

Protection Orders: What they are and how they are registered¹

ADULT & YOUTH CRIMINAL COURT

SUPREME CIVIL COURT

PROVINCIAL FAMILY COURT

What is a protection order?

A “protection order” is an order containing a condition that affords safety and security to a specified (named) person or persons. To satisfy the definition, the order must contain a no contact, limited contact, or other protective condition, such as a term to prevent attendance at a residence, school or place of employment.

An order whose only condition is to “keep the peace and be of good behaviour” is not a protection order. Inclusion of a condition that protects non-personal objects such as property or assets, or that protects the community in general does not make an order a protection order. (BC Protection Order Registry)

A variety of protection orders can be used in violence against women in relationship cases. Not all of them are criminal orders. Some will be made in the context of family law or child welfare proceedings. Different procedures will then apply.

What is the Protection Order Registry (POR)?

The POR is a databank of criminal and civil protection orders issued in BC. The POR enables police to access information regarding registered orders through a dedicated 1-800 number. The POR provides police with up to date information about the existence of any orders and the protective conditions which apply. This helps to assess risk and enforce any reported breaches. The POR is also checked in responding to applications for firearms permits and when registering firearms.

Protected parties (victims) can also access POR information by calling the 1-800 victim information line. They can confirm that their orders are registered, receive instructions on how to register orders that are not currently on the POR, and obtain directions on how to file contact information.

Every day there are about 300 protection orders registered with the POR in BC. Most of these are meant to protect women escaping violence.

Violence against women and children is widespread and affects people from all walks of life. Factors which may increase vulnerability to violence in intimate relationships include: age, disability, poverty and isolation. Both criminal and civil protection orders can help prevent further violence provided they are strictly enforced.

¹ This document is an adaptation of the appendix to the *Protection Orders: An Aid to Enforcement* paper developed by the Community Coordination for Women's Safety (CCWS) program in collaboration with the Ministry of Public Safety and Solicitor General.

DEFINITION AND REGISTRATION OF A PROTECTION ORDER

Adult & Youth Criminal Court Examples:	Supreme Civil Court Examples:	Provincial Family Court Examples:
<p>The following orders may be made in both Adult and Youth Criminal Courts. Where the order includes a condition that affords safety and security to a specified (named) person or persons it is considered a protection order.</p> <p>Sentencing or Dispositions:</p> <ul style="list-style-type: none"> • Probation orders • Conditional sentence orders • Youth disposition orders (probation or conditional supervision) • Recognizances to keep the peace (“peace bonds”, including both peace bonds made under Criminal Code section 810, 810.1, and 810.2, and “common law” peace bonds) • Disposition orders under Mental disorder sections of the Criminal Code [672.54(b)]. <p>Bail or Release Orders:</p> <ul style="list-style-type: none"> • Judicial interim release orders – OR or UTA • Youth undertaking by a responsible person; • Psychiatric assessment orders (not in custody) under section 672.13 CCC • Police release orders • Promise to appear (PTA) or officer in charge (OIC) recognizance with an undertaking given to a peace officer or officer in charge. <p>Note: For those criminal orders not made by the court, registry procedures will apply once the document is received from the police, with the exception of reconciliation against the court list.</p>	<p>The following Supreme Court orders are considered protection orders:</p> <ul style="list-style-type: none"> • A restraining order made in a family or civil proceeding under FRA ss. 37, 38, 124, 126; FMEA s. 46; CFCSA s. 98, or an order which changes or ends such a restraining order² • A protective intervention order made under CFCSA s. 28, or an order which changes or cancels a protective intervention order; • A restraining order containing a no contact, limited contact, or other protective condition, regardless of whether or not the order is made pursuant to any legislation • An order containing a condition that a child is not to be removed from a specified geographic location (for example, from British Columbia, or from a particular city). 	<p>The following provincial court orders are considered protection orders:</p> <ul style="list-style-type: none"> • A restraining order made in a family or civil proceeding under FRA ss. 37, 38, 124,126; FMEA s.46, CFCSA s.98; or an order which changes or ends such a restraining order • A protective intervention order made under CFCSA, s.28 or an order which changes or cancels a protective intervention order • A restraining order containing a no contact, limited contact, or other protective condition, regardless of whether or not the order is made pursuant to any legislation • An order containing a condition that a child is not to be removed from a specified geographic location (for example, from British Columbia, or from a particular city) • A supervision order made under CFCSA s. 29.1 that includes a ‘no contact’ clause.

² Family Relations Act (FRA); Family Maintenance Enforcement Act (FMEA); Child, Family and Community Service Act (CFCSA).

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How does a protection order get entered onto the POR?

Criminal Protection Orders (peace bonds, judicial interim release orders, psychiatric assessment orders, disposition orders, probation orders, conditional sentence orders, youth disposition orders and officer in charge releases) which meet the criteria described in the definition of protection order, will be electronically transmitted to the POR by the court registry on the day the order is made. The court registry will also provide these orders to police for entry onto their databases. Orders not made by the court, including PTAs and OICs, will be transferred to the POR by the court registry once they receive the document from police.

Non- Criminal Protection Orders (FRA, FMEA, & CFCSA restraining orders; CFCSA protective intervention orders and supervision orders; and non-legislative restraining orders) which meet the criteria described in the definition of protection order, will be electronically transmitted to the POR by the court registry once the terms of the order are filed with the court by the lawyer for the party obtaining the order. The court registry will also provide these orders to police for entry onto their databases.