

Peace Bonds, Restraining Orders, and No-Contact Orders

Who this is for

This fact sheet is for women who are afraid for their own safety or the safety of their children because of a husband or partner who has beaten or threatened them, or threatened to destroy things they own.

What you can do

- If you and/or your children are being hit or abused by your husband or partner, you have the right to protection. You can apply to the courts for a **restraining order** or a **peace bond** or a **no-contact order** to keep your partner away from you and your children.
- To get one of these court orders, you do not need to prove that your husband or partner has assaulted you or the children. You only have to show that you have a reasonable fear that he will harm you or your children or your property.
- **There are limits to what a court order can do. You need to have a personal safety plan as well.** Talk about this with transition house staff or a victim support worker.

What is a restraining order?

- A restraining order is a piece of paper prepared by a judge. It can say that your husband or partner has to stay away from where you and your children live, and where you work and the children go to school. The judge can also order him not to contact you by phone or by mail, or through other people.
- A restraining order is not a criminal charge. However, if your partner disobeys a restraining order, the police can arrest and charge him.
- Usually you get a restraining order when you are settling other legal questions with your partner, like custody or financial support. To

get a restraining order, you often have to be married to the man, or have lived with him for two years, or have children who are somehow related to him.

- You need a family law lawyer to get a restraining order (see “Who can help” on the next page). Be sure to tell the lawyer everything you want in the restraining order.

What is a peace bond?

- A peace bond is a court order saying that your husband or partner or ex-partner has to behave well and “keep the peace” for up to 12 months. Usually it says that he cannot have any “direct or indirect” contact with you, and it can apply to your children also. This means he must stay away from where you live and work and must not contact you by phone or mail, or get anyone else to contact you for him.
- A peace bond is not a criminal charge. However, if your partner disobeys what the peace bond says, the police can arrest him and charge him with a criminal offence.
- You can apply for a peace bond even if you are not married to or living with your partner.
- A lawyer can’t help you get a peace bond, but it is a good idea to get help from a victim support worker, a transition house worker, a Native Courtworker, or a Family Justice Counsellor. You can tell the police you want to apply for a peace bond, or you can go to provincial court to ask for one. You will have to make a written statement about what has happened and why you are afraid, and appear as a witness in court before a Justice of the Peace. Your husband or partner will be in court as well.
- If your situation is urgent, the police may arrest your partner while you are applying for a peace bond.

What is a no-contact order?

- If your husband or partner has been arrested for hitting or threatening you, a judge can make a no-contact order as a condition of his release. This is a temporary order that says your husband or partner will have to stay away from you, or from you and your children until he has a hearing or trial.
- Tell the police when they arrest your partner if you want a no-contact order, or get help from someone listed under “Who can help.” Be clear about whether you want the order to include the children.
- If your partner breaks a no-contact order, the police can arrest him again.

How to make a court order work

- Make a personal safety plan. Do not rely only on a court order.
- Get a certified copy of the court order and keep it with you at all times.
- Make sure you understand what the court order says.
- Call the police immediately (and your lawyer, if you have one) if your husband or partner disobeys anything in the court order. Tell the police you have a court order and show it to them. (There is a Central Registry where the police can call to check about court orders.) If you don't report it when your partner breaks the order, you may have trouble getting the police to arrest him for breaking the court order in the future.
- If you are on reserve, these court orders still apply. If your husband or partner breaks the order, call the police or RCMP right away.
- Tell your lawyer or Crown counsel if your situation changes and you don't think you need the court order anymore. You have to go to court to change a court order — you cannot do it on your own.

Who can help

- For help getting a peace bond or no-contact order, talk to a victim support worker, Native Courtworker, transition house worker, or Family Justice Counsellor. Call **VictimLINK** at 1-800-563-0808. They can refer you to services near you.
- If you are Aboriginal, you may also get help from a Native friendship centre, your band's social development office, or your nation's child and family services.
- To get a restraining order, you need a family law lawyer. If you cannot pay a lawyer, call **legal aid**. They provide legal information and can pay for a lawyer in some cases. Be sure to tell them if your situation is urgent, and tell them if you need an interpreter. VictimLINK at 1-800-563-0808 can give you the number of the nearest legal aid office.
- If you can pay a lawyer, ask at the local women's centre, transition house, or safe house program for the name of a family law lawyer in your area. If you are Aboriginal, you can also check with the local friendship centre or Native Courtworker.
- The **Lawyer Referral Service** can also give you the name of a family law lawyer. You can have a half-hour appointment with the lawyer for \$25. In Vancouver, call (604) 687-3221; in the rest of BC, call 1-800-663-1919.

This fact sheet explains the law in general. It is not intended to give you legal advice on your particular problem.

Produced by the Legal Services Society, BC. Also available in Chinese, Farsi, Punjabi, and Spanish.

Other fact sheets in this series (available in Chinese, English, Farsi, Punjabi, and Spanish):

1. If You Are an Immigrant Sponsored by Your Husband
2. Taking Legal Action
3. Custody and Access
5. Can You Stay in the Family Home on Reserve? (English only)