

Application for Case Management Order Without Notice or Attendance Form 11

Provincial Court Family Rules
Rules 62, 63, 65 and 78

COURT STAMP

Registry location:

Court file number:

Document number:

For registry use only

This Application for Case Management Order Without Notice or Attendance sets out the details of a case management order that a person is applying for without notice to another party and without attendance at a court appearance.

Please read before completing the form:

- You must complete the main application and any applicable schedule for your application identified in Part 3 of the main application.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.



For more information about case management orders, see the guidebook.

Part 1 | About the parties

1. My full name is:
Full name of party
- My date of birth is:
(dd/mmm/yyyy)
2. The other party's full name is:
Full name of party/parties

Part 2 | Application without notice

3. ☐ I am **applying** for a case management order **without notice** to any other party. I understand that **I will be required to serve a copy of any order** I receive on each other party along with a copy of this application and any supporting document(s).



To apply with notice, you can file an Application for Case Management Order Form 10.

Part 3 | About the order

You can apply for one or more case management orders using this form.

4. I am applying for the following case management order(s):
Select all options that apply and complete the required schedule(s)
- ☐ Allowing a person to **attend a court appearance** using another method of attendance
→ *Complete Schedule 1*
- ☐ **Waiving or modifying** any requirement related to **service or giving notice** to a person, including allowing an alternative method for the service of a document
→ *Complete Schedule 2*
- ☐ **Waiving or modifying any other requirement** under the rules
→ *Complete Schedule 3*
- ☐ Requiring **access to information** in accordance with **section 242 [orders respecting searchable information]** of the *Family Law Act* → *Complete Schedule 4*
- ☐ Authorizing an official of the court, in accordance with section 10 of the *Family Orders and Agreements Enforcement Assistance Act* (Canada), to make an application under section 12 of that Act for the **release of information**
File a criminal record check and completed affidavit that meets the requirements of sections 8 and 9 of the Family Orders and Agreements Enforcement Assistance Act (Canada)
- ☐ **Recognizing an extraprovincial order** other than a support order
→ *Complete Schedule 5*



You can apply to modify the service or notice requirements if you have an urgent application.



You can apply to modify the reply period if you have an urgent application.



For more information about the requirements for the affidavit, see the guidebook.

Part 4 | Information about children

5. Select the correct option below and provide the additional information if applicable.

- ☐ I am not a party to the case
- ☐ I am a party to the case and the case **does not involve a child**-related issue
- ☐ I am a party to the case and the case **involves a child**-related issue about the following child or children:

Provide the requested information below for each child

Child's full name

Child's date of birth

(dd/mmm/yyyy)

Part 5 | Filing location

6. I am filing this application **in the court registry**:

Select only one of the options below

- ☐ Where my **existing case** with the same party/parties is located. I already have a file number.
- ☐ Closest to **where the child lives** most of the time, because my case involves a child-related issue
- ☐ Closest to **where I live** because my case does not involve a child-related issue
- ☐ Permitted by **court order**

Part 6 | Address for service

7. My **address for service** of court documents and contact information is:

You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:

City:

Province:

Postal Code:

Email:

Telephone:

Lawyer's name and firm name (if applicable):



For more information about how this information will be used and who will have access to it, see the guidebook.

IMPORTANT NOTE:

A judge reviewing an application for a case management order without notice or attendance may do any of the following:

- approve and sign the order without the need for you to come to court
- ask you to provide more information or evidence in writing or by coming to court to give that information
- require that notice be given to any other parties
- reject the application with an explanation

Attendance using another method of attendance



Part 1 | About the order

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- Me

 My lawyer (*provide full name of lawyer*):

 Other (specify name and role):

 Family management conference

 Family settlement conference

 Trial preparation conference

 Hearing

 Other (*specify*):

at

by

Date (dd/mmm/yyyy)

Time

Method of attendance

 In person

 By telephone

 By video conference

 Other means of electronic communication (*specify*):

Part 2 | Documents for court appearance

- ☐
- Yes**

☐ **No**

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During a court appearance, there may be documents you need to reference.

Part 3 | Reasons for attending by another method of attendance

- List the reasons for not being able to attend by the default method of attendance and/or why you need to attend using the other method of attendance

The court may consider:

- the distance between locations
- illness or disability
- financial cost
- expense incurred, or savings realized, by using electronic communication
- concerns related to security, including risk of family violence
- difficulty conducting the appearance using electronic communication

Rule 164

Schedule 2 | Waiving or modifying requirement related to service or giving notice

Complete this schedule only if you are applying for an order to waive or modify any requirement related to service or giving notice, including allowing an alternative method for the service of a document.



For more information about requirements related to service or giving notice, see the guidebook.

Part 1 | What are you applying for

Depending on the order you need, the court requires different information.

1. I am applying for an order to:

Select each applicable option and complete the required part(s)

- ☐ **Waive** a requirement related to service or giving notice → *Complete Part 2*
- ☐ **Modify** a requirement related to service or giving notice → *Complete Part 3*
- ☐ **Allow service** of a document using an **alternative method** → *Complete Part 4*



If a requirement is waived, it means it no longer applies. The court can order that an application proceed without notice to a person only in certain circumstances set out in the Rules. If a requirement is modified, you still need to meet the requirement, but it has been changed.

Part 2 | Waive a requirement – Complete this part only if you are applying to waive a requirement related to service or giving notice.

Judges normally hear from all parties before making decisions. When, for example, there is urgency or risk of harm, the court could hear from only one party.

2. I am applying to **waive the requirement** for service or giving notice to a person of the following document(s):

Select all options that apply

- ☐ Application About a Priority Parenting Matter
- ☐ Application About a Family Law Matter
- ☐ Subpoena
- ☐ Order
- ☐ Other (*specify*):

3. The **facts** on which this application is based **are as follows**:

Explain why you are making the application and why the order you are requesting should be made



Remember to include:

- why the application or your situation is urgent or what special circumstances exist,
- why the other party should not be served or given notice, and
- what you believe will happen if the other party is served or given notice.

Part 3 | Modify a requirement – Complete this part only if you are applying to modify a requirement related to service or giving notice.

If obtaining an order from the court is time sensitive, the court may allow less than the required amount of notice. If there are special circumstances requiring more time to prepare to attend court, the court may allow more than the required amount of notice.

4. I am applying to **modify the requirement** for service or giving notice to a person of the following document(s):

Select all options that apply

- ☐ Application About a Priority Parenting Matter
- ☐ Application About a Family Law Matter
- ☐ Subpoena
- ☐ Order
- ☐ Other (*specify*):

5. The **details of the order** I am applying for are as follows:

Explain how you want the requirement for service or giving notice to be modified

6. The **facts** on which this application is based **are as follows**:

Explain why you are making the application and why the order you are requesting should be made



Remember to include:

- why the application or your situation is urgent or what special circumstances exist,
- why the requirement should be modified, and
- how it will benefit the case proceeding.

Part 4 | Allow service of a document using an alternative method

Complete this part only if you are applying to allow service using an alternative method.

Service of a document must be done according to the rules unless the court makes an order allowing another method of service

Person and documents to be served

7. I need to serve _____ with the **following document(s)**:

Full name of person

List each document you need an order from the court to serve using an alternative method



To make an order that the document be served using an alternative method of service, the court must be satisfied that the person to be served cannot be found after a diligent search, is evading service of the document or is temporarily outside British Columbia [Rule 182].

Reason for application

8. Select whichever option is correct and complete the requested information

- ☐ I **do not know where to find** the person to be served. I have made the following **efforts to find them**:

Explain how you have tried to locate them, where you have searched, and who you have contacted



You may have some contact information for the person, but you do not know how to find them in person.

- ☐ I believe the person to be served is **avoiding service** of the document(s) or is **temporarily outside of British Columbia**. I believe this to be true because the following **efforts have been made to serve** them with the document(s):
Explain when and where you tried to serve the person and what happened when you tried



You can include what you saw, who you may have talked to and what they said.

9. I know the following **information about the person's** address, location, contact information or who might be able to get in touch with them:

Include the information you know, how you know the information and when it was last confirmed or became known to you

Order for alternative method of service

10. I am applying for an order **to be allowed to serve the document(s) in the following manner:**

Select only one option and provide the requested information

- ☐ Posting the documents on the door of the person's residence at *(provide address)*:

Address	City

- ☐ Leaving the documents with a relative or other adult person to give to the person to be served:

Full name of relative/adult person:

Relationship to person to be served:

- ☐ Mailing the documents by ☐ **registered mail** ☐ **regular mail** to:

Address	City

- ☐ Sending the documents to the person's email at:

Email

- ☐ Sending the documents by text message to the person's cell at:

Cell number

- ☐ Sending the documents by instant messaging to the person to be served through

	at	
Social platform		Account identifier (handle, number, etc.)

- ☐ Leaving the documents at the person's last known address at *(provide address)*:

Address	City

- ☐ Other method *(specify)*:

The facts

11. I believe the alternative method of service I am requesting **will bring the documents to the attention of the person to be served** because:

Schedule 3 | Waiving or modifying any other requirement under the rules

Complete this schedule only if you are applying to waive or modify any other requirement under the rules, including a time limit set by an order or direction, even after the time limit has expired.

Part 1 | Requirement I need to waive or modify

1. I am applying for an order to **waive or modify the following requirement(s)** under the rules:
- ☐ Filing at a court registry other than the court registry required by Rule 7

☐ Attending a needs assessment

☐ Completing a parenting education program

☐ Participating in consensual dispute resolution

☐ Filing a completed financial statement Form 4 with my application, reply or counter application

☐ Filing the required documents to support an application about guardianship of a child

☐ Time to file a reply, including permission to file a reply after the time to reply has passed

☐ Time to provide or exchange documents

☐ Time limit set by an order or direction made on by

Date (dd/mmm/yyyy)Name of judge or family justice manager

☐ Other (specify):

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A requirement under the rules is any time the rules say you “must” do something.

For more information about the requirements under the rules you may need to waive or modify, including if you need an urgent court order, see the guidebook.

Part 2 | About the order

2. The **details of the order** I am applying for are as follows:
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If a requirement is waived, it means it no longer applies. You don’t need to complete it at any time.

If a requirement is modified, you still need to meet the requirement, but it has been changed. A modified requirement could include changing when a document can be filed or when a step under the rules must be taken.

Part 3 | The facts

3. The **facts** on which this application is based **are as follows**:
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You may wish to include:

• if you can complete the requirement later, and when;

• if this application is being made because you need an urgent order, what the urgent application is about and who is involved; and

• how the order being made will benefit the case proceeding.

Case Management Without Notice or Attendance Schedule 3 Page 1 of 1

Schedule 4 | Access to Information Section 242 Family Law Act

Complete this schedule only if you are a search officer applying for access to information in accordance with section 242 [*orders respecting searchable information*] of the Family Law Act.

Part 1 | About the order

1. The **details of the order** I am applying for are as follows:

Part 2 | The facts

2. The **facts** on which this application is based **are as follows**:



A search officer is a person appointed under section 236 of the Family Law Act.

A search officer can make an application under section 242 of the Family Law Act if a person has refused or not adequately complied with a request under section 239 of the Act.

Schedule 5 | Recognizing an Extraprovincial Order other than a support order

Complete this schedule only if you have an order from another province or territory in Canada for parenting arrangements, contact with a child, guardianship or similar that you would like recognized in British Columbia so that it may be treated as if it were an order made in British Columbia.



For more information about how to register a support order from another province or territory in Canada for enforcement in BC, see the guidebook.

Part 1 | About the order

1. I am applying for **recognition of the attached extraprovincial order** made on at
- Date (dd/mmm/yyyy) Court location City Province/Territory
- about parenting arrangements, contact with a child, guardianship, or an order that is similar in nature.

☐ **A certified copy of the order is attached.**



You must attach a certified copy of the order to your application for filing. A certified copy is a copy of the original order from the other court that has been endorsed using a stamp or certificate by the court to say it is a true copy of the original. Contact the original court location to get a certified copy.

Part 2 | Other party's contact information

2. The **contact information for the other party**, as I know it, is:

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	