

APPLICATION FOR A PROTECTION ORDER (On Behalf Of)

In the matter of *The Domestic Violence and Stalking Act*

BETWEEN:

_____, Applicant (*you*), applying on behalf of:

First name Middle name(s) Last name

_____, Subject Date of birth: _____
 dd/mm/yyyy (optional)

-and-

_____, Respondent Date of birth: _____
 dd/mm/yyyy (if known)

Check each box that applies and include details in the space provided

I am 18 years of age or older and I am applying for a protection order against the respondent under *The Domestic Violence and Stalking Act* on behalf of:

- a minor, or
- a mentally incompetent person, and I am the person's committee appointed under *The Mental Health Act* or the person's substitute decision maker appointed under *The Vulnerable Persons Living with a Mental Disability Act*, and I have authority to make this application. (You may be required to produce documents or other evidence to support this statement.)

AND/OR

- I am a lawyer, a peace officer or a person designated by the minister for this purpose, and the subject has consented to me making this application on her/his behalf:
 - in person
 - by telecommunication

I am also applying for a protection order against the respondent for the following child(ren) under the age of 18 years:
 (Complete only if applicable)

Child's full name (You must include first, middle and last names for each child)	Child's age

The attached **Appendix 'A'** sets out evidence I will be relying on at the hearing of my application.
 (Checking this box means that you will fill out the attached pages and that the completed pages will be part of your application)

I will be relying on other evidence at the hearing of my application:

Other evidence (Include the name of any witness or a description of any document or other evidence you will bring to the hearing)

I received help completing this application from:

Name of person (or POD code if applicable)	Address	Telephone number

My lawyer will be attending the hearing with me for the purpose of this application.

Name of lawyer	Address	Telephone number

I understand that any information supplied in support of this application could be used to form the basis of an investigation or as evidence in this or any other proceeding, and that I could be required to pay any costs awarded against me or the subject.

 Date of application (dd/mm/yyyy)

 Signature of person making application

You must provide an address on the confidential information sheet at which legal documents can be served on you. You should be aware that the respondent is entitled to a copy of this application and any evidence used in support of this application.

APPENDIX 'A'

EVIDENCE IN SUPPORT OF AN APPLICATION FOR A PROTECTION ORDER (ON BEHALF OF) (PAGE 1 of 4)

I, _____, make these statements and believe them to be true as evidence in support of my application for a protection order on behalf of the subject _____ against the respondent: _____.

I have personal knowledge of the following information, except where I say that what is stated is based on information from another person, in which case, I believe that information to be true.

(Be as specific and detailed as possible when completing this document. You may wish to refer to "Legal Options for Protection from Domestic Violence and Stalking - Protection Orders" for definitions and examples. If you need more room, use the space provided at number 27 or attach additional blank paper.)

- 1. The respondent and the subject are or have been:
- Living together as married or common-law partners
- In a dating relationship with each other
- Parents of one or more child(ren) together by blood or adoption
- Family by blood, marriage or adoption, specifically:
 - Parent/child
 - Siblings
 - Other:
- None of the above - the respondent and the subject are not and have not ever been in a relationship with each other

2. There has been domestic violence or stalking against the subject by the respondent Yes No
(If there has been more than one incident, describe in detail the most recent incident in this boxed area and describe earlier incidents in the space provided at number 3 below)

Date of incident: _____
(Include the day, month, year and time of the incident or be as accurate and specific as possible)

Location of incident: _____
(Include the city, town or other area and the province where the incident occurred)

Description of incident: _____
(Describe the domestic violence or stalking in as much detail as possible)

The respondent used or threatened to use a weapon during the incident described above Yes No
(If yes, describe what was used or threatened to be used as a weapon)

The police were called during or after the incident described above Yes No
(If yes, include the name of the person who called the police and whether anyone was arrested. If possible, also include the charge(s), name of the police agency and police report number. If police were not called and you would like to explain why, use this space to do so.)

The subject was injured during the incident described above Yes No
(If yes, describe in detail any physical or psychological injury resulting from the incident and describe any treatment received)

3. There have been other incidents of domestic violence or stalking against the subject by the respondent Yes No
(If yes, describe earlier incidents of domestic violence or stalking in detail and include when, where, if weapons were involved, whether police were involved and whether any injuries resulted for each incident)

(If you need more room, use the space provided at number 27 or attach additional blank paper)

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EVIDENCE IN SUPPORT OF AN APPLICATION FOR A PROTECTION ORDER (ON BEHALF OF) (PAGE 2 of 4)

- 4. The domestic violence or stalking against the subject is repetitive or escalating Yes No
(If yes, explain how the domestic violence or stalking is repetitive or escalating)

- 5. The domestic violence or stalking is evidence of a pattern of coercive or controlling behaviour against the subject
 Yes No
(If yes, describe the behaviour, including any name calling or put-downs; being isolated from friends and family; denial of food, clothing or money; physical or sexual abuse; feeling scared, threatened or intimidated; or any other behaviour)

- 6. There are other previous incidents of violence committed by the respondent, including incidents of violence against animals Yes No
(If yes, describe previous incidents of violence and include when, where, if weapons were involved, whether police were involved and whether any injuries resulted for each incident)

- 7. I have concerns about the mental health of the respondent Yes No
(If yes, explain the reasons for your concerns)

- 8. The current status of the subject's relationship with the respondent may increase the risk of domestic violence or stalking
 Yes No
(If yes, describe the current status of the relationship, including any recent separation or intention to separate and explain why this increases the risk)

- 9. There are other circumstances of the respondent that may increase the risk of domestic violence or stalking to the subject
 Yes No
(If yes, describe the circumstances, such as: substance abuse, employment or financial difficulties, access to firearms or weapons, or any other circumstances)

- 10. There are other circumstances that may increase the risk of domestic violence or stalking to the subject Yes No
(If yes, describe the circumstances, such as: pregnancy, age, family circumstances, health or economic dependence, or any other circumstances)

- 11. The subject is being stalked by the respondent and has reason to fear for his/her safety Yes No
(If yes, explain why the respondent's actions are making the subject afraid for his/her personal safety, or why the subject should be deemed to fear)

- 12. The respondent possesses a firearm Yes No
(If yes, include a description of firearm(s) and ammunition the respondent owns, possesses or has access to, and where the item(s) may be located)

- 13. The respondent possesses a weapon Yes No
(If yes, include a description of the weapon(s) the respondent owns, possesses or has access to, and where the item(s) may be located)

- 14. The subject believes that the respondent will continue or resume domestic violence or stalking against him/her
 Yes No
(If yes, include reasons for belief)

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EVIDENCE IN SUPPORT OF AN APPLICATION FOR A PROTECTION ORDER (ON BEHALF OF) (PAGE 3 of 4)

15. I am making this application to include child(ren) under the age of 18 years Yes No
 (If yes, complete the boxed area below; if no, skip numbers 16 through 22 and go to number 23)

Child's full name			Child's date of birth dd/mm/yyyy	Subject's relationship to the child	Respondent's relationship to the child	Child currently resides with	I consent to acting on behalf of the child
First	Middle	Last					
							<input type="checkbox"/> Yes <input type="checkbox"/> No
							<input type="checkbox"/> Yes <input type="checkbox"/> No
							<input type="checkbox"/> Yes <input type="checkbox"/> No
							<input type="checkbox"/> Yes <input type="checkbox"/> No
							<input type="checkbox"/> Yes <input type="checkbox"/> No

16. Are there any ongoing court or other legal proceedings, court orders or written agreements between the subject and the respondent concerning custody, access, parenting arrangements, contact with a child, or child support? Yes No
 (If yes, include the details of the court or other legal proceedings and any orders granted, such as: recognizance, undertaking, probation order, conditional sentence order, peace bond, separation agreement, divorce order, an order under The Family Maintenance Act, or any other order or agreement. Attach a copy of any order, if available)

17. There has been domestic violence or stalking by the respondent against the child(ren) that I am making this application to include Yes No
 (If yes, describe the incident of domestic violence or stalking in detail and include the name of the child(ren), the date, the location, if weapons were involved, whether police were involved and whether any injuries resulted; if there has been more than one incident, describe the most recent occurrence first)

18. The child(ren) that I am making this application to include have witnessed domestic violence or stalking against the subject by the respondent Yes No
 (If yes, name the child(ren) and identify the incident(s) of domestic violence or stalking against the subject that the child(ren) witnessed)

19. There are other circumstances that increase the risk of domestic violence or stalking to the child(ren) that I am making this application to include Yes No
 (If yes, describe the circumstances, such as: pregnancy, age, family circumstances, health or economic dependence, or any other circumstances)

20. The subject believes that the respondent will continue or resume domestic violence or stalking, and an order for the protection of the child(ren) should be made without delay Yes No
 (If yes, include reasons for belief)

21. I am making this application in the best interests of the child(ren) and I have no interest that is in conflict with the interests of the child(ren) Yes No

22. I understand that I could be required to pay personally any costs awarded against me or the subject in any future court proceeding as a result of my making this application on the child(ren)'s behalf Yes No

