

Application for Order Prohibiting the Relocation of a Child

Form 16

Provincial Court Family Rules
Rule 80

COURT STAMP

Registry location:

Court file number:

Document number:

For registry use only

This Application for Order Prohibiting the Relocation of a Child sets out the details of an order prohibiting the relocation of a child that a person is applying for under section 69 of the Family Law Act.

Please read before completing the form:

- This application is to be used only if a child's guardian plans to relocate themselves, the child, or both, and there is a written agreement or order respecting parenting arrangements or contact with the child applies to the child [s. 65 Family Law Act].
- If there is no written agreement or court order, you may apply for an order under s. 46 of the Family Law Act *[changes to child's residence if no agreement or order]* using an Application About a Priority Parenting Matter Form 15 or Application About a Family Law Matter Form 3 to determine the parenting arrangements for the child including the location of the child's residence.
- 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.



An application prohibiting the relocation of a child under s. 69 of the Family Law Act must be filed within 30 days after receiving written notice that the guardian plans to relocate the child [s. 68 Family Law Act].

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:
- Their **date of birth** (dd/mmm/yyyy) is:
- ☐ There is an additional party.
- The **additional party's full name** is:
- Their **date of birth** (dd/mmm/yyyy) is:



The other party is any other parent or guardian of the child(ren).

Part 2 | Information about children

3. This application is about the following child(ren) that I am a guardian of:

Child's full name	Child's date of birth (dd/mmm/yyyy)	Child is currently living with

4. ☐ I understand that I must consider the **best interests of the child** with respect to each order I am asking the court to make about the child. The "best interests of the child" is a legal test used to decide what would best protect the child's physical, psychological, and emotional safety, security and well-being [Family Law Act s. 37].



For more information about best interests of the child, see the guidebook.

Part 3 | Notice of the application

5. ☐ I understand I **must give notice** of this application to each other party, including any other person who may be directly affected by the order.
- To give notice, they must be served** with the application and supporting documents **at least 7 days before** the date of the court appearance **unless** the court allows the application to be made without notice or with less than 7 days' notice.



For more information about serving court documents, see the guidebook.

Part 4 | About your court appearance

For registry or judicial case manager use only

The application, which requires a court appearance, will be heard by the court	
on _____	at _____ a.m./p.m.
date	time
☐ in person at _____	court location
☐ by another method of attendance, as specified _____	attendance details



The registry or judicial case manager will work with you to schedule a date for the court appearance and will fill in the actual date and method of attendance on the form. Be prepared to talk about your availability if there are options for dates.

NOTE TO THE OTHER PARTY:

If you do not attend court on the date and time scheduled for the court appearance, the court may make an order in your absence.

You may also choose to **file a written response** in reply to the application in Form 19 Written Response to Application.

The court must be satisfied that:

- the proposed relocation is being made in good faith,
- the relocating guardian has proposed reasonable and workable arrangements to preserve the relationship between the child and the child's other guardians, persons who are entitled to contact with the child, and other persons who have a significant role in the child's life, and
- the relocation is in the best interests of the child.



You can make an application under s. 69 of the Family Law Act only if there is an existing written agreement or court order about parenting arrangements [s. 65 Family Law Act].



You must attach a copy of the agreement or order to this application for filing.



You must attach a copy of the notice of relocation, if applicable, to this application for filing.

Part 5 | About the order

6. ☐ I am applying for an order to prohibit the relocation of a child or children.
7. ☐ There is a written agreement or order respecting parenting arrangements referred to in section 65 of the Family Law Act made on _____ that applies to _____
Date (dd/mmm/yyyy)
the child(ren) that are the subject of this application (**see attached copy of agreement or order**).

8. *Select only one of the options below and complete the required information*

☐ Notice of relocation was given to me on _____ (**see attached copy**)
Date (dd/mmm/yyyy)

☐ I did not receive written notice of relocation but became aware of the planned relocation on _____.
Date (dd/mmm/yyyy)

I understand the date of the relocation of the child(ren) to be _____
to _____.
Date (dd/mmm/yyyy)
Location

I learned about the planned relocation:

Briefly explain how you found out about the planned relocation if you did not receive written notice

Part 6 | Best interests of the child

9. I believe it is in the best interests of the child(ren) to prohibit the proposed relocation because:

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about contact with a child.

For more information, see the guidebook.

Part 7 | Filing location

10. 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 court file number.
- ☐ Closest to **where the child lives** most of the time, because my case involves a child-related issue
- ☐ Permitted by **court order**

Part 8 | Address for service

11. 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.