

## **INTRODUCTION**

This guide is intended to assist people who are experiencing violence in their families to apply for a restraining order through the family court. This guide is for everyone who is applying for a restraining order but especially for those who do not have a lawyer.

### **1. What is a restraining order?**

If you are fearful that your spouse or partner or your former spouse or partner will hurt you or your children, you can ask the court to make a restraining order. A restraining order is made by a judge at the family court to help protect you and your child(ren) or the child(ren) in your custody.

A restraining order will list conditions that the person you are afraid of must obey. The restraining order can be general - that the person you are afraid of has to stay away from you - or it can be specific. It can say that the person must not come to your home, to your place of work, to your children's school or to other places where you often go (for example, your place of worship or your parent's home).

If the person who has a restraining order against them disobeys a restraining order, the police can arrest them.

### **2. Who can apply for a restraining order?**

You can apply for a restraining order at the family court:

- If you fear your former partner and were married or lived together for any period of time. This includes a same-sex partner; and/or
- To protect yourself and any children who are in your custody.

You do not need to have children with a person in order to apply for a restraining order against that person. But you should be aware that you cannot apply for a restraining order against a person you are dating but have not lived with.

Calling the police may be one option to keep you and your children safe. Criminal charges laid by police provide protections available under the bail system that restraining orders do not. Restraining orders are intended to prevent contact by an abusive partner, but they cannot guarantee that an abuser will not break the law. Even if you have a restraining order, you should develop a safety plan, and there are resources in the community to help you do that. See the Resources section at the end of this guide for more information.



*You may have concerns about calling the police. For example you may lack legal status in Canada or there may be an outstanding warrant for your arrest. Both of these issues are complicated and beyond the scope of this guide. However, there are resources that can help. Turn to the Resources section at the end of this guide for referrals to services and publications.*

### **3. Do I need a lawyer to ask for a restraining order?**

You do not need a lawyer to apply for a restraining order. However, having a lawyer to help you is a good idea. Hiring a lawyer is especially important if your case has complicating factors such as immigration issues. If you would like to get a lawyer but can't afford one or can't find one, see the information provided on the front of this guide.

Visit a Family Law Information Centre (FLIC) at your local family court. Court staff at a FLIC can help you to understand the family court process, provide you with family court forms and explain how to get a lawyer. An Advice Lawyer from Legal Aid Ontario is also available at the FLIC at certain times. The Advice Lawyer can provide you with general information (free of charge) or, in some circumstances, may be able to give you legal advice specific to your case. For contact information for FLICs, go to the Resources section at the end of this guide.