

Application About a Protection Order

Form 12

Provincial Court Family Rules

Rules 67, 68 and 172

Registry Location:

Court File Number:

1. My name is _____ . My date of birth is _____
(full name of party/person) (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. The person I want protection from, or who made an application for protection from me, is the other party. An application is usually made with notice to the other party. To give notice, they must be served with the application and supporting documents before the date set for the court appearance. An Application About a Protection Order can also be made without notice to the other party.

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

3. The other party's name is _____ . Their date of birth is _____
(full name of other party) (mmm/dd/yyyy or unknown)
Their 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 _____ at _____ am/pm.
(date) (time)

You must attend the court appearance _____ , unless
(method of attendance)
otherwise allowed by the court. ☐ See attached for details.

NOTICE 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.

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, _____, _____ of _____,
full name of party occupation 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 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)	Other party's relationship to child	Child is currently living with

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

Complete only if the adult family member sharing the residence with another protected person needs to also be protected.

You may leave this section blank.

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

☐ Other (specify): Name: _____ Date of birth _____
(full name of other person to be protected) (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.

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.

9. The protected party currently shares a residence 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

Relationship between parties

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 protected party is or has been spouses, or lives or has lived together in a marriage-like relationship, with the other party

Specify which protected adult if there is more than one

☐ Yes ☐ No (name of party)

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)

Children

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 <small>(mmm/dd/yyyy)</small>	Protected party's relationship to child	Other party's relationship to child	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.

About my family

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 Indigenous child, the child's Indigenous identity:

Other information

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: substances 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, agreement or plan protecting one of the parties, 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 conditions or other criminal order

☐ Yes ☐ No

If yes, attach a copy of the orders, agreement(s), or plan(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.

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 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)*

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

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.

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 _____ that I am applying to have terminated.
(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

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.