



BRITISH COLUMBIA

RESTRAINING ORDER

In the Provincial Court of British Columbia

Court File No.
Court Location

RESTRAINING ORDER

In the Case Between: NAME

And: NAME

BEFORE THE HONOURABLE JUDGE)
NAME)
) of MONTH day, the DATE day
) , YEAR

Persons Appearing: _____ Lawyer: _____

_____ Lawyer: _____

Interim Order Final Order By Consent Without notice to others

(If applicable) After a hearing at COURT LOCATION

the order dated _____ is changed as stated below;

THIS COURT ORDERS THAT NAME(S) OF PARTY(S) Date of Birth _____

is prohibited from entering any premises occupied by NAME OF PARTY

or other person

NAMES OF CHILDREN Birthdates of Children _____ NAMES OF CHILDREN Birthdates of Children _____

or making contact with or interfering with any of them, until further order of this court.

THIS COURT FURTHER ORDERS THAT NAME(S) OF PARTY(S)

pursuant to s.37(a) F.R.A. s.46(a) F.M.E.A., is prohibited from molesting, annoying, harassing or communicating with either NAME OF PARTY

or the child(ren) named above, or attempting to molest, annoy, harass or communicate with any of them

pursuant to s.38(1)(a) F.R.A., is prohibited from entering a premises where the child(ren) named above reside from time to time

pursuant to s.38(1)(b) F.R.A., is prohibited from making contact or endeavoring to make contact with or otherwise interfering with either the child(ren) named above or NAME OF PARTY

Further details of Restraining Order (if more space is required, attach a separate sheet):

(complete if applicable) Order to expire on DATE

Dated _____ Checked By _____
Initials

TAKE NOTICE THAT: _____ by the Court

1. (a) Any peace officer including any R.C.M.P. officer having jurisdiction in the Province of British Columbia who finds the party NAME(S) OF PARTY(S) breaching any of the terms of this restraining order may immediately arrest that party **without warrant** pursuant to s. 495(1)(b) of the *Criminal Code*, and may cause that person to be detained in custody, and to be taken before a justice to be dealt with according to law.

(b) Any peace officer including any R.C.M.P. officer having jurisdiction in the Province of British Columbia who on reasonable and probable grounds believes that the party NAME(S) OF PARTY(S) has, in the past, breached any of the terms of this restraining order may arrest that party **with a warrant** obtained pursuant to s. 26 of the *Offence Act*, and may cause that person to be detained in custody, and to be taken before a justice to be dealt with according to law.

RESTRAINING ORDER INFORMATION
for person(s) protected by the order

If the Court has made a restraining order to protect you, your children or you and your children, you should be aware of the following information:

- **Phone the police right away if the restrained person violates the restraining order: You could be in danger.** Find the police emergency telephone number now and write it down where you can find it when you need it.
- A person who disobeys a restraining order can be arrested and taken before a justice for violating the order. This can be done right away if police observe the breach; otherwise if you allege a breach there will be a delay while charges are laid and the police obtain a warrant.
- **Be prepared to answer police questions,** as well as you can. A written statement may be required.
- **Call the Victim Information Line at 1-800-563-0808 to learn about services available to support you.**
- **Police in British Columbia have access to your restraining order on the Protection Order Registry's computer,** 24 hours a day, 7 days a week. You do not have to ask that your order be registered in the Protection Order Registry. Court staff do this without request, in most cases on the same day that the order is signed by the judge. If you want to check that your order is on the Protection Order Registry, you may telephone **1-800-563-0808**.
- **It is important that the Protection Order Registry has your current address and telephone number, and the restrained person's address, phone number and date of birth:**
 - to contact you if the restrained person is ever released from a provincial correctional institution after being sentenced to custody; and
 - so that the police can positively identify the restrained person if they are called upon to enforce the restraining order.

You may give this information by filling out a Contact Information form at the court registry. **If any of your personal information changes, please call the Victim Information Line at 1-800-563-0808.**
- **Keep a copy of the restraining order with you at all times.** Give a copy of the restraining order to staff at your child's school if the restrained person has been ordered to stay away from the child or the school. Give a copy to anyone else you think should know about the order. If the terms of the restraining order are changed, make sure you give them a copy of the new order.
- **Changing a restraining order needs a court order, not just a verbal agreement.** If you want to change anything on the order, ask your lawyer about applying to the court to change the terms of the order.
- If either you or the restrained person applies to the court to change the order, the court will give both of you an opportunity to say whether or not the terms should be changed.
- The order is in effect until a judge changes it, or until it expires if an expiry date was included. The restrained person can be arrested and taken before a justice for disobeying the order. As indicated above, there may be a delay in making the arrest unless police observe the breach.
- **The restraining order may not be enforceable in another province.** If you move to another province, see a lawyer or a court registry right away, and show them a copy of the order you obtained in British Columbia. The lawyer or court registry staff there can tell you the status of your order in that province, whether there is anything you must do to have your order made enforceable there, or whether you have to get a new restraining order there.

RESTRAINING ORDER INFORMATION
for person against whom the order was made

If the Court has made a restraining order protecting your children or the other party and your children, you should be aware of the following:

- **The restraining order is effective immediately.**
- If a police officer believes that you have disobeyed the restraining order, **you can be arrested immediately** and taken before a justice to be dealt with according to law.
- **This restraining order is entered on the Protection Order Registry's computer.** Police everywhere in British Columbia can access it, 24 hours a day, 7 days a week. They use the Registry to enforce the order if you do not comply with any of its conditions.
- **Changing a restraining order requires a court order, not just a verbal agreement.** If conditions change and you want to change the terms of the order (for example, to allow you to enter your children's home to pick them up or to participate in family events, contrary to the conditions of the order), you may ask your lawyer about applying to the court to change the terms of the order.
- At the hearing of the application to change the conditions of the order, the judge will give both parties an opportunity to give their opinions whether or not the terms should be changed. **Unless a judge changes the order, it continues to be in effect. Police can arrest you and take you before a justice if you disobey the order.**



AFFIDAVIT OF SERVICE / ATTEMPTED SERVICE (FORM 16)

If service is successful
check this box and complete this section.

If service is unsuccessful
Check this box and complete this section.

Tell how service was attempted, include the date and location of each attempt, and what happened each time.

If you must make a correction, or cross anything out, please initial.

This section must be sworn before a Commissioner for Taking Affidavits.

I swear that I _____ name
occupation _____ of _____ address

served _____ name of person served
on _____ date
at _____ address

with a copy of the restraining order on the back of this page by leaving the copy with him or her personally.

attempted, without success, to serve _____ name of person
with a copy of the Restraining Order on the back of this page
by _____ other information

- I believe the person named above is evading service.
- I have no other information about the above person's location.

Sworn before me

on _____
at _____ British Columbia

A Commissioner for Taking Affidavits for British Columbia

Signature

Notice: The Restraining Order must be served only if the judge directs that this shall be done.