



# GUIDEBOOK | Preparing an Application About a Protection Order

PROVINCIAL COURT FAMILY RULES

This guidebook will provide you with legal information about protection orders under the Family Law Act and tips for preparing an Application About a Protection Order Form 12. It provides information in addition to what's in the form instructions and content.

It contains helpful information and links to other resources and information. We recommend using the online version available at [www.gov.bc.ca/court-forms](http://www.gov.bc.ca/court-forms) or scan the QR code to access it.



If you prefer to have a physical copy of this guidebook, you can print it out. You may choose to print only specific pages. The printed guidebook is 29 pages total.

## Help is available | Your safety

Call 9-1-1 if you, your children and/or someone you know are in immediate danger.

If you are not in immediate danger but are still afraid for your safety, [VictimLinkBC](#) can help.

[VictimLinkBC](#) is a confidential, multilingual support program for victims of crime and trauma, available 24 hours a day, 7 days a week.

Victim service workers can provide crisis support, information and referrals to supports including safety planning, victim services, transition houses and counselling services. Even with a protection order in place, it is a good idea to have a personal safety plan.

Call or text: 1-800-563-0808 | Email: [211-VICTIMLINKBC@UWBC.CA](mailto:211-VICTIMLINKBC@UWBC.CA)

## Tips for completing court forms

A court form is a tool for you to communicate your information to the court and the other party. The forms help you provide the information the court will need to make an informed decision.

1. **Take your time to read each question and instruction.** Don't rush. Make sure you understand what is asked before answering.
2. **Write your answers in clear and simple language.** You don't need to use special wording or legal terms.
3. **Stick to the facts. Present them in a logical order.** Avoid unnecessary details or explanations unrelated to your case.
4. **Provide complete answers to each question.** If a question has multiple parts, answer each part.
5. **Be accurate.** Especially names and dates. You should follow the date format in the instructions, usually dd/mmm/yyyy, for example 12/MAY/2024.
6. **Ask for help.** If you're unsure how to answer a question or fill out a section, ask for help.

7. **Review the form before filing.** Once you've completed the form, review it to make sure you haven't missed anything or made any errors. It's a good idea to ask a trusted friend, family member, or other person to review it. They may catch any mistakes you missed.
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## Help navigating the court forms

If you're unsure about how to answer a question or fill out a section of the form, ask for help.

- Court registry, [Justice Access Centre](#) and [Family Justice Centre](#) staff can help answer questions about the forms. They can't help filling out your forms or give advice about legal problems.
- [Justice Access Centres](#) and [Family Justice Centre](#) staff can support you in navigating and completing court forms. For more information about their services, including how to reach them, visit [www.gov.bc.ca/family-justice-services-division](http://www.gov.bc.ca/family-justice-services-division).

Only lawyers can fill out a court form for you, tell you what to write, or give you advice about legal problems. If you need help filling in the forms and do not have a lawyer, ask the court registry, Justice Access Centre or Family Justice Centre staff to refer you to someone who can help. There are some lawyers who might be able to help you for free.

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***This guidebook provides general information only and is not provided as legal advice. If you have a legal issue, you should contact a lawyer for legal advice about your own situation. Registry staff, staff at a Justice Access Centre or Family Justice Centre, and the Provincial Court cannot provide legal advice.***



## 1 | Understanding the law

### Protection Orders

There is more than one kind of order that can protect you and your family. A protection order is a general term for a court order to help protect one person from another. Family law protection orders and Criminal Code peace bonds are both types of protection orders.

All protection orders have a list of conditions that a person must follow. The conditions may include not going to the protected person's 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, for example, not to own any weapons.

It's a criminal offence to not obey the conditions in a protection order.

A **family law protection order** can only be used to help protect a family member from another family member. It can protect you, your children and other family members who live with you. It cannot protect a roommate or other non-family member who lives with you.

A **peace bond** can be used to help protect you from anyone, including a family member, someone you have only dated, a roommate, or someone else. A peace bond can also be used to protect your property.

For more information about the differences between a peace bond and a family law protection order, and how and when you can get peace bonds, visit the [Information on Protection Orders](#) page on the BC Government website at [www.gov.bc.ca](http://www.gov.bc.ca).

### Family law protection orders

A family law protection order is a civil protection order made under [Part 9 of the Family Law Act](#). It is a court order that helps protect one family member from another family member if there is a risk of family violence.

A "family member" includes:

- your partner or former partner (married or common-law),
- your child's other parent or guardian,
- a relative of your partner, or a relative of your child's parent or guardian, who lives with them, or
- a relative of yours who lives with you, and
- your own children

Family violence includes:

- physical abuse
- sexual abuse
- emotional and psychological abuse, including:
  - intimidation, harassment, coercion or threats, including threats respecting other persons, pets or property,

- unreasonable restrictions on, or prevention of, financial or personal autonomy
- stalking or following
- intentional damage to property
- forcibly confining a person or restricting the person's freedom, or
- withholding the necessities of life



Go to [section 1 of the Family Law Act](#) for the legal definition of “family member” and “family violence”.

**You can apply for a protection order if you and/or your child need protection. You can also apply for a protection order on behalf of another adult.**

A protection order usually lists conditions the person named in it must follow. It will usually say your family member must have no direct or indirect contact with you.

The family law protection order is a civil order made in family court. It will expire on the date a judge orders for it to end. If the judge doesn't order a specific end date, it expires **one year** after the date it is made.

It is a criminal offence for the person named in the order to disobey (“breach”) it. If they do so, the police can enforce the order under the [Criminal Code](#) and the person may face significant consequences.

You can apply for a family law protection order without the involvement of the criminal justice system.

## Provincial Court Family Rules

The [Provincial Court Family Rules](#) set out the steps that you must take and the forms you must complete in a family law case. These rules apply to cases in Provincial Court about matters under the [Family Law Act](#) and the [Family Maintenance Enforcement Act](#).

You can find the Rules and Acts on the BC Laws website at [www.bclaws.gov.bc.ca](http://www.bclaws.gov.bc.ca).

The [Application About a Protection Order Form 12](#) is used to apply for a Family Law Act protection order in the Provincial Court. It can also be used to apply for an order to change or cancel an existing Provincial Court protection order.

**There is no limit on protection order applications.** Another application can be made if an application was denied, the terms of an order need to be changed, or an order has expired and another one is needed.

An application about a protection order can be made:

- **with notice** – the other person is served with a copy of the application and can attend the court appearance to give their story at the same time as you, or
- **without notice** – you go to court on your own without the other person being told. If the court makes a protection order, the court registry will arrange to try to have it served on the other person. The judge may require you and the other person to

attend another court hearing to decide whether a longer-term protection order should be made.

**In most cases you need to give notice to the other party that you are applying for a court order.** The other party must be personally served with at least 7 days' notice of the court appearance. If you are applying with notice, the registry staff or judicial case manager will work with you to schedule a date for the court appearance.

An application about a protection order can be made in less than 7 days because the matter is urgent or if there are special circumstances where the application should proceed without notice to the other party. You can make this request on the application. It will be up to the court to determine if the order can be made without notice or with less than 7 days' notice.



**An application about a protection order can't be used to apply for an order about a family law matter.**



What if I need a protection order **and** an order about a family law matter?

Getting a court order on most family law matters takes time. You must file an application and serve it on (deliver it to) the other party. They then have 30 days to file a reply before you are given your first court date. Depending on your court location, you may have to take other steps as well.

Applications about a protection order need to be heard quickly, so they have their own separate process.

**You must make your application for an order about a family law matter using the Application About a Family Law Matter Form 3.**

Sometimes, either before or after this process has begun, an urgent issue arises. If you have an urgent need for a court order about a family law matter, there are ways of getting your application into court more quickly.

The Application for Case Management Order Without Notice or Attendance Form 11 can be used to ask for any of the following orders to have your application about a family law matter scheduled for an urgent court appearance:

- postpone or not require any early resolution, family justice or parenting education program registry requirements to be met before filing the application or scheduling an appearance
- shorten the time for the other party to file a reply
- schedule a family management conference before or without waiting for a reply to get an emergency interim (temporary) order in place

Most applications for a case management order without notice can be decided by a judge based on the written application, without requiring the parties to attend court. These decisions can be made quickly in an emergency where an immediate court order is necessary.



Depending on the steps you have taken already, and how you want to proceed on an urgent basis, you must decide what case management orders you want. Getting advice from a lawyer can help.



## 2 | Filling out an Application about a Protection Order Form 12

Here you'll find information to help you complete the form. Each section corresponds to a different part of the form. It includes information and tips to help you navigate the form and court process with confidence.



Rules 66 to 74 set out the requirements for making an application about a protection order in Form 12.

### Registry location

Rule 7 states that you must file at the registry location:

- where the existing Provincial Court case with the same parties is filed
- nearest to where the child lives most of the time, if the family law matter involves a child-related issue, or
- nearest to where you live if the family law matter does not involve a child-related issue

Registry location:

Court file number:

Document number:

For registry use only

**With permission of the court, you can apply for an order about a protection order in any registry.** Talk to the court registry staff if you need to make your application in a different registry.

**?** What if the child splits their time between two homes, or is located between two court registries?

You can decide where to file your case. If the other party doesn't agree, they can always ask the court to decide where the case should be.

**?** What if I have an existing case but I've moved?

You can apply to transfer your case to a new registry by filing an Application for Case Management Order Form 10 in the registry where your existing case is filed. Until your case has been transferred to the registry nearest to you, you need to keep filing where your existing case is filed.

For a list of court registry locations, addresses, and contact information visit:

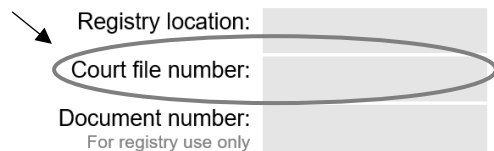
[www.gov.bc.ca/courthouselocations](http://www.gov.bc.ca/courthouselocations)

For a map of all B.C. Provincial Court locations visit: [www.provincialcourt.bc.ca/locations-contacts](http://www.provincialcourt.bc.ca/locations-contacts)

## Court file number

### Do you have an existing court file?

If so, copy the file number from the top right corner of any filed document. If you have an existing child protection case, a new court file number will be assigned for this family law case.



Registry location:

Court file number:

Document number:   
For registry use only

### Is this the first court document being filed?

If so, registry staff will give your case a file number when you file your document.

## Part 1 | About the parties

Under the Provincial Court Family Rules, a party is a person named in a case. You are a party if you are starting a case and filing an application. The other party is each other person identified by name on the application as a party.

**If you have an existing case**, copy your full name and the full name of the other party from the first document filed in your case with the court.

### **If this is the first document in your case:**

- provide your legal names from your birth certificate or through [a legal name change](#)
- a maiden name or married name can be used as a legal family name unless the name was [legally changed](#)
- use full names, including middle names
- if you or the other party go by another name, such as a name you prefer to be called by, provide it after the full name by including AKA (also known as)

Example: If your legal name is Robert Paul Smith but you are known as Bob Smith, your name should be given as Robert Paul Smith AKA Bob Smith

- provide your date of birth and the other party's if you know it, you can indicate unknown if you don't

Remember, a protection order may be made on application by you for your own protection and/or the protection of your children. You can also apply for a protection order on behalf of an at-risk adult.

- **If you are helping someone apply for a protection order and they are the ones who will be making the application themselves, their name will be given as the party.**

**If you are making this application on behalf of another person, use your name.**

The other party is the person the at-risk family member needs protection from. They must be a family member of the at-risk person. Go to the guidebook section [Understanding the law](#) for more detail about who is a family member.

## Part 2 | What are you asking for in this application

Form 12 is used to apply for a family law protection order in the Provincial Court.

It can also be used to apply for an order to change or cancel an existing Provincial Court protection order.

**There is no limit on protection order applications.** Another application can be made if an application was denied, the terms of an order need to be changed, or an order has expired and another one is needed.

**NOTE: If a Protection Order has already expired,** you must apply for a new protection order.

**If the Protection Order has not expired and you want it for longer,** you can apply to change the existing protection order.

Select the option based on the order you are asking for. **You will be required to complete additional information to support your application. This information is collected using the schedule included in the form.** Be sure to complete the schedule fully and carefully. It is the evidence to support your application.

## Part 3 | Notice of the application

**In most cases you need to give notice to the other party that you are applying for a court order.**

You are responsible for making sure the other party receives a copy of the Application About a Protection Order, but you do not need to give it to them yourself. The other party must receive a copy after it has been filed and at least 7 days before the scheduled court appearance. This means there must be at least 7 days between the date the document is served and the date and time of the court appearance.

Providing notice is a legal requirement. It is important for fairness and transparency. It gives the other party the opportunity to prepare and participate equally in the legal process.

An application about a protection order must be served by personal service on the other party. **Personal service** means an adult person who is at least 19, **other than you**, must hand-deliver the documents **directly to the person** being served. A party cannot personally serve a document on the other party.

**Under special circumstances where the matter is urgent, the court can allow an application to be made without notice to the other party or with less than 7 days' notice.**

If you believe the application should proceed **without notice to the other party**, you must select this option on the form and provide your reason(s). **Your application will be heard as soon as possible.** After hearing from you, the judge will decide whether you need to give notice to the other party. If you don't need to give notice, the judge will give

you a chance to present your case and they will make a decision on your protection order application.

A judge can make an order without the other party being given notice if they determine:

- it is unreasonable to give notice because of special circumstances, or
- providing notice in advance would probably have serious consequences.

If an immediate order is necessary to protect you or your child and notifying the other party might create a risk, the judge can make an order without having heard both sides.



**It is unusual for a judge to grant an order without having heard both sides. A protection order made without notice may only be temporary (short term) until both parties can attend court and be heard.**

A judge can also decide to change the amount of notice you give the other party. A judge may order that you can give the other party less than 7 days' notice if they believe your situation requires a court order sooner than 7 days. If notice to the other party is required, you'll be told the steps you need to take before your application is considered. If this happens, remember that notice must still be given to the other party before a judge will hear the application.

## Part 4 | About your court appearance

You don't fill out this part of the form.

The registry staff or judicial case manager will work with you to schedule a date for the court appearance and will fill in the actual date on the form. Be prepared to tell them the dates you are available.

If you file your application in person, the date will be selected at that time.

If you file online or by email, the court registry will need to contact you to set the date, so it's important the court registry have a telephone number and email address that you check regularly.

If you are asking for the application to be heard without notice, the application will usually be scheduled for the same day you are filing the application. Come prepared to wait for an available judge.

## Part 5 | Address for service

Each party must provide an address for service where they can receive notice or service of documents. You are also responsible for ensuring your address information is kept up-to-date.



**The other party and the court will have access to the address for service and contact information. You do NOT need to provide your home address.**

Rule 175 sets out the requirements for an address for service.

**Address:** The court requires an address where you can get mail but it doesn't need to be your physical or home address.

If you do not have a stable mailing address, or you're worried about your safety, you can give the address of your lawyer, a friend or family member, or somewhere that mail can be collected for you.

**Email Address:** The quickest way for the court and the other party to contact you is by email. If you give an email address, the court and the other party can send documents or communicate with you by email instead of using mail.

**If your address for service is outside of British Columbia, you must include an email address.**

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**TIP:** Remember, if you agree to use email to receive court documents, you will get copies of court documents much faster than by mail. Make sure to check your junk box if you are expecting something from the court. Sometimes email filters will prevent you from receiving an important document.

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**Telephone number:** It is also important for the court to have a telephone number where they can reach you. Make sure the telephone number is somewhere you can be reached during the day.

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**TIP: If your address for service changes,** you must file a [Notice of Address Change Form 46](#) and serve a copy on each other party as soon as possible.

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## Schedule 1 | Protection Order

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

### Part 1 | Affidavit

This schedule is an affidavit. It is written evidence to support your application. It must be sworn or affirmed with a commissioner for taking affidavits. For more information about swearing or affirming an affidavit, go to [4 | Swearing or affirming the Schedule 1 affidavit](#) in this document.

An affidavit must be in the first person (from the writer's point of view, using "I") and include the name, occupation and address of the person who is making the affidavit.

**Everything in your affidavit must be true to the best of your knowledge.**

**TIP: The address does not have to be the address where you live** but should be clear if that is the case.

You can use your address for service. If you do not live at the address for service, you can add 'care of' or 'c/o' to show it is not your personal address.

### Part 2 | Protected party/parties

This Part of the form collects information about **who needs protection**.

A protection order can protect:

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

There are 4 sections to Question 2. Select each applicable section and complete the requested information.

**Do you have a child that needs protection?**

**NOTE:** You can't apply for the protection of another person's child. If you are applying on behalf of an at-risk adult and their child also needs protection, they must apply for the child. If you believe the 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 or other child protection services in your area. They can help protect the child.

List each child that needs protection. Provide the details required by the table including:

- the child's legal name - usually their name from their birth certificate, unless they have had a legal name change
- the child's date of birth using the format requested of dd/mmm/yyyy, for example, 12 JAN 2011

- the child's relationship to each party, including yourself, using whatever wording best describes it, for example, indicate whether each party is a parent, guardian, step-parent, grandparent, etc. of the child
- who the child is currently living with

**Is there a grandparent, step-parent or other adult family member sharing the residence with the protected person?**

If so, do they also need protection? If they do, include their name and information on the form including their relationship to the protected person(s).

**NOTE:** A family law protection order cannot be used to protect a non-family member. If the protected person has a roommate, friend, student or other person living with them who also needs protection, they will need to apply for a peace bond.

**Are you making this application on behalf of an at-risk person?**

If so, provide their full name and date of birth. Include the reason why you are applying on their behalf.

### Part 3 | About the protection order

A protection order may include any of the terms set out in [section 183\(3\) of the Family Law Act](#), including terms about:

- communication or contact
- where the other person can or can't be
- weapons
- assistance from police
- reporting to court
- other conditions to protect safety and security or to implement the order

You have already identified **who** needs protection. This Part will help you and the court determine **what** that protection might look like and what other terms need to be included in the protection order.

#### No go

In addition to not making any contact with the protected party, there may also be places you don't want the other party to be allowed to go.

Select all the options you want in the protection order. If you don't want to restrict where the other person can go, you may leave this section blank.


**TIP:** You don't need to give specific names or addresses of these places now but it is a good idea to bring that information with you to court as the judge might ask for it.

### No contact except

Sometimes it's impossible to stop all communication with the other party if you have children together or you're still trying to sort out the details of your separation.

Select each option that applies. You may select more than one.

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 Consensual dispute resolution includes mediation, a collaborative family law process or facilitated negotiation of a child support or spousal support matter.

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### Firearms and weapons

A protection order can say that a person can't own or have a gun or weapon. It can also direct a police officer to seize a gun or weapon from the person.

These questions help the court better understand what concerns you might have about guns or weapons and what the person might own or have access to.

Answer the questions based on what you know to be true. If you think they might own or have access to a gun or other weapon, select yes and explain why. You don't need to use any special wording.

Weapons could include knives, martial arts weapons, sports equipment or tools. The Criminal Code defines a weapon to mean any thing used, designed to be used or intended to be used in causing death or injury to any person, or for the purposes of threatening or intimidating any person. Go to [section 2 of the Criminal Code](#) for the legal definition of weapon.

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**TIP:** Most people will have access to kitchen knives, sports equipment or tools. You don't need to answer yes if the other party has access to these but you don't believe they would use them as weapons.

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### Remove person or belongings from residence

There are times when a protected party may be living with the person they need protection from, or has just left a shared residence.

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

It's important for the court to understand:

- the relationship between the protected party and the other party, and
- the background that has brought you before the court to apply for a protection order.

The next set of questions will help the court understand a bit more about everyone involved and why you are asking 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.

### Relationship between the parties

A family law protection order helps to protect an at-risk family member from another family member.

Under the Family Law Act, a family member includes:

- the person's spouse or former spouse (married or common-law)
- a person with whom the person is living, or has lived, in a marriage-like relationship
- a parent or guardian of the person's child
- a person who lives with, and is related to, the person or a person listed above
- the person's child
- a child living with, or whose parent or guardian is, a person listed above

**The relationship between the parties describes the relationship between the protected party or the parent/guardian of the protected child (if the adult does not also need protection) and the other party.**

If the parties are/were spouses or living together in a marriage-like relationship, provide the dates requested about the relationship.

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**TIP:** If you don't know the exact date, select the year and month and the 1<sup>st</sup> of the month.

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If the parties were not spouses or living together in a marriage-like relationship, describe the relationship between the parties. You don't have to use any special wording.

**Don't forget to answer if you and the protected party are currently sharing a residence.**

### Children

It's important for the court to know about each child in the relationship so they may consider the impact of any family violence on the child's safety, security or well-being.

**If you have identified the child in Part 2 already** as a protected party (someone you want to have protected by the order), **or you do not have a child**, select the first option.

If the protected party or the other party have a child, but **you are not applying for the child to be protected** under the protection order, select the second option. Provide the details required by the table including:

- the child's legal name - usually their name from their birth certificate, unless they have had a legal name change
- the child's date of birth using the format requested of dd/mmm/yyyy, for example, 12 JAN 2011

- the child's relationship to each party, using whatever wording best describes it, for example, indicate whether each party is a parent, guardian, step-parent, grandparent, etc. of the child
- who the child is currently living with

### About the family

There is no requirement to share but sometimes there's information you may choose to share with the court to help them better understand the linguistic, religious, spiritual upbringing and heritage of your family.

### Court orders and agreements

It's important to know what orders or agreements were made in the past or if there are active court proceedings about similar issues. This ensures they do not conflict with any new court order, and to coordinate the proceedings where appropriate.

- **A court order** may be from the Provincial Court of BC or any other court, including the Supreme Court or another jurisdiction. An order can also be interim (temporary) or final.
- **A written agreement** includes a separation agreement or mediation agreement.

A court order, agreement or plan protecting one of the parties, or the child(ren), from another person usually requires the individual to have no contact, or limited contact, with the protected person or their children and/or family. It may be a criminal order or a child protection order, agreement or plan.



If you have an existing written agreement or court order, you must attach a copy to your application.

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**TIP:** If you don't have a copy, contact the court location where the order was made or, for a child protection matter, the social worker assigned to your case.

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### A person doesn't always do what the court has told them they must do.

A protection order can include terms requiring the family member to report to court or other terms the court considers necessary to implement the order. Understanding if the other party has a history with obeying a court order or other requirements on them is helpful.

### Reporting safety concerns

If you are a victim of or witness to family violence, you may have reported safety concerns or an incident to the police or RCMP, or to a social worker.

If you have reported your safety concerns or an incident **to the police**, describe what actions the police have taken (for example they may have started a police report, talked to you and the other people involved, made an arrest). Whatever action you know the police have taken, describe it here in your own words.

In situations where there is reason to believe a child (under 19 years of age) 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](#).

For more information or to receive help making a report about a child or youth who needs protection, please call the [Helpline for Children](#) at 1-800-663-9122 at any time of the day or night.

If you have reported your safety concerns or an incident to a social worker, describe what actions the social worker has taken (for example they may have assessed the case and/or intervened). Whatever action you know the social worker has taken, describe it here in your own words.

### History of family violence

Start with the most recent incident continuing backwards as far as you think it is important for the court to know. **Tell your story in your own words.**

Everything you say must be true to the best of your knowledge.

You can include information that you got from someone else, but you must include who told you, when they told you and that you believe what they said is true.

You don't need to use any special wording but it's important that you are clear and provide as much detail as possible, including:

- the date the incident occurred
- a description of the incident of family violence
- who was involved (including any witnesses or the police)
- the child(ren)'s involvement in the incident, if applicable
- any injuries or trauma from the incident
- any other detail about the incident you feel it is important for the court to know

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

### Risk of family violence

There are certain circumstances that may make a person or relationship more at-risk for family violence. The circumstances may contribute to family violence but might not be the cause of the family violence.

The judge decides to make a protection order based on the facts presented to the court as evidence and must also consider the risk factors set out in [section 184 of the Family Law Act](#), including:

- whether your partner has a history of intimate partner violence or family violence;
- whether the violence is increasing;
- whether you think your safety is at risk;
- whether any psychological, emotional, or verbal abuse shows a pattern of forcing you or other family member(s) to do things they want;
- your current relationship with your partner, including if you're separated;
- whether your partner has issues such as drug abuse, employment or financial problems, mental health problems, and access to weapons; and
- whether you or other family member(s) are pregnant or have other family issues, or if you rely on your partner for money.

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**TIP:** Mental health affects your mood, thinking and behaviour. Mental health problems can be temporary challenges or long-term medical conditions. There are many different mental health conditions including depression, anxiety disorders, bi-polar disorder and schizophrenia. A pre-existing mental health condition may impact how a person copes with family law problems. And for many people, the stress of family law problems can negatively impact their well-being and mental health, at least for a period of time.

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This Part allows you to provide any additional information to the court about the circumstances or your relationship that may make you more at-risk for family violence. You don't need to use any special wording.



**Remember that Schedule 1 is an affidavit. You must sign an affidavit in front of a commissioner for taking affidavits. Do not sign the document until they tell you to.**

## Schedule 2 | Change Existing Protection Order

Complete this schedule only if you are applying to change an existing protection order, including:

- adding a term or condition,
- removing a term or condition,
- changing a term or condition, or
- changing when the protection order will expire.

**i** 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 your application to change an existing protection order is granted, the court will cancel the existing protection order and make a new one using all the same terms or conditions that were in the previous order but with the changes made.

### Part 1 | Existing protection order

**Any party can apply to change an existing protection order.**

This Part collects some information about:

- the existing protection order,
- the role of the person applying to change the order, and
- information about whether you were in court when the order was made.

**The date the court order was made** should be referenced in the preamble on the order. For example, "Before the Honourable Judge Jones on May 1, 2024". The date on the court stamp doesn't always match the date the order was made.

If you are both the protected party or person who the protection order is against **and** the parent or guardian of a protected party, select both options that apply.

A protection order can be made without a party being present if:

- the person was served with notice of the application and didn't come to court, or
- the court decided the order could be made without notice to the party.

If you were not in court when the order was made, briefly explain why.

### Part 2 | About the protection order

You need to tell the court and the other party what changes to the protection order you want the court to make.

**List everything that you are asking for. You don't need to use any special wording.**

**TIP:** Think about the solution or outcome you'd like for the protection order. What do you need from the court to make that happen?

### Part 3 | The facts

List the facts you want the court to consider.

Include:

- why you are making this application, and
- why the court should make the order you are applying for

Talk to a lawyer if you need help figuring out what facts you need to present to the court to support your application.

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**TIP:** A judge can make decisions based only on the information presented by the parties as evidence. Evidence is presented in writing in an affidavit or as spoken evidence provided in court. The facts you set out in your application can help guide your evidence in court and a judge may ask you to swear or affirm that the facts set out in this application are true.

If you choose to, you can prepare an [Affidavit – General Form 45](#). If you do not wish to prepare an affidavit, be prepared to give evidence in court.

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## Schedule 3 | Terminate Existing Protection Order

Complete this schedule only if you are applying to terminate (cancel) an existing protection order.

**i** 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 expires after **one year**.

### Part 1 | Existing protection order

**Any party can apply to terminate an existing protection order.**

This Part collects some information about:

- the existing protection order,
- the role of the person applying to terminate the order, and
- information about whether you were in court when the order was made.

**The date the court order was made** should be referenced in the preamble on the order. For example, "Before the Honourable Judge Jones on May 1, 2024". The date on the court stamp doesn't always match the date the order was made.

If you are both the protected party or person who the protection order is against **and** the parent or guardian of a protected party, select both options that apply.

A protection order can be made without a party being present if:

- the person was served with notice of the application and didn't come to court, or
- the court decided the order could be made without notice to the party.

If you were not in court when the order was made, briefly explain why.

### Part 2 | The facts

List the facts you want the court to consider.

Include:

- why you are making this application, and
- why the court should make the order you are applying for

Talk to a lawyer if you need help figuring out what facts you need to present to the court to support your application.

**TIP:** A judge can make decisions based only on the information presented by the parties as evidence. Evidence is presented in writing in an affidavit or as spoken evidence provided in court. The facts you set out in your application can help guide your evidence in court and a judge may ask you to swear or affirm that the facts set out in this application are true.

If you choose to, you can prepare an [Affidavit – General Form 45](#). If you do not wish to prepare an affidavit, be prepared to give evidence in court.



### 3 | Swearing or affirming the Schedule 1 affidavit, if applicable

Schedule 1 is an affidavit that contains facts that you must swear under oath (usually on a Bible or other religious book) or affirm (non-religious promise) to be true with a commissioner for taking affidavits.



**You can't make any changes to the form once it has been sworn or affirmed, so make sure you've reviewed it before you do.**

#### How do I swear or affirm my affidavit?

To swear or affirm the affidavit, you must meet with a commissioner for taking affidavits. Lawyers, notary publics and many court registry staff are commissioners for taking affidavits.

It is free to have your affidavit sworn or affirmed with the court registry staff. You can go in person to any [Provincial Court Registry](#).

The commissioner will check your photo ID to make sure you are who you say you are, ask you if you understand the contents of your affidavit, then ask you to swear or affirm that the contents are true. The commissioner will then watch you sign the document before signing it themselves.



What if I can't meet with a commissioner for taking affidavits?

[Rule 172](#) allows you to file an unsworn affidavit if you can't meet with a lawyer, notary or someone at the courthouse to swear or affirm it before you file it. To file an unsworn affidavit, the person who made the document must sign it and must be available to swear or affirm that the contents of the affidavit are true at a future court appearance. The court usually will not consider it as evidence until this has been done.

**Remember to bring the form and all your exhibits with you.**



### 4 | Filing the application

You must file the application at the court registry where the case is located or at another registry with permission of the court. It can be filed:

- electronically online using the [Family Law Act Online Forms Service](#)
- in person at the court registry
- by mail
- by email, as referenced in Notice to the Profession and Public [NP 28 Current Court Operations](#), or
- by fax filing using the [Fax Filing Cover Page Form 52](#)

For courthouse locations, addresses, and contact information visit:

[www.gov.bc.ca/courthouse-locations](http://www.gov.bc.ca/courthouse-locations)

There are no fees for filing Provincial Court family documents.



You must file:

- ☐ the completed application form
  - ☐ including the applicable schedule
  - ☐ any exhibits you are attaching to schedule 1
- ☐ additional page(s) for the facts, if applicable
- ☐ a copy of any existing order, agreement or plan, if applicable

**TIP: If you are filing in person,** you must make extra copies of the application and any attachments for filing. One set for you, one set for the court, and one set for each other party. **Be sure to bring all copies of the documents to the registry.**

The registry clerk will review your form to make sure it's complete before filing it. **A document is filed once the court registry applies a court stamp to it.**

You'll be given a copy for your records along with a copy for the other party.



## 5 | Serving the application

It is important that each other party is aware of what step is being taken in the case. Service is the act of giving or leaving documents with the required person.

There are two types of service – personal service and ordinary service.

**You must serve each other party with a copy of the filed application and any supporting documents, unless you are proceeding without notice.**

The application must be served by **personal service**, unless you have a court order that allows you to serve the documents using an alternative method of service.

**Personal service** means an adult person who is at least 19, **other than you**, must **hand-deliver the documents directly to the person being served**. A party cannot personally serve a document on the other party.

They must be served with at least 7 days' notice of the date and time of the appearance unless the court has ordered something different. This means there must be at least 7 days between the date the application is served and the date and time of the court appearance.

**You must arrange to have the other party personally served with the documents. You can hire a professional process server or ask a friend, family member or other adult to serve it for you.**

Process servers are experienced in finding and serving people. To find a process server, search the internet for your area.

**?** What if I don't know where to find the other party or they are avoiding being served?

You can apply to the court for permission to serve the other party using an alternative method of service, including by:

- mail
- email, text message, or direct message
- leaving a copy at their place of residence
- leaving a copy with someone else
- any other method that may

To apply for an order to allow an alternative method of service, you must complete and file an [Application for Case Management Order Without Notice or Attendance Form 11](#). The application can be reviewed by a judge without notice to the other party and without a court appearance.

### Proof of service

The court may need proof you had the application served. The person serving the documents must complete a [Certificate of Service Form 7](#) so that you can prove service of the documents. You must attach a copy of the documents to the Certificate of Service. Remember to make a copy before the documents are served.



## 6 | Attending the court appearance

Your application will be scheduled for a court appearance. This appearance might be for a hearing, or a short appearance with the judge on a family list so they can assess the application and set a hearing date.

**If you're applying for your application without notice to the other party, your application will usually be scheduled for court on the same day you file your application. Be prepared to wait for an available judge.**

A judge can make decisions based only on the information presented by the parties as evidence. Your evidence includes your application, any additional affidavit, and spoken evidence presented in court.

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**TIP:** You'll need to be prepared for the hearing. If you are scheduled on a family list, the hearing may take place at the same time.

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A hearing is similar to a trial. It is usually shorter and less formal. A hearing on some matters can be really quick.

If the judge can make a decision quickly by hearing brief evidence or reading your application or any short affidavits that have been filed, they may be able to make their decision on the first day you attend court. If the matter is more complicated or requires more evidence, you will be referred to a judicial case manager to schedule a date for a hearing.

**TIP:** Check the **method of attendance** on the Application About a Protection Order so you know how you need to attend and can plan ahead.



What if I can't attend court using the method of attendance set out in the Application About Enforcement?

You can request the court's permission to attend court using a different method of attendance by filing an [Application for Case Management Order without Notice or Attendance Form 11](#). Be sure to file the form as soon as possible to give the court time to review your application and respond.

Going to court can be stressful. Here are some things you can do to help yourself get prepared:

- Visit the Provincial Court's resources at the link below to **learn more about going to court**, including protocols, what to expect in court, and tips for preparing: [www.provincialcourt.bc.ca/about-the-court/preparing-for-court](http://www.provincialcourt.bc.ca/about-the-court/preparing-for-court)
- **Organize your documents** before your court date and bring them with you.
- **Talk to a lawyer.** If you have a lawyer, they can help you prepare. If you can't afford to pay a lawyer for your whole family law case, you can still get help with parts of it from a lawyer, including coaching for your court appearance. Look for a lawyer that provides unbundled services. **If you don't have a lawyer, talk to Family Duty Counsel.** For information about Family Duty Counsel, go to [legalaaid.bc.ca/fdc](http://legalaaid.bc.ca/fdc).
- **Invite a trusted friend, family member, or advocate** to attend court with you to provide you with support. The Provincial Court has Support Person Guidelines. You can find more information about them at [www.provincialcourt.bc.ca/about-the-court/court-innovation/SupportPersonGuidelines](http://www.provincialcourt.bc.ca/about-the-court/court-innovation/SupportPersonGuidelines).
- **Make a safety plan** if you are attending the court appearance in person. If the other party is also attending, they will probably be close by. You can talk to a sheriff as part of your safety planning. The sheriff's office is available by phone. For contact information visit Courthouse Locations on the [BC Government website](http://BC Government website) at [www.gov.bc.ca](http://www.gov.bc.ca). Your safety plan should include going to and from the courthouse.

## 7 | After the court appearance

### When does the order take effect?

An order takes effect at the time it is made unless ordered otherwise. That means that the person identified in the protection order must follow the conditions of the order from the moment the judge makes the order in court.

### How long does a protection order last?

A protection order will expire on the date a judge orders it to end. If the judge doesn't order a specific end date, it expires **one year** after the date it is made.

**NOTE:** There is no limit on protection order applications. Another application can be made if an application was denied, the terms of an order need to be changed, or an order has expired and another one is needed.

**If your application is refused**, talk to a lawyer or duty counsel about reapplying for a family law protection order or about applying for a conduct order.

A **conduct order** is a type of case management order. The court can make a conduct order:

- to help manage behaviours that might frustrate the resolution of a family law dispute
- setting restrictions or conditions respecting communications between the parties, including when or how communications may be made
- to require someone to supervise the removal of personal belongings from a residence

Go to [Part 10, Division 5 \[orders respecting conduct\] of the Family Law Act](#) for more detail about orders respecting conduct that the court can make.

You can apply for a conduct order using the [Application for Case Management Order without Notice or Attendance Form 11](#).

### Who drafts the order and how do I get a copy?

Registry staff are usually responsible for drafting the protection order and getting it signed by the judge. A protection order is drafted and signed by the judge on the same day it is made.

The registry will then provide a copy to you, any other party who attended the court appearance, and the Protection Order Registry.

If you attended your court appearance in person, you'll usually be asked to wait to receive a copy of the protection order before you leave the courthouse. You can confirm with the court clerk or court registry staff.

**How does the other party get a copy of the order?**

It's important for the person identified in the protection order to know that there is a protection order in place and what they must do or not do.

If they were not in court when the order was made, the order must be personally served to them so they are aware of it. Registry staff will help to facilitate personal service of the protection order on the other party if they are in British Columbia. There is no fee for this service. If they are outside BC, you will need to arrange for them to be served.

The registry will provide a copy of the order to each party who was at court when the order was made.



## 8 | Completing and submitting the Request for Service of Family Protection Order, if applicable

If the other party was not in court when the order was made, the registry will facilitate personal service of the protection order on them, if they are in British Columbia.

**To facilitate service, you must provide the registry with information about where the person may be found.** To do this, you must complete a [Request for Service of Family Protection Order](#) form and give it to the registry.



## 9 | Enforcing a protection order

A police officer may take action to enforce a protection order whether or not there is proof that the order has been served on the person. If a protection order is not being followed, the police can enforce it under the Criminal Code. Call 911 for help.

The Protection Order Registry keeps a record of all protection orders. The court registry will send a copy of the protection order to the Protection Order Registry on the day it is made. Police officers can contact them to check if a protection order is in place and get a copy of the order.

Once the protection order has been served, a copy of the proof of service will be sent to the Protection Order Registry.

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**TIP:** It's a good idea to keep an electronic or paper copy of the order on you. If needed, you can show it to the police or other authorities.

You should also share a copy with places the other party is prohibited from going to, including a place of employment, schools or daycares. This ensures that these institutions are aware of the restrictions and can help enforce them, keeping you and your child safe. for yourself.

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