

Applying for a Protection Order in Provincial Court During Covid-19

A family law protection order (commonly referred to as a “protection order”) is a protection order made by a judge under the [Family Law Act](#). It can protect you from a family member, including your partner or former partner, your child’s parent or guardian or other relatives. If granted, a protection order will include conditions for any contact. You can apply for a family law protection order in either Provincial or Supreme Court. At this time, the application can be done without attending a courthouse in person.

During COVID-19, courthouse services have been greatly reduced while gender based-violence has increased. **Urgent matters** like requests to obtain or

set aside protection orders continue to be heard in both Provincial and Supreme Court. This brief guide will help to explain the current process in applying for a protection order in Provincial Court. For information on applying to the Supreme Court, see [Supreme Court Family Proceedings](#).

Three steps in applying for a Protection Order (during Covid-19) at Provincial Court

1. Get Support & Be Safe

- You may want to speak to a victim service worker regarding a safety plan for yourself and any children.

[VictimLinkBC](#) can connect you to services in your area.

If you or your children are in immediate danger, call 911. For information about violence, abuse, risk factors, and safety planning, visit the [Ending Violence Association of BC website](#).

- If you have trouble at any point in the application process, contact a lawyer by telephone. [The Legal Aid website](#) provides legal aid lawyers and information.
- ### **2. Get the Application & Complete**
- Go to Court Services Online at the British Columbia Government website.

- Go to Court Forms, click on the link to apply: [Request for Urgent Hearing form](#).

Fill in the [Urgent Application Form](#)

- Name: You are the applicant. The person you are seeking protection from is the respondent.
- Contact information: a telephone number and/or an email address
- You can use an additional piece of paper to provide the reasons you need protection from the respondent so you don't have to fit it in the small space available on the application itself.
- **Complete the Reason for Urgent Request** box on application form.
- BC law says that a court may make a protection order

if the court determines that family violence is likely to occur (section 183(2)).

- "Family violence" doesn't just refer to physical violence. It includes emotional or psychological abuse and sexual abuse.
- **URGENT** means requiring immediate action. A judge will assess each application on a case-by-case basis but generally, requests for protection orders are considered "urgent matters". These are some factors a judge considers when deciding if an application is urgent:
- Does this situation affect the health, safety or economic well-being of one of the parties or their children?
- Do the application details support what the applicant

is asking for? Include facts or evidence that supports the need for protection (e.g., police file, pictures, other types of evidence)?

- Is this a situation that can't wait for a later date to resolve: Is there an imminent or recent threat of family violence against a family member, adult or child?

3. Submit the Application

Email your completed application to your local court registry. Check [Court Registries](#) to see which registry you will send your application to.

- If you can't fill out the application, you can call the registry or send the court registry an email saying you need an urgent hearing and explaining why.

URGENT HEARINGS

You might have an initial hearing (by teleconference) if the judge has questions to ask you about the urgency of the application. The judge may make a decision about urgency by your application alone. The Court will notify you of the judge's decision on the urgency of your matter.

If the judge agrees that the matter is urgent, the Court

will set a date for a telephone hearing on your application for a protection order itself. At this point, you answer any questions or provide any further or updated evidence to the judge about your situation to explain why a protection order is necessary.

There are supports for you during this whole process. [VictimLinkBC](#) has services

available in more than 150 languages.

Phone: 1-800-563-0808 (available 24/7 with no charge for long distance).

You can find a useful link on the issue of court orders found at [COVID -19 Legal Questions](#) on the BC Government Family Justice website.