

Application about a Protection Order

Provincial Court (Family) Rules

Early Resolution and Case Management Registry

Registry location:	
Court File Number:	

1. My name is *[full name of person]*. My contact information and address for delivery of court documents by the other party and the Court is:

Full Name:	Date of Birth:	
Contact Information and Address for Delivery		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

2. ☐ I understand I need to give notice to the person I want protection from, or who has made an application for protection from me. This person is the other party. To give notice, they must be served with the application and supporting materials at least 7 days before the date and time of the hearing unless the application is made without notice or with less than 7 days notice.

Select only one of the options below

- ☐ I am making this application with at least 7 days notice to the other party.
- ☐ I am making this application without notice to the other party and I have completed an Application for Case Management Order Without Notice or Appearance requesting this application be heard without notice to the other party.
- ☐ I am making this application with less than 7 days notice to the other party and I have completed an Application for Case Management Order Without Notice or Appearance requesting this application be heard with less than 7 days notice to the other party.

3. The other party's name is *[full name of other party]*. Their contact information, as I know it, is:

Full Name:	Date of Birth:	
Contact Information		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

4. I am applying for the following order:

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

- ☐ Protection order *[Complete and attach Schedule 1]*
- ☐ Order to change an existing protection order *[Complete and attach Schedule 2]*
- ☐ Order to terminate an existing protection order *[Complete and attach Schedule 3]*

For registry use only

This application will be made to the court at *[court registry, street address, city]* on *[date]* at *[time]* am/pm.

NOTICE TO THE OTHER PARTY: If you do not appear in court on the date and time above, the Court may make an order in your absence.

Schedule 1 – Protection Order

This is Schedule 1 to the Application about a Protection Order

This schedule must be completed if you are applying for a protection order.

I, [full name of party], [occupation] of [address of party, city, province],

SWEAR OR AFFIRM THAT:

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

- ☐ Me
- ☐ the following child(ren) I am parent or guardian to:

Child's Full Name	Child's Date of Birth	Child's Relationship to Other Party

Complete only if applicable. You may leave this section blank.

- ☐ the following adult(s) sharing the residence with the other protected person(s):

Full Name	Date of Birth	Relationship to other protected person

Complete only if applicable. You may leave this section blank.

- ☐ Other (specify): [full name of other person to be protected]

Describe why you are applying for the other person

The person(s) identified in the section above are referred to as the protected party/parties. The other party is the person they need protection from.

3. There are existing written agreements or court orders about the children concerning parenting arrangements, child support, contact with a child, or guardianship ☐ Yes ☐ No

If yes, attach a copy of the order(s) and list them here:

ABOUT THE PROTECTION ORDER

4. *Complete only if applicable. You may leave this section blank.*

I do not want the other party to be able to attend at, enter or be found at the following places:

Select all options that apply

- ☐ Residence
- ☐ School
- ☐ Place of Employment
- ☐ Child care facility
- ☐ Other (*specify*):
- ☐ None of the above. I don't need an order restricting where the other party can go.

5. *Complete only if applicable. You may leave this section blank.*

The protected party may need to communicate with the other party for the following reasons:

Select all options that apply

- ☐ Consensual dispute resolution
- ☐ Parenting arrangements
- ☐ Ongoing court action
- ☐ Other (*specify*):

6. I have concerns the other party would cause harm with or threaten to use guns, explosives or another kind of firearm ☐ Yes ☐ No

If yes, explain the reasons for your concerns

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

☐ Yes ☐ No

If yes, explain the reasons for your belief

8. I have concerns the other party would cause harm with or threaten to use a weapon that is not a gun or explosive ☐ Yes ☐ No

If yes, explain the reasons for your concerns

9. I believe the other party owns a weapon that is not a gun or explosive ☐ Yes ☐ No

Examples of weapons someone may own include swords, hunting knives, and nunchucks.

If yes, explain the reasons for your belief

10. The protected party currently shares a home with the other party ☐ Yes ☐ No

11. *Complete only if applicable. You may leave this section blank.*

I believe police assistance may be required for the following purposes:

Select all options that apply

- ☐ To remove the other party from the 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):

BACKGROUND

12. The protected party and the other party are:

Describe how the protected party/parties and the other party are related for the purposes of application

If the protection order is only for the protection of a child(ren), please answer the following question for the parents or guardians of the child(ren).

13. The parties are or have been spouses (married or lived in a marriage-like relationship for at least 2 years)

☐ Yes ☐ No

If yes, please complete all options below that apply to the parties

Date on which the parties began to live together in a marriage-like relationship: [Date]

Date of marriage: [Date of marriage]

Are the protected party and the other party currently separated ☐ Yes ☐ No ☐ Unknown

Spouses may be separated while continuing to live in the same residence

If yes, the parties separated on [Date of separation]

If no, are the protected party and the other party planning to separate ☐ Yes ☐ No ☐ Unknown

14. I have concerns about the mental health of the protected party and/or the other party ☐ Yes ☐ No

If yes, explain the reasons for your concerns

15. Are there circumstances that may increase the risk of family violence ☐ Yes ☐ No

If yes, describe the circumstances such as: substance abuse, employment or financial difficulties, relationship status, criminal history, pregnancy, threats to you/another person/child/animal, stalking, forced sex, controlling behaviour, release from prison, strangling/choking/biting, threats or attempts to commit suicide, cultural religious beliefs or any other circumstances

16. There are existing court orders protecting one of the parties or restraining contact between the parties, including protection orders, peace bonds, restraining orders, bail conditions or other criminal orders

☐ Yes ☐ No

If yes, attach a copy of the order(s) and list them here:

17. Has the other party ever failed to obey a court order ☐ Yes ☐ No

If yes, describe the circumstances

18. I have concerns the other party may not obey a court order ☐ Yes ☐ No

If yes, explain the reason for your concerns

19. I have reported my safety concerns to the police ☐ Yes ☐ No

If yes, describe what action they have taken

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

☐ Yes ☐ No

If yes, describe what action they have taken

YOUR STORY

A judge can make decisions based only on the information presented by the parties as evidence. Evidence must be relevant to the issue.

Please complete the following questions to help you explain to the court why you need an order for protection. In some cases, if you have provided evidence in this affidavit, a Judge may not need you to provide additional information in court.

In the following section you will be asked to describe what the other party has done to make you feel you need to get a protection order.

21. What family violence do you fear?

22. Why do you fear family violence is likely to happen?

23. What behaviour or threats concern you?

24. Describe any recent incidents of Family Violence against the protected party and any child(ren). Include:

- *How the other party made you and/or your children feel unsafe (describe examples of the other party's behaviour that made you afraid)*
- *A description of the incident(s) (write as much detail as possible)*
- *Who was involved (include the police if they were involved at any time)*
- *Who witnessed it*
- *Any exposure your children have had to violence or abuse*
- *Any injuries or trauma from the incident*
- *Any doctor's notes, police reports or photographs (you must refer to them here as exhibits and make photocopies of them for the court)*

Sworn or affirmed before me
at [city] British Columbia
on [date]

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

Signature

Schedule 2 – Change an Existing Protection Order

This is Schedule 2 to the Application about a Protection Order

This schedule must be completed if you are applying to change an existing protection order.

1. ☐ I am attaching a copy of the existing protection order made on *[date]*.

2. *Select only one of the options below*

☐ 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.

3. I am the:

Select all options that apply

☐ protected party

☐ parent or guardian of the protected party

☐ person who the protection order is against

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

YOUR STORY

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

Describe why the order needs to be changed and what facts the court should consider to make their decision.

Schedule 3 – Terminate an Existing Protection Order

This is Schedule 3 to the Application about a Protection Order

This schedule must be completed if you are applying to terminate an existing protection order.

1. ☐ I am attaching a copy of the existing protection order made on [date] that I am asking to have terminated.

2. *Select only one of the options below*

☐ 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.

3. I am the:

Select all options that apply

☐ protected party

☐ parent or guardian of the protected party

☐ person who the protection order is against

YOUR STORY

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

Describe why the order should be terminated and what facts the court should consider to make their decision.
