

Application About a Protection Order

Form 12

Provincial Court Family Rules
Rules 67, 68 and 172

COURT STAMP

Registry location:

Court file number:

Document number:

For registry use only

This Application About a Protection Order sets out the details of an order about a protection order that a person is applying for.

A protection order made under the Family Law Act is a court order to protect a family member from another family member if there is a risk of family violence.

Please read before completing the form:

- You must complete the main application and any applicable schedule for your application identified in Part 2 of the main application.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.



For more information about what family violence includes or who is a family member, see the guidebook.

Part 1 | About the parties

1. My **full name** is (full name of party):
My **date of birth** is (dd/mmm/yyyy):
2. The person I **want protection from**, or **who made an application for protection from me**, is the other party.
The **other party's full name** is:
Their **date of birth** is:
(dd/mmm/yyyy) or (unknown)



A protection order may be made on application by a family member claiming to be an at-risk family member or by a person on behalf of an at-risk family member [s. 183 Family Law Act].

Part 2 | What are you asking for in this application

3. I am **applying for the following order**:

Select only one of the options below and complete the required schedule

- ☐ **Protection order** → Complete **Schedule 1**
- ☐ **Order to change an existing protection order** → Complete **Schedule 2**
- ☐ **Order to terminate an existing protection order** → Complete **Schedule 3**

Part 3 | Notice of the application

An application is usually made with notice to the other party. To give notice, the other party must be served with the application and supporting documents at least 7 days before the date set for the court appearance.

An application about a protection order can also be made without notice to the other party [s. 186 Family Law Act].

4. Select only one of the options below

- ☐ I am applying **with notice** to the other party
- ☐ I want to apply **without notice** to the other party because:
Tell the court why the application or your situation is urgent and what you believe will happen if the other party is served with the application and given a chance to attend court so that you can both be heard at the same time



For more information about serving court documents, see the guidebook.



To apply without notice, you must satisfy the court that there is a real risk of danger or serious consequence if notice were required.

NOTE TO PARTY:

You may make your application without notice to the other party, but the judge will decide if it will be heard without notice, if notice must be given, or if the notice period should be shortened.



For more information about applying with or without notice, see the guidebook.

Part 4 | About your court appearance

For registry or judicial case manager use only

The application, which requires a court appearance, will be heard by the court on _____ at _____ a.m./p.m.

☐ in person at _____
date time court location

☐ by another method of attendance, as specified _____
attendance details

i The registry or judicial case manager will work with you to schedule a date for the court appearance and will fill in the actual date and method of attendance on the form. Be prepared to talk about your availability if there are options for dates.

NOTE TO THE OTHER PARTY:

If you do not attend court on the date and time scheduled for the court appearance, the court may make an order in your absence.

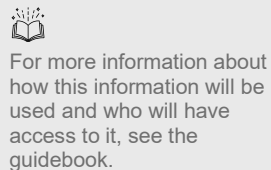
You may also choose to **file a written response** in reply to the application in Form 19 Written Response to Application.

Part 5 | Address for service

- 5. My address for service of court documents and contact information is:**

You must provide an address for service and contact number, but it does not have to be your own if you don't want

Address:		
City:	Province:	Postal Code:
Email:		Telephone:
Lawyer's name and firm name (if applicable):		



Schedule 1 | Protection Order

Complete this schedule only if you are applying for a Family Law Act protection order.

This schedule is an affidavit. It sets out the evidence to help you explain to the court why you need a protection order and what it should include.

Part 1 | Affidavit

I, _____, _____ of _____,
Name of party Occupation Address of person, City, Province

SWEAR OR AFFIRM THAT:

1. I am making this affidavit in support of an application for a protection order.



For more information about swearing or affirming an affidavit, see the guidebook.

Part 2 | Protected party/parties

A protection order made under the Family Law Act is a court order that protects one family member from another family member if there is a risk of family violence.

The person(s) identified in this part is/are referred to as the protected party/parties. The other party is the family member they need protection from.

2. I am applying for a protection order for **the following person(s) to be protected:**

Select and complete only those options that apply to your situation. You may select more than one.

☐ **Me**

☐ The following **child(ren)** I am a parent or guardian to:
Provide the requested information below for each child

Child's full name	Child's date of birth (dd/mmm/yyyy)	My relationship to the child	Other party's relationship to the child	Child is currently living with (name of person)

☐ The following **adult family member(s)** sharing the residence with the protected person:

Full name	Date of birth (dd/mmm/yyyy)	Relationship to the protected person(s)

☐ The following **other at-risk person** I am applying on behalf of for a protection order:

Full name of other person to be protected	Date of birth (dd/mmm/yyyy)

Explain **why** you are applying for the other person:



As set out in s. 183 of the Family Law Act, a protection order can protect:

- you (the applying party)
- your children
- an adult family member that lives with the protected party (you and/or your children)
- an at-risk person you are applying on behalf of for protection from their family member



You cannot apply for the protection of another person's child. If you believe a child needs protection and their parent or guardian is unwilling or unable to apply for a protection order on their behalf, contact the Ministry of Children and Family Development.



A family member is a defined term under s. 1 of the Family Law Act. For more information about who is a family member, see the guidebook.

Part 3 | About the protection order

The questions in this part will help the court understand what terms the protection order may need to include.



A protection order may include any of the terms set out in s.183(3) of the Family Law Act.

No go

3. I **do not want** the other party to be able to **attend at, enter or be found near** the following place(s):

Select all options that apply

- ☐ Residence
- ☐ School
- ☐ Place of employment
- ☐ Childcare facility
- ☐ Other (specify):



You might be asked by the judge at your court appearance to provide the specific address and name of the place. Be sure to have them ready.

No contact except

4. The protected party may **need to communicate** with the other party for the following reason(s):

Select all options that apply

- ☐ Not applicable
- ☐ Consensual dispute resolution
- ☐ Parenting arrangements
- ☐ Ongoing court action
- ☐ Other (specify):

Firearms and weapons

5. I am concerned the other party would **cause harm with or threaten to use guns, explosives, or another kind of firearm.**

- ☐ No
- ☐ Yes → explain the reason(s) for your concerns:

6. I believe the other party **owns or has access to guns, explosives, or another kind of firearm.**

- ☐ No
- ☐ Yes → explain the reason(s) for your belief:

7. I am concerned the other party would **cause harm with or threaten to use a weapon that is not a gun or explosive.**

- ☐ No
- ☐ Yes → explain the reason(s) for your concerns:

8. I believe the other party **owns a weapon that is not a gun or explosive.**

- ☐ No
- ☐ Yes → explain the reason(s) for your belief:



Examples of weapons someone might own include swords, hunting knives, nun chucks, and brass knuckles.

Remove person or belongings from residence

9. I believe **police assistance may be required** for the following purpose(s):

Select all options that apply

- ☐ Not applicable
- ☐ To remove the other party from a shared residence
- ☐ To supervise the removal of the protected party's personal belongings from the shared residence
- ☐ To supervise the removal of the other party's personal belongings from the shared residence
- ☐ To supervise the removal of the child(ren)'s personal belongings from a residence
- ☐ Other (specify):



The court can order that the police help to remove the other party from a shared residence and/or that they help supervise the removal or collection of belongings.

Part 4 | Your story

The questions in this part will help the court better understand the relationship between the parties, background, risk factors and circumstances that have brought you before the court to apply for a protection order.

Relationship between the parties

10. Select only one of the options below

- ☐ The protected party is (or was) the other party's **spouse**. The parties are (or were) **married**, or **live** (or have lived) **together** in a marriage-like relationship.
Complete the information below about your relationship, as applicable. **You may leave a field blank if it does not apply.**

Date on which the parties began to live together in a marriage-like relationship (dd/mmm/yyyy):

Date of marriage (dd/mmm/yyyy):

Date of separation (dd/mmm/yyyy):

- ☐ The protected party has never been the other party's spouse. The protected party/parties and the other party are related as follows:

Describe how they are related for the purposes of this application



If the protection order is only for the protection of a child or children, please answer this Part for the parents or guardians of the children.



Spouses may be separated even if they continue to live in the same residence [Family Law Act s. 3(4)].



A family member is a defined term under s. 1 of the Family Law Act. For more information about who is a family member, see the guidebook.

11. The protected party **currently shares a residence** with the other party ☐ Yes ☐ No

Children

12. Select whichever option is correct and complete the required information

- ☐ The protected party and the other party are a **parent, step-parent or guardian only to the child(ren)**, if any, identified in **Part 2** of this schedule.
- ☐ The protected party and the other party are a **parent, step-parent or guardian** to the following child(ren) who is/are **not identified in Part 2** of this schedule:

Provide the requested information below for each child

Child's full name	Child's date of birth (dd/mmm/yyyy)	My relationship to the child	Other party's relationship to the child	Child is currently living with (name of person)



A child may split their time between two residences. If a child spends at least 40% of their time living somewhere, include both.

About the family

13. I would like to share the following information with the court about the **cultural, linguistic, religious and spiritual upbringing and heritage of my family**, including, if the child is an Indigenous child, the child's Indigenous identity:

You may choose to leave this question blank

Court orders and agreements

14. There is an **existing court order or written agreement** about parenting arrangements, child support, contact with a child, guardianship of a child, spousal support, and/or property division in respect of a companion animal.

☐ **Yes (see attached copy)** ☐ **No**

15. There is an **existing court order, agreement or plan protecting** one of the parties or the child(ren), or restraining contact between the parties, including:

- a protection order,
- an order, agreement or plan involving child protection services, or
- a peace bond, restraining order, bail condition or other criminal order.

☐ **Yes (see attached copy)** ☐ **No**

16. Has the other party ever **failed to obey a court order**?

☐ **Yes** → describe the circumstances:

☐ **No**
☐ **Unknown**

17. I am concerned the other party **may not obey a court order**

☐ **No**
☐ **Yes** → explain the reason(s) for your concerns:

Reporting safety concerns

18. I have **reported** my safety concerns **to the police**

☐ **No**
☐ **Yes** → describe what actions they have taken:

19. I have **reported** my safety concerns **to a social worker** (Ministry of Children and Family Development)

☐ **No**
☐ **Yes** → describe what actions they have taken:



Include any order (interim or final), agreement or plan from any level of court and any location.



If yes, you must attach a copy of any order, agreement or plan to this application for filing.



You will be asked to describe specific incidents that police attended in a later part of this form.



If there is reason to believe a child (under 19) is being abused, neglected, sexually exploited, or is otherwise in need of protection, and a parent or guardian is unable or unwilling to protect the child, the matter must be reported to a social worker at the Ministry of Children and Family Development.

20. Describe any recent incidents of family violence against the protected party/parties and any child(ren).

Start with the most recent incident continuing backwards. Go back as far as you think is important for the court to know.

If there is a police report, medical report or doctor's note, or any photographs related to an incident, you must talk about them in this section. Refer to the document, state it is attached as an exhibit and attach them as exhibits.



For more information about what information you should include, see the guidebook.



Remember to attach a copy of any exhibit(s) when you file your application.

Each exhibit gets a letter assigned to it, starting with 'A' and continuing through the alphabet. For example, the police report attached as Exhibit A.

To add more, select the box below and attach a page with the additional information

☒ Additional page(s) (see attached)



If you need more space, select the box, and remember to include your additional page(s).

Risk of family violence

There are different circumstances that may make a person or relationship more at-risk for family violence. These circumstances may contribute to family violence but may not be the cause of family violence. It is helpful for the court to be aware of these circumstances.

21. I am concerned about the **mental health** of the protected party and/or the other party

☐ **No**

☐ **Yes** → explain the reason(s) for your concerns:

22. Are there **circumstances** you want to share about a party or the relationship **that may increase the risk of family violence**?

Circumstances may include risk factors such as substance misuse, employment or financial stress, history of violence, and vulnerabilities including pregnancy, age, family circumstances, health or economic dependence

☐ **No**

☐ **Yes** → please describe the circumstances:

23. Is there any family violence **you fear is likely** to happen or **concerns for the safety** of the protected party/parties that you have **not already described** in this affidavit?

☐ **No**

☐ **Yes** → please describe the circumstances:

Sworn or affirmed before me
at _____, British Columbia

City

on _____

Date

A commissioner for taking affidavits in British
Columbia
[print name or affix stamp of commissioner]

Signature



A person whose safety and security is, or is likely, at risk from family violence carried out by a family member is an at-risk family member [s.182 Family Law Act].



For more information about risk factors for family violence, see the guidebook or s.184 of the Family Law Act.



The court may make a protection order if the court determines that family violence is likely to occur, and the other family member is an at-risk family member [s.183 Family Law Act].




This document must be signed only with a commissioner for taking affidavits. A commissioner is available at the court registry for free. **Do not sign** the document until they tell you to. You will sign it with them.


Schedule 2 | Change Existing Protection Order

Complete this schedule only if you have an existing protection order that you are applying to change.

An application to change an existing protection order must be made before the expiry of the order that is the subject of the application [s. 187 Family Law Act].



A person can make a subsequent application for a protection order after an existing order has expired [s. 187 Family Law Act].



You must attach a copy of the existing protection order to this application for filing.

Part 1 | Existing protection order


1. ☐ There is a **protection order made on**

(dd/mm/yyyy)

 that I am applying to change (see attached copy of order).
2. I am the:
Select all options that apply
☐ Protected party
☐ Parent or guardian of a protected party
☐ Person who the protection order is against
3. *Select only one of the options below and complete the requested information*
☐ I was **in court** when the protection order was made
☐ I was **not in court** when the protection order was made because:
Explain why you were not in court when the protection order was made

Part 2 | About the protection order

4. I am applying for the existing protection order to be **changed as follows**:



The court can shorten or extend the expiration date of a protection order or change any term in it.

Part 3 | The facts

5. The **facts** on which this application is based **are as follows**:
Explain why the order needs to be changed and the facts you want the court to consider

Schedule 3 | Terminate Existing Protection Order

Complete this schedule only if you have an existing protection order that you are applying to terminate.

An application to cancel an existing protection order must be made before the expiry of the order that is the subject of the application [s. 187 Family Law Act].



A person can make a subsequent application for a protection order [s. 187 Family Law Act].

Part 1 | Existing protection order

1. ☐ There is a **protection order made on** that I am applying to terminate
(see attached copy of order). (dd/mm/yyyy)

2. I am the:

Select all options that apply

- ☐ Protected party
- ☐ Parent or guardian of a protected party
- ☐ Person who the protection order is against

3. *Select only one of the options below and complete the requested information*

- ☐ I was **in court** when the protection order was made
- ☐ I was **not in court** when the protection order was made because:
Explain why you were not in court when the protection order was made



You must attach a copy of the existing protection order to this application for filing.

Part 2 | The facts

4. The **facts** on which this application is based **are as follows**:

Explain why the order should be terminated and the facts you want the court to consider
