transgender community call:

Greater Vancouver: 604-684-5307

Elsewhere in BC: 1-800-566-1170 (toll-free)

10 a.m. to 7 p.m. (Monday to Friday)

For more information, see www.qmunity.ca.

Useful websites

Family Law in BC website

www.familylaw.lss.bc.ca

The Family Law in British Columbia website has self-help information to help people resolve family law problems. This website includes:

- fact sheets and step-by-step self-help guides,
- links to court forms,
- links to legislation, including the Family Law Act, and
- links to organizations and people who can help you.

Clicklaw

www.clicklaw.bc.ca

See the Clicklaw website for 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.

Ministry of Justice

www.gov.bc.ca/justice

Find legal information and links to the court forms on the Ministry of Justice website:

- for Supreme Court at www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_family.htm; and
- for Provincial Court at www.ag.gov.bc.ca/courts/family/info/forms.htm.

Find information about victim services at www.pssg.gov.bc.ca/victimservices.

BC Laws

www.bclaws.ca

Find links here to all BC legislation, including the Family Law Act (under Laws — Family Law Act).

Glossary — Legal terms to know

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.

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.
- **no contact order** made by a judge in criminal court when a person is being sentenced for a criminal offence. These orders put conditions on the person when they are granted bail or released after serving their sentence. For more information, see the Legal Services Society fact sheet about no contact orders.

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. (Note that for some property and pensions matters, the definition of spouse is more limited.)

In this booklet, 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.

For help in your community, call:



How to get

**For Your Protection: Peace Bonds
and Family Law Protection Orders**

Ministry of Justice
Victim Services and Crime Prevention Division
302 – 815 Hornby Street
Vancouver, BC V6Z 2E6
Phone: 604-660-5199
Fax: 604-660-5340
E-mail: victimservices@gov.bc.ca

To order this and other publications:
www.crownpub.bc.ca
(under “Quick Links,” click
“BC Public Legal Education & Information”)

Questions about ordering publications?
Phone: 604-601-6000
Email: distribution@lss.bc.ca

Read: www.pssg.gov.bc.ca/victimservices/publications or
www.legalaid.bc.ca/publications.

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



Legal
Services
Society

British Columbia
www.legalaid.bc.ca