Application About a Protection Order

Registry location:	
Court File Number:	

FORM 12
Provincial Court Family Rules
Rule 85

1. My name is *[full name of person]*. My date of birth is *[mmm/dd/yyyy].* My contact information and address for service of court documents by the other party and the court are:

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 had 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 documents at least 7 days before the date set for the court appearance unless a judge allows the application to be made without notice or with less than 7 days' notice.

   Select only one of the options below

   ☐ I am giving at least 7 days' notice to the other party

   ☐ I have completed an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement for notice of this application

   ☐ I have completed an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to modify the requirement for 7 days' notice to the other party

   ☐ I have a court order that allows the application to be made without notice or with less than 7 days' notice

3. The other party's name is *[full name of other party]*. Their date of birth is *[mmm/dd/yyyy].*
   The other party's contact information, as I know it, is:

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]* **a.m./p.m.**

NOTE TO THE OTHER PARTY: If you do not attend in court on the date and time scheduled for the court appearance, the court may make an order in your absence.

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SCHEDULE 1 – AFFIDAVIT FOR 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. 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 affidavit to help you explain to the court why you need a protection order and what it should include. In some cases, if you have provided evidence in this affidavit, a judge may not need you to provide additional information in court.

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. You may select more than one.
   ☐ me
   ☐ the following child(ren) I am a parent or guardian to:
   Complete only if applicable. You may leave this section blank.

Child's full legal name	Child's date of birth *(mmm/dd/yyyy)*	Child's relationship to the other party	Child is currently living with

   ☐ the following adult(s) sharing the residence with a protected person:
   Complete only if applicable. You may leave this section blank.

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

   ☐ other *(specify)*: *[full name of other person to be protected]* and date of birth *[mmm/dd/yyyy]*
   Explain why you are applying for the other person

   _____
   _____
   _____
   _____

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

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ABOUT THE PROTECTION ORDER

3. *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 place(s):
   Select all options that apply
   ☐ residence
   ☐ school
   ☐ place of employment
   ☐ child care facility
   ☐ other *(specify)*:

4. *Complete only if applicable. You may leave this section blank.*
   The protected party may need to communicate with the other party for the following reason(s):
   Select all options that apply
   ☐ consensual dispute resolution
   ☐ parenting arrangements
   ☐ ongoing court action
   ☐ other *(specify)*:

5. 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 reason(s) for your concerns
   _____
   _____

6. I believe the other party owns or has access to guns, explosives or another kind of firearm
   ☐ Yes ☐ No
   If yes, explain the reason(s) for your belief
   _____
   _____

7. 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 reason(s) for your concerns
   _____
   _____

8. I believe the other party owns a weapon that is not a gun or explosive ☐ Yes ☐ No
   Examples of weapons someone might own include swords, hunting knives, and nunchucks
   If yes, explain the reason(s) for your belief
   _____
   _____

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

10. *Complete only if applicable. You may leave this section blank.*
I believe police assistance may be required for the following purpose(s):
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)*:

YOUR STORY

11. The protected party and the other party are:
Explain how the protected party/parties and the other party are related for the purposes of the 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)

12. The parties are or have been spouses or live or have lived together in a marriage-like relationship
☐ 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: *[mmm/dd/yyyy]*
Date of marriage: *[mmm/dd/yyyy]*
Are the protected party and the other party currently separated ☐ Yes ☐ No ☐ Unknown
Spouses may be separated despite continuing to live in the same residence
If yes, the parties separated on *[mmm/dd/yyyy]*

13. *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 paragraph 2 of this affidavit
☐ 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 paragraph 2 of this affidavit:

Child's full name	Child's date of birth *(mmm/dd/yyyy)*	Child's relationship to protected party	Child's relationship to the other party	Child is currently living with

14. *Complete only if the protected party and the other party are a parent, step-parent or guardian*
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 agreement(s) or order(s) to this affidavit

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Family values

15. *You may choose to complete this section or leave this section blank*
    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 aboriginal child, the child's aboriginal identity:

    _____
    _____
    _____

16. I have concerns about the mental health of the protected party and/or the other party ☐ Yes ☐ No
    If yes, explain your concerns and the reason(s) for your concerns

    _____
    _____
    _____
    _____
    _____

17. 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

    _____
    _____
    _____
    _____
    _____
    _____
    _____
    _____

18. There is an existing court order protecting one of the parties, the children, or restraining contact between the parties, including a protection order, child protection or supervision order, peace bond, restraining order, bail condition or other criminal orders
    ☐ Yes ☐ No
    If yes, attach a copy of the order(s) to your application

19. Has the other party ever failed to obey a court order ☐ Yes ☐ No ☐ Unknown
    If yes, describe the circumstances

    _____
    _____

20. I have concerns the other party may not obey a court order ☐ Yes ☐ No
    If yes, explain the reason(s) for your concerns

    _____
    _____

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21. I have reported my safety concerns to the police ☐ Yes ☐ No
If yes, describe what action they have taken. You will be asked to describe specific incidents that police attended in a later section.

_____
_____

22. 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

_____
_____

23. Is there any family violence you fear is likely to happen that you have not already described in this affidavit?
☐ Yes ☐ No
If yes, explain what type of family violence and the reason for your fear

_____
_____
_____
_____
_____
_____
_____

24. Do you have any concerns for the safety of the protected party/parties that you have not already described in this affidavit? ☐ Yes ☐ No
If yes, explain the concerns and the reason for your concerns

_____
_____
_____
_____
_____
_____
_____
_____

25. Describe any recent incidents of family violence against the protected party/parties and any child(ren). Include:
- *how the other party made the protected party and/or the child(ren) 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 the child or children have had to family violence or abuse*
- *any injuries or trauma from the incident*
- *any doctor's notes, police reports or photos (you must refer to them here as exhibits and make copies of them for the court)*

_____

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Sworn or affirmed before me
at *[city]* British Columbia
on *[mmm/dd/yyyy]*

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 *[mmm/dd/yyyy]*

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 a protected party
   ☐ person who the protection order is against

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

   _____
   _____
   _____
   _____
   _____

YOUR STORY

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

   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____

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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 *[mmm/dd/yyyy]* that I am applying 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 the facts you want the court to consider

   _____
   _____
   _____
   _____
   _____
   _____
   _____
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