

APPLICATION FOR A PROTECTION ORDER

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

When you are applying, you are the applicant.

The respondent in this application is the person whom you are applying for the protection order against.

BETWEEN:

_____ , Subject Date of birth: _____
First name Middle name(s) Last name dd/mm/yyyy (optional)

-and-

_____ , Respondent Date of birth: _____
First name Middle name(s) Last name dd/mm/yyyy (if known)

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* for myself.

- Check each box that applies and include details in the space provided:**
- 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 <i>(You must include first, middle and last names for each child)</i>	Child's age

- I received help completing this application from:

Name of person <i>(or POD code if applicable)</i>	Address	Telephone number

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

Other evidence

- 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.

Date of application (dd/mm/yyyy)

Signature of person making application

<p>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.</p>
--

APPENDIX 'A'
EVIDENCE IN SUPPORT OF AN APPLICATION FOR A PROTECTION ORDER (PAGE 1 of 7)

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

(Your full name) (Full name of person you are asking for an order against)

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 26 or attach additional blank paper.)

1. The respondent and I 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 I are not and have not ever been in a relationship with each other

2.	There has been domestic violence or stalking by the respondent.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<small>(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)</small>		
	Date of incident: _____ <small>(Include the day, month, year and time of the incident or be as accurate and specific as possible)</small>		
	Location of incident: _____ <small>(Include the city, town or other area and the province where the incident occurred)</small>		
	Description of incident: _____ <small>(Describe the domestic violence or stalking in as much detail as possible)</small>		

	The respondent used or threatened to use a weapon during the incident described above. <input type="checkbox"/> Yes <input type="checkbox"/> No		
	<small>(If yes, describe what was used or threatened to be used as a weapon)</small>		

APPENDIX 'A'
EVIDENCE IN SUPPORT OF AN APPLICATION FOR A PROTECTION ORDER (PAGE 2 of 7)

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.)

I 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 you received)

3. There have been other incidents of domestic violence or stalking against me 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 26 or attach additional blank paper)

4. The domestic violence or stalking against me 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 me.
(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) Yes No

APPENDIX 'A'
EVIDENCE IN SUPPORT OF AN APPLICATION FOR A PROTECTION ORDER (PAGE 3 of 7)

6. There are other previous incidents of property damage or violence committed by the respondent, including incidents of violence against animals and/or other people. 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. Do you believe there are mental health concerns for the respondent? Yes No
(If yes, explain the reasons for your concerns)

8. The current status of my relationship with the respondent increases the risk of domestic violence or stalking to me. Yes No
(If yes, describe the current status of your relationship, including any recent separation or intention to separate and explain why this increases the risk)

9. There are other circumstances of the respondent or myself that may increase the risk of domestic violence or stalking to me. Yes No
(If yes, describe the circumstances of the respondent, such as: substance abuse, employment or financial difficulties, or access to firearms or weapons; describe your circumstances, such as: pregnancy, age, family circumstances, health or economic circumstances, or any other circumstances)

10. I am being stalked by the respondent and I fear for my own safety. Yes No
(If yes, explain why the respondent's actions are making you afraid for your personal safety)

APPENDIX 'A'
EVIDENCE IN SUPPORT OF AN APPLICATION FOR A PROTECTION ORDER (PAGE 4 of 7)

11. Does the respondent have access to or possess a firearm(s) and/or weapon(s)? 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. Include a description of the weapon(s) the respondent owns, possesses or has access to, and where the item(s) may be located)

12. I believe that the respondent will continue or resume domestic violence or stalking against me. Yes No
(If yes, explain why the respondent's actions are making you afraid for your personal safety)

13. 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 14 through 20 and go to number 21)

Child's full name			Child's date of birth dd/mm/yyyy	My 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

14. Are there any court orders or written agreements between you and the respondent concerning parenting arrangements, custody, contact with a child, access or guardianship? Yes No
(If yes, include the details of the court or other legal proceedings and any orders granted or written agreements, such as: a divorce order, an order under The Family Maintenance Act or The Family Law Act, separation agreement or any other order or agreement. Attach a copy of any order or agreement, if available)

APPENDIX 'A'
EVIDENCE IN SUPPORT OF AN APPLICATION FOR A PROTECTION ORDER (PAGE 5 of 7)

15. 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)

16. The child(ren) that I am making this application to include have witnessed domestic violence or stalking against me by the respondent. Yes No

(If yes, name the child(ren) and identify the incident(s) of domestic violence or stalking against you that the child(ren) witnessed)

17. 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)

18. I believe that the respondent will continue or resume domestic violence or stalking and I need an order for the protection of the child(ren). Yes No

(If yes, include reasons for belief)

19. 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

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

APPENDIX 'A'
EVIDENCE IN SUPPORT OF AN APPLICATION FOR A PROTECTION ORDER (PAGE 6 of 7)

21. There has been previous or ongoing court or other legal proceedings involving the respondent and me. Yes No
(If yes, include the details of the court or other legal proceedings and any orders granted or written agreements, such as: release order, recognizance, undertaking, probation order, conditional sentence order, peace bond, a divorce order, an order under The Family Maintenance Act or The Family Law Act, separation agreement or any other order or agreement. Attach a copy of any order or agreement, if available)

22. I, or a person on my behalf, made a previous application for a protection order or a prevention order against the Respondent. Yes No
(If yes, include the details of the application, including the date of application and if the order was granted. Also indicate if the order was set aside, varied or revoked. Attach a copy of the order, if available)

23. I have a protection order against the respondent that has expired or will expire within 3 months. Yes No
*(If yes, explain why you believe you still need a protection order and **attach a copy of the protection order to this application**)*

24. I have an order respecting conduct against the respondent under *The Family Law Act* which prohibits or restricts communication between us, and prohibits or restricts the respondent's attendance at or near a place that I regularly attend. Yes No
(If yes, include the details of the order respecting conduct which prohibits or restricts the respondent's conduct with you. Attach a copy of the order, if available.)

25. The respondent has or has had a protection order or a prevention order against me. Yes No
(If yes, include the type of order and provide details. Also indicate if the order was set aside, varied or revoked. Attach a copy of the order, if available)

APPENDIX 'A'
EVIDENCE IN SUPPORT OF AN APPLICATION FOR A PROTECTION ORDER (PAGE 7 of 7)

26. Additional details regarding the seriousness or urgency of the circumstances or other reasons that I believe a protection order should be made without delay:

(Use this space to include any additional information you would like the court to consider or leave blank and go to number 27)

27. The facts set out in this document are true. I understand that it is a criminal offence to knowingly make a false statement in this document. Yes No

(DO NOT COMPLETE BELOW THIS LINE UNTIL YOU APPEAR BEFORE A PERSON AUTHORIZED TO ADMINISTER OATHS)

SWORN/AFFIRMED before me at the
_____ of _____
in the Province of Manitoba on the

Date of oath/affirmation (dd/mm/yyyy)

Signature of person authorized to administer oaths

Printed or stamped name and authority



Signature of person making oath/affirmation

For office use only: I.D. verified _____ <input type="checkbox"/> Additional information attached
