



Court Rules Act
PROVINCIAL COURT
(FAMILY) RULES
B.C. Reg. 417/98

Deposited November 25, 1998 and effective December 1, 1998
Last amended May 18, 2018 by B.C. Reg. 99/2018

Consolidated Regulations of British Columbia

This is an unofficial consolidation.

B.C. Reg. 417/98 (O.C. 1444/98), deposited November 25, 1998 and effective December 1, 1998, is made under the *Court Rules Act*, R.S.B.C. 1996, c. 80, s. 1.

This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at www.bclaws.ca.

Prepared by:
Office of Legislative Counsel
Ministry of Attorney General
Victoria, B.C.

Court Rules Act

PROVINCIAL COURT (FAMILY) RULES

B.C. Reg. 417/98

Contents

RULE 1 – PURPOSE AND INTERPRETATION

- | | | |
|-----|-----------------------|---|
| (1) | Purpose | 1 |
| (2) | Definitions | 1 |
| (3) | Reference aids | 2 |
| (4) | <i>Family Law Act</i> | 2 |

RULE 2 – MAKING, FILING AND SERVING AN APPLICATION

- | | | |
|-----|---|---|
| (1) | Applying to the court for an order | 2 |
| (2) | Applying to change orders or agreements | 2 |
| (3) | Personal service of application, not by the applicant | 3 |
| (4) | Documents to be included with the application | 3 |
| (5) | Affidavit of service | 3 |

RULE 3 – REPLYING TO THE APPLICATION AND MAKING A COUNTERCLAIM

- | | | |
|-----|---|---|
| (1) | Filing the reply | 3 |
| (2) | Respondent's options | 4 |
| (3) | No notice of hearing if no reply | 4 |
| (4) | How a reply is served on the applicant | 4 |
| (5) | Applicant needs to respond if the reply includes a counterclaim | 4 |

RULE 4 – PROVISION OF FINANCIAL INFORMATION

- | | | |
|-----|--|---|
| (1) | Persons who must provide financial information | 5 |
| (2) | Requirement to file financial information | 5 |
| (3) | If the parties agree on income and amount of child support | 6 |

RULE 5 – PROCEDURES IN FAMILY JUSTICE REGISTRIES

- | | | |
|------|---|---|
| (1) | Application of this rule | 6 |
| (2) | Rule does not apply | 6 |
| (3) | First referral by a clerk | 7 |
| (4) | Options for parties | 7 |
| (5) | Subsequent referral to a judge | 7 |
| (6) | Court action after referral to a family justice counsellor | 7 |
| (7) | What the judge may do | 7 |
| (8) | Urgent and special circumstances | 8 |
| (9) | If a respondent fails to file a reply or appear in court | 8 |
| (10) | All other rules apply | 8 |
| (11) | Persons exempt from meeting with family justice counsellors | 8 |
| (12) | [Repealed] | 8 |

RULE 5.1 – PROCEDURES IN FAX FILING PILOT PROJECT REGISTRIES

- | | | |
|-----|----------------------------------|---|
| (1) | Definition | 8 |
| (2) | Application of this rule | 9 |
| (3) | When a fax filing may be refused | 9 |
| (4) | When a fax filing is filed | 9 |

(5)	When a fax filing is considered to be filed	9
(6)	Original of fax filing may be required by judge	9
RULE 6 – FIRST AND SUBSEQUENT APPEARANCES IN COURT		
(1)	Notice to parties of first appearance	10
(2)	Subrule (1) does not apply	10
(3)	Options for the judge	10
(4)	If the respondent fails to file reply	11
(5)	Adjournment to enable parties to attend services, programs or agencies	11
(6)	Adjournment only if services available	12
(7)	If parties attend a service, program or agency	12
(8)	Court action after parties attend service, program or agency	12
(9)	What the judge may do	12
(10)	If a respondent does not appear in court	12
(11)	How long a warrant for arrest is in force	13
(12)	After respondent is arrested	13
(13)	Release of respondent	13
(14)	Notice to applicant of appearance	13
(15)	If respondent does not comply with release	13
RULE 7 – FAMILY CASE CONFERENCE		
(1)	Family case conferences for contested guardianship, parenting arrangements or contact with a child	13
(2)	Who must attend the family case conference	14
(3)	Other persons may attend with court's permission	14
(4)	What happens at the family case conference	14
(5)	Judge may make order on failure to attend	15
RULE 8 – TRIAL PREPARATION CONFERENCE		
(1)	Trial preparation conference	15
(2)	Who must attend the trial preparation conference	15
(3)	Absent parties must be available and accessible by telephone or other means	15
(4)	What happens at the trial preparation conference	15
RULE 9 – OTHER RULES ABOUT SERVICE AND PROVING SERVICE		
(1)	Serving documents	16
(2)	When subrule (1) does not apply	16
(3)	Service of summons	17
(4)	Party must give address	17
(5)	Party must notify of change of address	17
(6)	When service by mail is effected	17
(7)	Alternatives to personal service	17
(8)	If different method of service is permitted	18
(9)	Notice by advertisement	18
(10)	Proof of service	18
(11)	Admissibility of other evidence of service	18
(12)	Service outside British Columbia	18
RULE 10 – WITNESSES		
(1)	How to subpoena a witness	19
(2)	Travelling expenses	19
(3)	What a witness must do	19

(4)	Subpoena may be cancelled	19
(5)	If a subpoena is cancelled	19
(6)	If a witness does not obey a subpoena	19
(7)	How long a warrant for arrest of witness is in force	19
(8)	After a witness is arrested	20
(9)	What the judge may do when the witness appears	20
RULE 11 – TRIAL DATE AND EVIDENCE		
(1)	Changing the trial date	20
(1.1)	Report must include address for service	20
(1.2)	When cross-examination required	21
(2)	Permission required to call person who prepares court-ordered report	21
(3)	Summary of expert’s evidence required in advance	21
(4)	Expert’s report required in advance	21
(5)	Expert’s qualifications	21
(6)	Proof of signature not required	21
(7)	Expert may be called for cross-examination	21
(8)	Cost of calling expert	22
(9)	Judge may refer calculation of child support	22
RULE 12 – APPLYING BY NOTICE OF MOTION FOR ORDERS OR DIRECTIONS		
(1)	Applications to be made by notice of motion	22
(2)	When service of the notice is not required	22
(3)	Affidavit evidence may be used to support motion	22
(4)	If someone does not appear in court	23
(5)	Applications about orders, agreements and determinations of parenting coordinators	23
(6)	Requirement to file financial information	23
RULE 13 – AFFIDAVITS		
(1)	What form to use	24
(2)	Exhibits	24
(3)	Affidavit evidence at trial or hearing	24
(4)	Affidavit must be filed and served	24
(5)	Permission to use defective affidavit	24
RULE 14 – CONSENT ORDERS		
(1)	Consent orders	24
(1.1)	Consent order without appearing in court	24
(2)	Judge may sign consent order or require parties to attend	25
(3)	Notice of appearance if parties required to attend	25
(4)	Consent order sought before a judge	25
RULE 15 [Repealed]		
RULE 16 – APPLYING FOR RECOGNITION OF EXTRAPROVINCIAL ORDERS		
(1) – (2)	[Repealed]	25
(2.1)	Definitions	25
(3)	How to apply for recognition of an extraprovincial order	26
(4)	Personal service of application, not by the applicant	26
(5)	Other rules that apply	26

RULE 17 – APPLYING FOR ENFORCEMENT OF MAINTENANCE ORDERS	
UNDER THE <i>FAMILY MAINTENANCE ENFORCEMENT ACT</i>	
(1) Definitions	26
(2) How to apply for a summons, warrant or garnishing order	27
(3) How to apply for other orders	27
(4) Filing the form	28
(5) Service of summons	28
(6) If a respondent served with a summons does not appear	28
(7) If a warrant for arrest is issued	29
(8) Method of service on respondent	29
(9) Other rules about applications under subrule (3)	29
RULE 18 – ORDERS	
(1) Effective date of order	29
(2) Successful party prepares the order	29
(2.1) Clerk prepares protection order	29
(3) Clerk prepares the order for unrepresented party	30
(3.1) Form of order	30
(4) Approving the form of the order	30
(5) Settling the order	30
(6) Delivering the order to the registry	30
(6.1) Order must be signed	30
(7) Notice of order	31
(8) Correcting the order	31
RULE 18.1 – GUARDIANSHIP ORDERS	
(1) Guardianship affidavit required	31
(2) Interim order may be made	31
(3) Duration of interim order	31
(4) Affidavit required before hearing	31
(5) What to do if information changes	32
RULE 19 – TRANSFER OF COURT FILES	
(1) Judge may order transfer of court files	32
(2) Where to make the application	32
(3) Permission may be for one application or all purposes	32
(4) What the judge must consider	33
(5) Transfer of court file by consent	33
(6) Transfer of court file without order or consent	33
RULE 20 – GENERAL	
(1) Judge may adjourn trial or hearing	33
(2) Judge may waive or vary rules	33
(3) Order may be made without notice	33
(4) Changing or cancelling orders made in the absence of a party	34
(5) Notice of proceedings and adding parties	34
(6) Judge may order production of records	34
(7) Copies permissible instead of originals	34
(8) Judge may give directions	34
(9) Confidentiality of financial information	34
(10) Who can search court files	35
(11) If an applicant or respondent does not comply with the rules	35

(12)	Filing an agreement or parenting coordinator's determination	35
(13)	Practice directions	35
(14)	[Repealed]	35
(15)	Judge may require notice	35
RULE 21 – PARENTING AFTER SEPARATION PROGRAM		
(1)	Definitions	36
(2)	Purpose	36
(3)	This rule applies in designated registries	36
(4)	Parties in some cases need not attend	37
(5)	A party who has already attended	37
(6)	A party who is unable to attend the program	37
(7)	Judge may grant exemption or deferral	37
(8)	One party must attend program before date set	38
(9)	Both parties must attend program before court appearance	38
RULE 22 – ELECTRONIC FILING		
(1)	Definitions	38
(2)	This rule applies in event of conflict	38
(3)	Electronic services agreement	38
(4)	Means of transmission	38
(5)	Application of this rule	39
(6)	Affidavits and other signed documents	39
(7)	Retention of documents	39
(8)	Conversion of documents	40
(9)	Inspection of original documents	40
(10)	Notice of motion	40
(11)	Application of rule 13	40
(12)	Electronic authentication deemed a signature	40
(13)	Filing of documents	40
(14)	Electronic acceptance	41
(15)	Public access to documents filed electronically	41
(16)	Service of documents	41
(17)	If document does not reach a person	41
FORMS		42

Point in time from May 18, 2018 to May 12, 2019

Court Rules Act

PROVINCIAL COURT (FAMILY) RULES

B.C. Reg. 417/98

RULE 1 – PURPOSE AND INTERPRETATION

Purpose

- (1) The purpose of these rules is to allow people to obtain just, speedy, inexpensive and simple resolution of matters arising under the *Family Law Act* and certain matters under the *Family Maintenance Enforcement Act*.

[am. B.C. Reg. 132/2012, s. 1 (a).]

Definitions

- (2) In these rules:

“**clerk**” means a member of the registry staff;

“**court**” means the Provincial Court;

“**family justice counsellor**” means a person appointed as a family court counsellor under section 3 of the *Family Relations Act* or a person appointed as a family justice counsellor under section 10 of the *Family Law Act*;

“**family justice registry**” means the Kelowna, Nanaimo, Surrey or Vancouver (Robson Square) registry;

“**file**” means file in the registry;

“**filed agreement**” means an agreement filed under section 121 of the *Family Relations Act* or filed under section 5, 44 (3), 58 (3), 148 (2) or 163 (3) of the *Family Law Act*;

“**filed copy**”, in relation to a document that is filed, means a copy of the document that is date stamped with the registry stamp;

“**party**” means

- (a) an applicant,
- (b) a respondent who has filed a reply [see rule 3 about replying to applications],
- (c) a person added as a party under rule 20 (5), and
- (d) the Director of Maintenance Enforcement if an application relates to an order that is filed with the director;

“**regional manager**”, in relation to a registry, means the regional manager of Family Justice Services Division (Justice Services Branch), Ministry of Attorney General, who is responsible for the region in which the registry is located;

“**registry**” means a registry of the court where family matters are dealt with.

“**support**” includes maintenance.

[am. B.C. Regs. 102/2001, s. 1; 159/2003, s. 1; 52/2007; 132/2012, s. 1 (b) to (e); 27/2013, Sch. 2, s. 7; 99/2018, Sch. 2, s. 10.]

Reference aids

- (3) Italicized words in square brackets are not part of these rules, are included for convenience only and are not to be used in interpreting the rules or any provision to which the words refer.

[am. B.C. Reg. 132/2012, s. 1 (f).]

Family Law Act

- (4) Unless a contrary intention appears, the definitions in the *Family Law Act* apply to these rules.

[en. B.C. Reg. 132/2012, s. 1 (g).]

RULE 2 – MAKING, FILING AND SERVING AN APPLICATION**Applying to the court for an order**

- (1) To apply to the court for any of the following orders under the *Family Law Act*:

- (a) an order for guardianship, parenting arrangements or contact with a child;
- (b) an order for child or spousal support;
- (c) a protection order under Part 9 of the *Family Law Act*,

a person must complete an application to obtain an order in Form 1 and file it, together with 3 copies of it.

[en. B.C. Reg. 132/2012, s. 2 (b).]

Applying to change orders or agreements

- (2) To apply to the court for any of the following orders:

- (a) an order to change, suspend or terminate an order that was made under the *Family Law Act* or the *Family Relations Act*;
- (b) an order to reduce or cancel arrears under a support order made under the *Family Law Act* or under a support or maintenance order made under the *Family Relations Act*;
- (c) an order to set aside or replace a filed agreement;
- (c.1) an order under section 19 (3) of the *Interjurisdictional Support Orders Act* to set aside the registration of a foreign order under that Act;
- (d) an order under section 35 of the *Interjurisdictional Support Orders Act* to vary a support order registered in British Columbia,

a person must complete an application respecting existing orders or agreements in Form 2 and file it, together with 3 copies of it, in the registry where the order or agreement to which the application applies is filed unless a judge permits otherwise under rule 19 (1) or unless rule 19 (5) or (6) applies:

[To file the application in another registry, see rule 19 concerning transfer of court files. Rule 19 (5) and (6) specifically concerns transfer of files by the registry when the parties consent to the transfer or when only one of the parties resides in British Columbia and that

PROVINCIAL COURT (FAMILY) RULES**Rule 3 – Replying to the Application and Making a Counterclaim**

party requests the transfer. If a person seeks an order or direction from a judge in relation to another order, an agreement or the determination of a parenting coordinator, see rule 12 (5).]

[en. B.C. Reg. 132/2012, s. 2 (b); am. B.C. Reg. 122/2014, s. 1.]

Personal service of application, not by the applicant

- (3) Unless a judge grants permission to use a different method of service under rule 9 (7), an applicant under subrule (1) or (2) must have a filed copy of the application served personally on the respondent by a person who is at least 19 years of age other than the applicant.

[am. B.C. Reg. 132/2012, s. 2 (c).]

Documents to be included with the application

- (4) The following documents must be served with the filed copy of the application when it is served on the respondent:
- (a) a blank reply in Form 3;
 - (b) a blank financial statement in Form 4, if the applicant seeks an order for child or spousal support or to change, suspend or terminate child or spousal support;
 - (c) if required under rule 4, a filed copy of the applicant's financial statement and applicable documentation under rule 4 (2).

[am. B.C. Reg. 132/2012, s. 2 (d).]

Affidavit of service

- (5) If the respondent does not file a reply to the application in accordance with rule 3, the applicant must file an affidavit of personal service in Form 5.

[To apply for recognition of an extraprovincial order, see rule 16. To apply for enforcement of a support order under the Family Maintenance Enforcement Act, see rule 17. To apply for an order for guardianship, see rule 18.1.]

[am. B.C. Regs. 132/2012, ss. 2 (e) and 3; 40/2013, s. 1.]

**RULE 3 – REPLYING TO THE APPLICATION
AND MAKING A COUNTERCLAIM****Filing the reply**

- (1) A person named as a respondent in an application referred to in rule 2 must, within 30 days after being served with a filed copy of the application,
- (a) complete a reply in Form 3, following the instructions on the form,
 - (b) file that reply, together with 3 copies of it, in the registry where the application was filed, and
 - (c) if required under rule 4, file with that reply the original and 3 copies of the respondent's financial statement and applicable documentation referred to in rule 4 (2) (b).

[am. B.C. Reg. 132/2012, s. 4 (b) to (d).]

Respondent's options

- (2) The respondent may do one or more of the following in the reply:
- (a) consent to one or more of the orders requested in the application;
 - (b) disagree with anything claimed in the application, stating the reasons for the disagreement;
 - (c) apply to the court for any of the following under the *Family Law Act*:
 - (i) an order for guardianship, parenting arrangements or contact with a child;
 - (ii) an order for child or spousal support;
 - (iii) a protection order under Part 9 of the *Family Law Act*;
 - (iv) an order to change, suspend or terminate an order that was made under the *Family Law Act* or the *Family Relations Act*;
 - (v) an order to cancel or reduce arrears under a support order made under the *Family Law Act* or under a support or maintenance order made under the *Family Relations Act*;
 - (vi) an order to set aside or replace a filed agreement;
 - (vii) an order under section 35 of the *Interjurisdictional Support Orders Act* to vary a support order registered in British Columbia.
 - (d) Repealed. [B.C. Reg. 132/2012, s. 4 (e).]

[To apply for enforcement of an order or filed agreement for guardianship, parenting arrangements or contact with a child, see rule 12, or for recognition of an extraprovincial order, see rule 16. To apply for enforcement of a support order under the Family Maintenance Enforcement Act, see rule 17. To apply for an order for guardianship, see rule 18.1.]

[am. B.C. Regs. 132/2012, s. 4 (e); 40/2013, s. 2.]

No notice of hearing if no reply

- (3) A respondent who has not filed a reply is not entitled to receive notice of any part of the proceedings under these rules, including, without limitation, any court appearance, hearing, conference or trial.

[See rule 6 (4) about what a judge may do if a respondent fails to file a reply.]

How a reply is served on the applicant

- (4) Within 21 days after a reply is filed, the clerk must serve on the applicant a filed copy of the reply and any documents filed by the respondent under subrule (1) (c).

[am. B.C. Reg. 132/2012, s. 4 (f).]

Applicant needs to respond if the reply includes a counterclaim

- (5) If the reply includes a counterclaim under subrule (2) (c), the applicant must, within 30 days after being served with a filed copy of the reply,
- (a) complete a reply in Form 3, following the instructions on the form,

PROVINCIAL COURT (FAMILY) RULESRule 4 – Provision of Financial Information

- (b) file that reply, together with 3 copies of it, in the registry where the application under rule 2 was filed, and
- (c) serve on the respondent a filed copy of that reply and, if required under rule 4 and only if the applicant has not already done so, serve with that reply a filed copy of the applicant's financial statement and applicable documentation referred to in rule 4 (2) (b).

[am. B.C. Reg. 132/2012, s. 4 (b), (g) and (h).]

RULE 4 – PROVISION OF FINANCIAL INFORMATION**Persons who must provide financial information**

- (1) Subrule (2) applies to the following persons:
 - (a) a person who applies, in Form 1 or 3, for a spousal support order or who is responding to such an application;
 - (b) a person who applies, in Form 2 or 3, to change, suspend or terminate a spousal support order or who is responding to such an application;
 - (c) a person who applies, in Form 1 or 3, for a child support order and who is required under the Child Support Guidelines Regulation to provide income information;
 - (d) a person who is responding to an application for a child support order;
 - (e) a person who applies, in Form 2 or 3, to change, suspend or terminate a child support order and who is required under the Child Support Guidelines Regulation to provide income information;
 - (f) a person who is responding to an application to change, suspend or terminate a child support order and who is required under the Child Support Guidelines Regulation to provide income information;
 - (g) a person who applies, in Form 2 or 3, to reduce or cancel arrears under a support order;
 - (h) a person who applies, in Form 2 or 3, to set aside or replace a filed agreement respecting child or spousal support and who is required under the Child Support Guidelines Regulation to provide income information.

[am. B.C. Reg. 132/2012, ss. 5 (a) to (d) and 6.]

Requirement to file financial information

- (2) A person referred to in subrule (1) must
 - (a) complete a financial statement in Form 4, following the instructions on the financial statement, and
 - (b) when filing the application or the reply, as the case may be, file the original and 3 copies of that financial statement and any applicable documentation described in Form 4 or required under the Child Support Guidelines Regulation.

[am. B.C. Reg. 132/2012, s. 5 (e).]

If the parties agree on income and amount of child support

- (3) Parties to an application for child support or to change child support are deemed to have complied with the documentation requirements of the Child Support Guidelines Regulation and the requirement to complete and file financial statements under subrule (2) in respect of that application if
- (a) the parties have agreed on the amount of child support to be paid and on the annual income of each party who would otherwise be required to provide income information under that regulation,
 - (b) the parties have signed a consent in Form 19 respecting that agreement, and
 - (c) the consent, together with a copy of the most recent income tax return of each party who would otherwise be required to provide income information under that regulation and a copy of that person's most recent income tax notice of assessment or reassessment, have been filed.

[If the parties wish to file an application for an order that the parties consent to, see rule 14.]

[am. B.C. Reg. 132/2012, ss. 5 (f), 6 and 7.]

RULE 5 – PROCEDURES IN FAMILY JUSTICE REGISTRIES**Application of this rule**

- (1) Subject to the exceptions set out in subrule (2), this rule applies to proceedings begun by an application under rule 2 (1) or (2) if
- (a) the application is filed in a family justice registry, or
 - (b) the court file for the proceedings is transferred under rule 19 to a family justice registry.

[Rule 2 is about applications for guardianship, parenting arrangements or contact with a child orders, support orders and protection orders and applications to set aside or replace filed agreements or to change, suspend or terminate existing orders.]

[am. B.C. Reg. 132/2012, s. 8(a) and (b).]

Rule does not apply

- (2) This rule
- (a) does not apply to the proceedings referred to in subrule (1) if the only applications concern support and there has been an assignment of support rights under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*,
 - (b) ceases to apply to the proceedings referred to in subrule (1) if the court file for the proceedings is transferred under rule 19 to a registry that is not a family justice registry, and

PROVINCIAL COURT (FAMILY) RULESRule 5 – Procedures in Family Justice Registries

- (c) does not apply to the proceedings referred to in subrule (1) if the only applications concern return of a child under the Convention on the Civil Aspects of International Child Abduction signed at The Hague on October 25, 1980.
[am. B.C. Regs. 159/2003, s. 2; 132/2012, s. 8 (c) and (d).]

First referral by a clerk

- (3) Before setting a date for the parties' first appearance before a judge, a clerk must refer the applicant and each respondent who has filed a reply to a family justice counsellor.

[For exemption from this subrule in urgent and special circumstances, see subrule (8).]

Options for parties

- (4) To assist the parties in resolving any part of their dispute, each party must meet with the family justice counsellor and may seek referral from the family justice counsellor to one or more of the following persons, programs or services:
- (a) a person designated by the Attorney General to provide specialized support assistance;
 - (b) a program, approved by the Attorney General, designed to help parties identify and consider post-separation issues involving children;
 - (c) mediation with a family justice counsellor;
 - (d) a family dispute resolution professional other than a family justice counsellor;
 - (e) any other service or agency that may assist the parties.

[am. B.C. Reg. 132/2012, ss. 6 and 8 (e).]

Subsequent referral to a judge

- (5) At any time after meeting with the family justice counsellor, a party may do any of the following:
- (a) ask to appear before a judge on one or more issues in the case by filing a referral request in Form 6;
 - (b) seek a consent order under rule 14.

[am. B.C. Reg. 132/2012, s. 7.]

Court action after referral to a family justice counsellor

- (6) Subject to rule 21 (8), on receiving a referral request in Form 6, the clerk must serve the parties with notice of the time and place at which they must attend before a judge.

[am. B.C. Reg. 132/2012, s. 8 (f).]

What the judge may do

- (7) When the parties attend before the judge under subrule (6), the judge may
- (a) do any of the things described in rule 6 (3), and
 - (b) require the parties to attend, or continue their attendance with, one or more of the persons or programs referred to in subrule (4) of this rule.

[am. B.C. Reg. 132/2012, s. 8 (g).]

Urgent and special circumstances

- (8) If, at any time in the course of the proceedings,
- (a) a party applies to a judge for a protection order under Part 9 of the *Family Law Act*, or
 - (b) a judge is satisfied on application by a party that urgent and exceptional circumstances exist requiring a judge to hear the matter at the earliest opportunity,
- the judge may do one or more of the following:
- (c) dispense with or defer compliance with all or any part of this rule if the judge considers it necessary;
 - (d) order that subrule (3) does not apply and that the matter be referred to a judge for hearing at the earliest opportunity;
 - (e) make any order or give any directions that the judge considers appropriate.

[am. B.C. Reg. 132/2012, s. 8 (h) and (i).]

If a respondent fails to file a reply or appear in court

- (9) Rule 6 (4) and (10) applies to proceedings begun by an application filed in or transferred to a family justice registry.

[Rule 6 (4) and (10) sets out the options available to a judge if the respondent fails to file a reply or fails to appear in court and includes the option of making a final order.]

[am. B.C. Reg. 132/2012, s. 8 (h) and (i).]

All other rules apply

- (10) All other rules apply to proceedings in a family justice registry but, if anything in another rule other than rule 22 is considered to be in conflict with this rule, this rule prevails.

[am. B.C. Reg. 132/2012, s. 8 (j).]

Persons exempt from meeting with family justice counsellors

- (11) A person representing the government, a ministry or public officer, if they are parties, need not but may meet with and attend with a family justice counsellor or persons or programs under subrules (3), (4) and (7) (b).

[am. B.C. Reg. 132/2012, s. 8 (k).]

- (12) Repealed. [B.C. Reg. 132/2012, s. 8 (l).]

RULE 5.1 – PROCEDURES IN FAX FILING PILOT PROJECT REGISTRIES**Definition**

- (1) In this rule, “**fax filing pilot project registry**” means the Burns Lake, Chilliwack, Cranbrook, Dawson Creek, Kamloops, Kelowna, Nelson, Penticton, Prince George, Rossland, Salmon Arm, Smithers, Terrace, Vernon or Williams Lake registry.

[en. B.C. Reg. 9/2003, s. 1; am. B.C. Reg. 68/2018.]

PROVINCIAL COURT (FAMILY) RULESRule 5.1 – Procedures in Fax Filing Pilot Project Registries

Application of this rule

- (2) Despite rules 2 (1) and (2), 3 (1) and (5), 4 (2), 13 (4), 16 (3) and 17 (4) and subject to this rule, if a registry is a fax filing pilot project registry, a clerk may accept any document in a filing that has been transmitted to the registry by fax, except the following:
- (a) an application for an order under rule 2 (1) or (2) if the application is filed in a family justice registry or the court file for the proceedings is transferred under rule 19 to a family justice registry;
 - (b) a statement of finances under section 13 of the *Family Maintenance Enforcement Act*.
- [en. B.C. Reg. 9/2003, s. 1; am. B.C. Reg. 132/2012, s. 9 (a).]

When a fax filing may be refused

- (3) A clerk may refuse to accept a filing that is transmitted to a fax filing pilot project registry by fax for any one or more of the following reasons:
- (a) the filing is not accompanied by a fax cover sheet in Form 32;
 - (b) the filing relates to more than one court file;
 - (c) the filing and the fax cover sheet exceed 20 pages in length;
 - (d) in the opinion of the clerk, the filing is illegible and cannot be used by the court;
 - (e) the filing is incomplete;
 - (f) the filing should have been transmitted to another fax filing pilot project registry;
 - (g) the filing does not otherwise conform to practice and procedure under these rules and any applicable enactment.
- [en. B.C. Reg. 9/2003, s. 1; am. B.C. Reg. 132/2012, s. 9.]

When a fax filing is filed

- (4) A filing that is transmitted to a fax pilot project filing registry by fax and received by the registry fax machine will be filed as soon as is practicable, provided that it has not been refused under subrule (3).
- [en. B.C. Reg. 9/2003, s. 1.]

When a fax filing is considered to be filed

- (5) A filing that is transmitted to a fax filing pilot project registry by fax is considered to be filed on the date stamped on it by a clerk.
- [en. B.C. Reg. 9/2003, s. 1.]

Original of fax filing may be required by judge

- (6) A judge may require that the original of a document transmitted to a fax filing pilot project registry by fax in accordance with this rule be produced.
- [en. B.C. Reg. 9/2003, s. 1.]

RULE 6 – FIRST AND SUBSEQUENT APPEARANCES IN COURT**Notice to parties of first appearance**

- (1) Subject to rule 21 (8), if the respondent
- (a) files a reply, or
 - (b) has not filed a reply within the time limit set in these rules and the applicant has filed an affidavit of service and requested an appearance,
- a clerk must
- (c) serve the parties with notice of the time and place they are to attend court for a first appearance in the matter, and
 - (d) if the reply has been filed, serve the applicant with a filed copy of
 - (i) the reply, and
 - (ii) any financial statement and applicable documentation filed by the respondent under rule 4 (2).

[am. B.C. Regs. 102/2001, s. 2; 132/2012, s. 10 (a).]

Subrule (1) does not apply

- (2) Subrule (1) does not apply to proceedings to which rule 5 applies.

Options for the judge

- (3) The judge at the first appearance or any subsequent appearance may do one or more of the following:
- (a) make an order that all parties consent to in respect of all or any part of what is claimed in the application or reply;
 - (b) make an interim order under section 216 or 217 of the *Family Law Act*;
 - (c) if a party has failed to provide financial information in accordance with rule 4,
 - (i) make an order requiring the party to file that financial information within a set time,
 - (ii) draw an adverse inference from that failure and impute an amount of income to that party that the judge considers appropriate,
 - (iii) make an interim order under section 216 or 217 of the *Family Law Act*, and
 - (iv) if the judge considers that the circumstances justify it, make a final order;
 - (d) adjourn the case for a specified period of time that the judge considers appropriate;
 - (e) order a party to allow another party to inspect and copy records, specified in the order, that are or have been in that other party's possession or control or, if not in that other party's possession or control, are within that other party's power;

PROVINCIAL COURT (FAMILY) RULESRule 6 – First and Subsequent Appearances in Court

- (f) set a date for a family case conference under rule 7;
- (g) set a date for a trial preparation conference under rule 8;
- (h) if the judge does not set a date for a family case conference or for a trial preparation conference, set a trial date for the matter or set a date for a trial that is restricted to issues defined by the parties;
- (i) make a conduct order under Division 5 of Part 10 of the *Family Law Act*, including an order
 - (i) requiring the parties to participate in family dispute resolution within the meaning of the *Family Law Act*, or
 - (ii) requiring one or more parties or, with or without the consent of the child's guardian, a child, to attend counselling, specified services or programs;
- (j) hear evidence and make an interim or final order for child or spousal support or for guardianship, parenting arrangements or contact with a child;
- (k) make any other order or give any direction that the judge considers appropriate.

[am. B.C. Reg. 132/2012, ss. 3 and 10 (b) and (c).]

If the respondent fails to file reply

- (4) If the respondent fails to file a reply under rule 3, the judge at the first appearance or any subsequent appearance may do one or more of the following:
 - (a) draw an inference that the respondent consents to the orders sought by the applicant;
 - (b) impute an amount of income to that respondent that the judge considers appropriate;
 - (c) make an interim order under section 216 or 217 of the *Family Law Act*;
 - (d) if the judge considers that the circumstances justify it and it is fair to do so in the respondent's absence, make a final order;
 - (e) issue a summons in Form 7 to be served on the respondent.

[am. B.C. Reg. 132/2012, s. 10 (b).]

Adjournment to enable parties to attend services, programs or agencies

- (5) Without limiting subrule (3) (d), the judge may adjourn the case for a specified period of time that the judge considers appropriate to enable the parties to consult with or attend one or more of the following:
 - (a) a family justice counsellor;
 - (b) a person designated by the Attorney General to provide specialized support assistance;
 - (c) a program, approved by the Attorney General, designed to help parties identify and consider post-separation issues involving children;

(d) a family dispute resolution professional other than a family justice counsellor;

(e) any other service or agency that may assist the parties.

[am. B.C. Reg. 132/2012, ss. 6 and 10 (d).]

Adjournment only if services available

- (6) A judge may adjourn a case to enable the parties to consult with or attend a person or program under subrule (5) (a), (b) or (c) only if the regional manager has advised the court in writing that the person or program is readily available to the parties.

If parties attend a service, program or agency

- (7) A party who consults with or attends a service, person, program or agency referred to in subrule (5) may, at any time, do any of the following:

(a) ask to appear before a judge on one or more issues in the case by filing a referral request in Form 6;

(b) seek a consent order under rule 14.

[am. B.C. Reg. 132/2012, s. 7.]

Court action after parties attend service, program or agency

- (8) On receiving a referral request in Form 6, the clerk must serve the parties with notice of the time and place at which they must attend before a judge.

What the judge may do

- (9) When the parties attend before a judge under subrule (8), the judge may do any of the things described in subrule (3).

If a respondent does not appear in court

- (10) If a respondent fails to appear in court as directed by a judge or in response to a summons issued by a judge or to a notice sent under these rules, a judge may do one or more of the following:

(a) draw any inference from that failure that the judge considers appropriate, including, without limitation, an inference that the respondent consents to the orders sought by the applicant;

(b) impute an amount of income to the respondent that the judge considers appropriate;

(c) for the purpose of making an order for child or spousal support, hear submissions on the respondent's probable income;

(d) make an interim order under section 216 or 217 of the *Family Law Act*;

(e) if the judge considers that the circumstances justify it and that it is fair to do so in the respondent's absence, make a final order;

(f) issue a summons in Form 7 to be served on the respondent;

PROVINCIAL COURT (FAMILY) RULESRule 7 – Family Case Conference

- (g) if the respondent was served with a summons for the court appearance or was present in court when the date for the court appearance was set, issue a warrant for arrest in Form 8 for the arrest of the respondent.

[am. B.C. Reg. 132/2012, s. 10 (b), (e) and (f).]

How long a warrant for arrest is in force

- (11) A warrant under subrule (10) (g) remains in force until
- (a) the respondent named in the warrant appears in court either voluntarily or under the warrant, or
 - (b) a justice cancels the warrant.

[am. B.C. Regs. 132/2012, s. 10 (g); 122/2014, s. 2.]

After respondent is arrested

- (12) A respondent who is arrested under a warrant must be brought before a justice as soon as practicable.

[am. B.C. Regs. 132/2012, s. 10 (g); 122/2014, s. 2.]

Release of respondent

- (13) The justice must release the respondent on giving the respondent a release in Form 9 requiring the respondent to appear in court on the date and at the time and place stated in the release.

[am. B.C. Regs. 132/2012, s. 10 (g); 122/2014, s. 2.]

Notice to applicant of appearance

- (14) A clerk must notify the applicant regarding the date, time and place of the appearance stated in the release.

If respondent does not comply with release

- (15) If the respondent does not appear in court on the date and at the time stated on the release, the judge may
- (a) issue a warrant for arrest in Form 8 for the arrest of the respondent and order that the respondent be brought to a judge promptly on that arrest, or
 - (b) do anything described in subrule (10) (a) to (f).

[am. B.C. Regs. 132/2012, s. 10 (f); 122/2014, s. 2; 219/2015, s. 1.]

RULE 7 – FAMILY CASE CONFERENCE**Family case conferences for contested guardianship,
parenting arrangements or contact with a child**

- (1) If guardianship, parenting arrangements or contact with a child are contested, a judge may order the parties to attend a family case conference.

[am. B.C. Reg. 132/2012, s. 11 (a).]

Who must attend the family case conference

- (2) The following persons must attend the family case conference:
- (a) the parties;
 - (b) each lawyer representing a party or a child.

Other persons may attend with court's permission

- (3) With permission of a judge, a child or person who is not a party may attend the family case conference.

What happens at the family case conference

- (4) The judge at the family case conference may do one or more of the following:
- (a) mediate any of the issues in dispute;
 - (b) decide any issues that do not require evidence;
 - (c) make a conduct order under Division 5 of Part 10 of the *Family Law Act*, including an order
 - (i) requiring the parties to participate in family dispute resolution within the meaning of the *Family Law Act*, or
 - (ii) requiring one or more parties or, with or without the consent of the child's guardian, a child, to attend counselling, specified services or programs;
 - (d) if the regional manager has advised the court in writing that the person or program is readily available to the parties, refer the parties to a family justice counsellor or to a person designated by the Attorney General to provide specialized support assistance;
 - (e) adjourn the case for the purposes of paragraph (c) or a referral under paragraph (d);
 - (f) make an order to which all of the parties consent;
 - (g) direct that any or all applications must be made within a set time;
 - (h) direct the parties to attend a further family case conference, setting a date for that conference;
 - (i) set a date for a trial preparation conference under rule 8;
 - (j) make any order that may be made at a trial preparation conference under rule 8 (4);
 - (k) if the judge does not set a date for a further family case conference or for a trial preparation conference, set a trial date for the matter or set a date for a trial that is restricted to issues defined by the parties;
 - (l) make an interim or final order requested in an application, reply or notice of motion;
 - (m) without hearing witnesses, give a non-binding opinion on the probable outcome of a hearing or trial;

PROVINCIAL COURT (FAMILY) RULESRule 8 – Trial Preparation Conference

- (n) make any other order or give any direction that the judge considers appropriate.

[am. B.C. Reg. 132/2012, ss. 6 and 11 (b) and (c).]

Judge may make order on failure to attend

- (5) If the judge presiding at the family case conference considers that the circumstances justify it and that it is fair to do so in the person's absence, the judge may make an order referred to in subrule (4) (1) even though one or more of the persons required to attend the family case conference under subrule (2) fails to attend.

RULE 8 – TRIAL PREPARATION CONFERENCE**Trial preparation conference**

- (1) If a judge determines that a trial is necessary, the judge may first set a date for a trial preparation conference.

Who must attend the trial preparation conference

- (2) The following persons must attend the trial preparation conference:
- (a) each lawyer representing a party or a child;
 - (b) subject to the exception set out in subrule (3), the parties.

Absent parties must be available and accessible by telephone or other means

- (3) A party who is represented by a lawyer need not attend the trial preparation conference in person if the party is readily available and immediately accessible for consultation during the trial preparation conference, either in person or by telephone.

What happens at the trial preparation conference

- (4) The judge at the trial preparation conference may do one or more of the following:
- (a) order a party to allow inspection and copying of records, specified in the order, that are or have been in the party's possession or control or, if not in that party's possession or control, are within that party's power;
 - (b) order a party to serve on the other parties a written summary of the proposed evidence of a witness within a set time;
 - (c) if the judge determines that there are any pending applications relating to the case that have not yet been heard, order that those applications be heard at the trial preparation conference or be brought and heard within a set time;
 - (d) order the parties to file a statement of agreed facts, within a set time;
 - (e) discuss evidence that will be required and the procedure that will be followed at that trial;
 - (f) order a party to bring to trial a record, specified in the order, that is or has been in the party's possession or control or, if not in the party's possession or control, is within that party's power;

PROVINCIAL COURT (FAMILY) RULES

Rule 9 – Other Rules about Service and Proving Service

- (g) grant permission to a party to submit evidence by affidavit at the trial, in accordance with rule 13 [*concerning affidavits*] and with any directions given by the judge presiding at the trial preparation conference;
- (h) estimate the time required for a trial;
- (i) set a trial date for the matter or set a date for a trial that is restricted to issues defined by the parties;
- (j) make any order or give any direction that the judge considers appropriate.

[am. B.C. Reg. 132/2012, ss. 3 and 12.]

RULE 9 – OTHER RULES ABOUT SERVICE AND PROVING SERVICE**Serving documents**

- (1) Subject to the exceptions set out in subrule (2), documents may be served by delivering the documents as follows:
 - (a) on a party, other than the Director of Maintenance Enforcement,
 - (i) by leaving the documents with the party's lawyer or having a person who is at least 19 years of age, other than the serving party, leave the documents with the party to be served,
 - (ii) by mailing the documents to the last address for service provided by that party under subrule (4) or (5),
 - (iii) if the address for service provided by that party includes a fax number, by transmitting the documents to that fax number together with a fax cover-page in Form 10, or
 - (iv) if the address for service provided by that party includes an e-mail address, by e-mailing the document to that e-mail address;
 - (b) on the Director of Maintenance Enforcement, by mailing the documents to the post office box number provided by the director;
 - (c) on any other person, by leaving the documents with the person or by mailing the documents by registered mail to that person's postal address.

[am. B.C. Reg. 132/2012, s. 13 (a) and (b).]

When subrule (1) does not apply

- (2) Subrule (1) does not apply in the case of a summons, a subpoena, a protection order under Part 9 of the *Family Law Act*, an application in Form 1, 2 or 22 or a request for court enforcement under the *Family Maintenance Enforcement Act* in Form 23.

[Forms 1 and 2 concern applications for guardianship, parenting arrangements, contact with a child, support or protection orders and applications to set aside or replace filed agreements or to change, suspend or terminate orders. These applications must be served personally on the respondent (see rule 2 (3) to (5)).]

[Form 22 concerns applications to recognize orders, similar in nature to an order respecting guardianship, parenting arrangements or contact with a child, that are made by

PROVINCIAL COURT (FAMILY) RULESRule 9 – Other Rules about Service and Proving Service

courts outside of British Columbia. These applications must be served personally on the respondents (see rule 16 (4)).]

[Form 23 is related to enforcing existing support orders and is a request to the court for issuance of a summons, warrant or garnishing order. These applications are generally made without notice to the person against whom the summons or warrant will be issued or against whom the order will be made.]

[am. B.C. Regs. 132/2012, s. 13 (c) and (d); 219/2015, s. 2 (a).]

Service of summons

- (3) Unless a judge grants permission to use a different method of service under subrule (7), a summons (Form 7) issued under rule 6 (4) (e) or (10) (f) must be served on the respondent at least 3 days before the date of the hearing referred to in the summons as follows:

- (a) a clerk may have it served on the respondent by mail or fax or personally by a peace officer or a person who is at least 19 years of age other than the applicant;
- (b) the applicant may have it served on the respondent personally by a person who is at least 19 years of age other than the applicant.

[am. B.C. Reg. 132/2012, s. 13 (e).]

Party must give address

- (4) Each time a party files a Form 1, Form 2 or Form 3, the party must provide in the document the party's current address for service.

[am. B.C. Reg. 132/2012, s. 13 (f).]

Party must notify of change of address

- (5) If a party's address for service changes, the party must promptly file a notice of change of address in Form 11 and serve a copy of the notice on the other parties.

[am. B.C. Reg. 132/2012, s. 3.]

When service by mail is effected

- (6) A document served by mail in accordance with this rule is presumed to have been served 14 days after it was mailed.

Alternatives to personal service

- (7) If a person is required under these rules to have a document served personally on another person, a judge may, on application brought by notice of motion under rule 12,
- (a) order that the document be served by a peace officer, if the judge is satisfied that such an order is appropriate in the circumstances, or
 - (b) make an order granting permission to use a different method of service, specified in the order, if the judge is satisfied that the person to be served
 - (i) cannot be found after a diligent search,
 - (ii) is evading service of the documents, or
 - (iii) is temporarily outside of British Columbia.

If different method of service is permitted

- (8) If a different method of service of a document is permitted by a judge under subrule (7) (b), a filed copy of the judge's order must be served with the document, unless the judge
- (a) orders otherwise, or
 - (b) orders notice to be given by advertisement.

Notice by advertisement

- (9) If a judge orders notice to be given by advertisement,
- (a) the advertisement must be in Form 12, and
 - (b) the party who obtained permission must pay for the advertisement.

Proof of service

- (10) If an affidavit or certificate referred to in the following paragraphs is completed in accordance with the instructions on the applicable form and is filed, the affidavit or certificate is proof of service of the document to which the affidavit or certificate relates:
- (a) in relation to a document served by mail, fax or e-mail, an affidavit of service in Form 13;
 - (b) unless paragraph (b.1) applies, in relation to a document served personally by a person who is at least 19 years of age other than a peace officer, an affidavit of personal service in Form 5;
 - (b.1) in relation to a protection order under Part 9 of the *Family Law Act* served personally by a person who is at least 19 years of age, other than a peace officer or the person protected by the protection order, an affidavit of personal service in Form 5.1;
 - (c) in relation to a document served personally by a peace officer, a certificate of service in Form 14.

[am. B.C. Regs. 132/2012, ss. 7 and 13 (g) and (h); 219/2015, s. 2 (b) and (c).]

Admissibility of other evidence of service

- (11) Nothing in subrule (10) restricts the admissibility of any other evidence of service that the court may consider appropriate in the circumstances.

Service outside British Columbia

- (12) An application, notice of motion or other document may be served on a person outside British Columbia if the court has jurisdiction in relation to the order sought in the application or notice of motion under section 10 of the *Court Jurisdiction and Proceedings Transfer Act* or Division 7 or 8 of Part 4 of the *Family Law Act*.

[en. B.C. Reg. 132/2012, s. 13 (i).]

PROVINCIAL COURT (FAMILY) RULESRule 10 – Witnesses

RULE 10 – WITNESSES**How to subpoena a witness**

- (1) To require the attendance of a witness, a party must
 - (a) complete a subpoena in Form 15, and
 - (b) serve a copy of the subpoena on the witness personally at least 7 days before the date the witness is required to appear.

Travelling expenses

- (2) At the time the subpoena is served, the party who subpoenas the witness must offer the witness reasonable estimated travelling expenses.

What a witness must do

- (3) A person who is served with a subpoena must
 - (a) appear in court on the date and at the time and place stated on the subpoena, and
 - (b) bring to court any records and other things required by the subpoena.

Subpoena may be cancelled

- (4) A person who is served with a subpoena may, on 2 days notice, apply by notice of motion under rule 12 to a judge who may cancel the subpoena if
 - (a) the person is not required as a witness, or
 - (b) it would be a hardship for the person to appear in court as required by the subpoena.

If a subpoena is cancelled

- (5) A judge who cancels a subpoena may make any order or give any directions that the judge considers necessary and advisable in the circumstances, including an order adjourning the trial or any other hearing.

If a witness does not obey a subpoena

- (6) A judge may issue a warrant for arrest in Form 8 for the arrest of a witness who does not appear in court as required by a subpoena if the judge is satisfied that
 - (a) the subpoena was served on the witness,
 - (b) reasonable travelling expenses were offered to the witness, and
 - (c) justice requires the presence of the witness.

[am. B.C. Reg. 132/2012, s. 14 (a).]

How long a warrant for arrest of witness is in force

- (7) A warrant issued under subrule (6) remains in force until
 - (a) the witness named in the warrant appears in court, whether voluntarily or under the warrant, or

- (b) a judge cancels the warrant.

After a witness is arrested

- (8) A witness who is arrested under a warrant issued under subrule (6) must be brought before a judge as soon as practicable.

What the judge may do when the witness appears

- (9) If the judge determines that the witness' evidence is still required, the judge may
 - (a) release the witness on giving the witness a release in Form 9 requiring the witness to appear in court on the date and at the time and place stated in the release, or
 - (b) order a sheriff or police officer to detain the witness in custody until the witness' presence is no longer required.

[am. B.C. Reg. 132/2012, s. 14 (b).]

RULE 11 – TRIAL DATE AND EVIDENCE**Changing the trial date**

- (1) A trial may be adjourned only as follows:
 - (a) if the adjournment is sought more than 45 days before the scheduled trial date,
 - (i) by filing a consent to the adjournment signed by all parties, or
 - (ii) if the parties cannot agree to the adjournment, on application brought by notice of motion to a judge under rule 12 to explain why the adjournment is necessary;
 - (b) if the adjournment is sought within 45 days of the scheduled trial date, on application brought by notice of motion to a judge under rule 12 to explain why the adjournment is necessary.

[am. B.C. Reg. 132/2012, s. 3.]

Report must include address for service

- (1.1) If, under section 211 of the *Family Law Act*, the court appoints a person to conduct an assessment, that person must
 - (a) include in the report required under section 211 (4) of that Act an address for service, and
 - (b) unless the court otherwise orders, file a copy of the report and give a filed copy of the report to all parties at least 30 days before the scheduled trial date.

[en. B.C. Reg. 132/2012, s. 15 (a).]

PROVINCIAL COURT (FAMILY) RULESRule 11 – Trial Date and Evidence

When cross-examination required

- (1.2) A party who wishes to contest any of the facts or opinions contained in a report referred to in subrule (2) must cross examine at trial the person who prepared the report.

[en. B.C. Reg. 132/2012, s. 15 (a).]

Permission required to call person who prepares court-ordered report

- (2) If a party wishes to call as a witness at trial the person who prepared a report ordered by a judge under section 211 of the *Family Law Act*,

- (a) the party who wishes to call the witness must

(i) Repealed. [B.C. Reg. 132/2012, s. 15 (c).]

(ii) apply by notice of motion to a judge under rule 12 at least 14 days before the trial date for permission to do so, and

- (b) the judge hearing the application may make any order or give any direction that the judge considers appropriate in the circumstances.

[am. B.C. Reg. 132/2012, s. 15 (b) and (c).]

Summary of expert's evidence required in advance

- (3) A party may not call an expert to give opinion evidence unless

(a) the party serves a written summary of the expert's evidence on each other party at least 30 days before the expert is called to give evidence, or

(b) a judge grants permission.

Expert's report required in advance

- (4) Instead of calling an expert to give evidence, a party may introduce a report stating opinions of an expert, only if

(a) the party serves a copy of the report on each other party at least 30 days before the report is introduced, or

(b) a judge grants permission.

Expert's qualifications

- (5) A statement of qualifications in an expert's report is proof that the expert has those qualifications.

Proof of signature not required

- (6) A report stating opinions of an expert may be introduced in court without proof of the expert's signature.

Expert may be called for cross-examination

- (7) A party receiving another party's expert report, other than a report referred to in subrule (2), may serve on the other party, at least 14 days before the trial date, a notice requiring the expert to attend the trial for cross-examination.

Cost of calling expert

- (8) If a judge determines that it was unnecessary to call another party's expert or to call the person who prepares the report referred to in subrule (2), the judge may order the party who required the expert or person to attend to pay to the other party the reasonable costs associated with that expert's or person's attendance.

Judge may refer calculation of child support

- (9) If the regional manager has advised the court in writing that specialized support assistance is readily available to the court, a judge may at any time during a trial refer calculation of child support to a person designated by the Attorney General to provide such assistance and require that the calculation be referred back to the judge.

[am. B.C. Reg. 132/2012, s. 6.]

RULE 12 – APPLYING BY NOTICE OF MOTION FOR ORDERS OR DIRECTIONS

Applications to be made by notice of motion

- (1) If a person seeks from a judge an order, direction or review referred to in subrule (5), the person must
- (a) file the original and 3 copies of
 - (i) a notice of motion in Form 16, and
 - (ii) any documents in support of the motion, and
 - (b) at least 7 days before the date set for the hearing of the motion, serve a filed copy of the documents described in paragraph (a)
 - (i) on each party,
 - (ii) if the order sought relates to the production of a record in the possession or control of a person who is not a party, on that person, and
 - (iii) if the application relates to the guardianship of one or more children, on the persons referred to in section 52 of the *Family Law Act*.

[am. B.C. Regs. 132/2012, ss. 3 and 16 (a); 40/2013, s. 3 (a).]

When service of the notice is not required

- (2) Subrule (1) (b) does not apply if
- (a) the motion is for permission to use a different method of service or notice under rule 9 (7), or
 - (b) a judge orders otherwise.

Affidavit evidence may be used to support motion

- (3) Subject to rule 18.1, evidence may be given in support of a motion
- (a) orally on oath or affirmation, or

PROVINCIAL COURT (FAMILY) RULESRule 12 – Applying by Notice of Motion for Orders or Directions

- (b) by affidavit [*see rule 13*].

[am. B.C. Reg. 40/2013, s. 3 (b).]

If someone does not appear in court

- (4) If a party or person served with a notice of motion under subrule (1) (b) fails to appear in court on the date and at the time and place set for hearing the motion, the judge may
- (a) hear the motion in the party's or person's absence, and
 - (b) make any order requested in the notice of motion if the judge thinks that the circumstances justify it and that it is fair to do so in that party's or person's absence.

[am. B.C. Reg. 132/2012, s. 16 (b).]

Applications about orders, agreements and determinations of parenting coordinators

- (5) This rule applies if a person is seeking from a judge
- (a) an order or direction to enforce an order without seeking any changes to that order,
 - (b) an order or direction to change, suspend or terminate an order that was made in the person's absence or because the person failed to file a reply,
 - (c) an order or direction to enforce a filed agreement,
 - (d) an order or direction to enforce compliance with, or to change or set aside, a filed determination of a parenting coordinator,
 - (e) a review of a filed agreement or order respecting spousal support under the *Family Law Act* or support or maintenance under the *Family Relations Act*,
 - (f) an order determining whether there are arrears owing under a support order made under the *Family Law Act*, or under a support or maintenance order made under the *Family Relations Act*, and, if so, the amount of those arrears,
 - (g) an order under section 33 (2) of the *Family Law Act* for the taking of one or both of a tissue sample or a blood sample, or
 - (h) any other order, direction or review that, under these rules, is to be sought by a notice of motion.

[en. B.C. Reg. 132/2012, s. 16 (c).]

Requirement to file financial information

- (6) A person who is seeking a review of a filed agreement or order respecting spousal support or maintenance under the *Family Law Act* or the *Family Relations Act* must
- (a) complete a financial statement in Form 4, following the instructions on the financial statement, and
 - (b) when filing the notice of motion to seek the review, file the original and 3 copies of that financial statement and any applicable documentation described in Form 4.

[en. B.C. Reg. 132/2012, s. 16 (c).]

RULE 13 – AFFIDAVITS

What form to use

- (1) Unless a rule provides otherwise or a judge orders otherwise, an affidavit must be in Form 17.

Exhibits

- (2) Any exhibits referred to in an affidavit must be identified and attached to the affidavit.

Affidavit evidence at trial or hearing

- (3) Subject to the requirements of subrule (4), evidence may be given by affidavit at a trial or hearing only if permission is granted by a judge, either on application brought by notice of motion under rule 12 or under rule 8 (4) (g).

Affidavit must be filed and served

- (4) Evidence may not be given by affidavit at a trial or hearing unless
 - (a) the affidavit and 3 copies of it are filed, and
 - (b) a filed copy of the affidavit is served on each party at least 7 days before the date of the trial or hearing or such other period as the court may order under rule 20 (2).

[Under rule 20 (2), judges may shorten or extend time periods under these rules.]

[am. B.C. Reg. 132/2012, ss. 3 and 17.]

Permission to use defective affidavit

- (5) With permission of the judge presiding at the trial or hearing, an affidavit may be used in evidence even though it does not comply in form with this rule.

RULE 14 – CONSENT ORDERS

Consent orders

- (1) If at any time in the course of proceedings the parties wish to apply for an order that the parties consent to, the parties may apply in one of the following ways:
 - (a) without having to appear before a judge, under subrules (1.1) to (3);
 - (b) in an appearance before a judge, under subrule (4).

[en. B.C. Reg. 132/2012, s.18 (a).]

Consent order without appearing in court

- (1.1) The parties may apply for an order by consent without appearing before a judge by filing all of the following:
 - (a) a request in Form 18;
 - (b) a consent in Form 19;

PROVINCIAL COURT (FAMILY) RULESRule 16 – Applying for Recognition of Extraprovincial Orders

- (c) a draft consent order in Form 20 containing the particulars of the order sought;
- (d) one or more affidavits in support of the order.

[If the order sought is for guardianship of one or more children, see rule 18.1.]

[en. B.C. Reg. 132/2012, s.18 (a); am. B.C. Reg. 40/2013, s. 4.]

Judge may sign consent order or require parties to attend

- (2) If a consent order is applied for under subrule (1.1), a clerk must place the request, draft consent order and supporting documents before a judge who may
 - (a) approve and sign the consent order without the parties having to attend, if the judge is satisfied that consent is given and it is appropriate that the order be made, or
 - (b) direct that the parties, and any other person specified by the judge, attend before the judge to explain why the order should be made.

[am. B.C. Reg. 132/2012, s. 18 (b).]

Notice of appearance if parties required to attend

- (3) If the judge gives a direction under subrule (2) (b), a clerk must notify the parties and any other persons specified by the judge of the date, time and place for the court appearance.

Consent order sought before a judge

- (4) The parties may seek an order by consent before a judge by providing such evidence of consent as the judge may require.

[en. B.C. Reg. 132/2012, s. 18 (c).]

RULE 15

Repealed. [B.C. Reg. 132/2012, s. 19.]

RULE 16 – APPLYING FOR RECOGNITION OF EXTRAPROVINCIAL ORDERS

- (1) and (2) Repealed. [B.C. Reg. 132/2012, s. 20 (b).]

Definitions

- (2.1) In this rule:

“**extraprovincial order**” means an order of an extraprovincial tribunal that is similar in nature to an order respecting guardianship, parenting arrangements or contact with a child;

“**extraprovincial tribunal**” means a court or tribunal, outside British Columbia, having authority to make an extraprovincial order.

[en. B.C. Reg. 132/2012, s. 20 (b).]

How to apply for recognition of an extraprovincial order

- (3) To apply to the court under section 75 of the *Family Law Act* for an order recognizing an extraprovincial order, a person must complete an application to recognize an extraprovincial order for guardianship, parenting arrangements or contact with a child in Form 22 and file it, together with 3 copies of it and a certified copy of the extraprovincial order.

[en. B.C. Reg. 132/2012, s. 20 (b).]

Personal service of application, not by the applicant

- (4) Unless a judge grants permission to use a different method of service under rule 9 (7), the applicant under subrule (3) must have a filed copy of the application served personally on the respondent by a person who is at least 19 years of age other than the applicant.

[am. B.C. Reg. 132/2012, s. 20 (c).]

Other rules that apply

- (5) The following rules apply to proceedings begun by an application under subrule (3):
- (a) rule 9 [*other rules about service and proving service*];
 - (b) rule 10 [*witnesses*];
 - (c) rule 11 [*trial date and evidence*];
 - (d) rule 12 [*applying by notice of motion for orders or directions*];
 - (e) rule 13 [*affidavits*];
 - (f) rule 14 [*consent orders*];
 - (g) Repealed. [B.C. Reg. 132/2012, s. 20 (e).]
 - (h) rule 18 [*orders*];
 - (i) rule 19 [*transfer of files*];
 - (j) rule 20 [*general*].

[am. B.C. Reg. 132/2012, s. 20 (d) and (e).]

**RULE 17 – APPLYING FOR ENFORCEMENT OF MAINTENANCE ORDERS
UNDER THE *FAMILY MAINTENANCE ENFORCEMENT ACT*****Definitions**

- (1) In this rule:

“**Act**” means the *Family Maintenance Enforcement Act*;

“**applicant**” includes

- (a) a creditor or debtor as defined in the Act,
- (b) the Director of Maintenance Enforcement, if the application relates to an order that is filed with the director, and

PROVINCIAL COURT (FAMILY) RULES**Rule 17 – Applying for Enforcement of Maintenance Orders under the *Family Maintenance Enforcement Act***

- (c) anyone else who is entitled to bring or defend an application under the Act.
[en. B.C. Reg. 132/2012, s. 21 (a).]

How to apply for a summons, warrant or garnishing order

- (2) To apply to the court for issuance of any of the following under the Act, an applicant must complete a request for court enforcement under the Act in Form 23:
- (a) a summons in Form 7 or a warrant under section 14 (2) of the Act;
 - (b) a garnishing order under section 18 of the Act;
 - (c) a summons to a default hearing in Form 7A to summon a debtor to a default hearing under section 19 of the Act;
 - (d) a summons in Form 7 or warrant of arrest for failing to report in accordance with an order under section 22 (1) (a) or (b) of the Act;
 - (e) a summons to a committal hearing in Form 7B to summon a debtor to a committal hearing under section 23 (1) of the Act;
 - (f) a warrant of execution under section 27 of the Act;
 - (g) a warrant for the arrest of a debtor under section 31 (a) of the Act.
- [am. B.C. Regs. 103/2001, s. 1; 132/2012, s. 21 (b) to (e).]

How to apply for other orders

- (3) To apply to the court for any of the following under the Act, an applicant must complete a notice of motion in maintenance enforcement proceedings in Form 24:
- (a) an order respecting correspondence and searchable information under section 9 of the Act;
 - (b) an order extending the time for filing a statement of finances under section 13 (4) of the Act;
 - (c) an order requiring the debtor to file a statement of finances or prescribed documents or both under section 14 (1) (a) of the Act;
 - (d) an order requiring the debtor to pay an amount on failing to file a statement of finances or prescribed documents under section 14 (1) (b) of the Act;
 - (e) an order for payment by an attachee under section 16 (3) or 24 (6) of the Act;
 - (f) an order determining liability under a notice of attachment or determining a related issue under section 16 (5) of the Act;
 - (g) an order changing an order made under section 21 (1) or (2) of the Act;
 - (h) an order changing the amount exempt from attachment under an attachment order or notice of attachment;
 - (i) an order setting aside an attachment order made under section 24 of the Act;
 - (j) an order under section 26 (10) of the Act discharging or postponing the registration of a maintenance order registered against land;

- (k) an order requiring an individual or authorized representative of a corporation, partnership or proprietorship to attend a default hearing or committal hearing and to file financial information under section 39 (1) of the Act;
- (l) a restraining order under section 46 of the Act;
- (m) an order that a corporation is jointly and separately liable with the debtor for payments required under the maintenance order under section 14.2 (2) of the Act;
- (n) an order under section 29.2 (2) of the Act that the Director of Maintenance Enforcement direct the Insurance Corporation of British Columbia to disregard
 - (i) a notice not to issue or renew the driver's licence of a debtor, or
 - (ii) a notice not to issue or renew the licence and corresponding number plates for any motor vehicle or trailer owned by a debtor.

[am. B.C. Reg. 132/2012, s. 21 (b) and (f) to (h).]

Filing the form

- (4) An applicant under subrule (2) or (3) must file, in the registry where the order to be enforced is filed, the original and 3 copies of
 - (a) the completed Form 23 or 24, and
 - (b) any documents listed in the form.

[am. B.C. Reg. 132/2012, s. 21 (i).]

Service of summons

- (5) Unless a judge grants permission to use a different method of service under rule 9 (7), a summons (Form 7, 7A or 7B) issued in response to a request under subrule (2) and a filed copy of the request and each accompanying document must be served on the respondent at least 3 days before the date of the hearing referred to in the summons as follows:
 - (a) a clerk may have them served on the respondent by mail or fax or personally by a peace officer or a person who is at least 19 years of age other than the applicant;
 - (b) the applicant may have them served on the respondent by mail or fax or personally by a person who is at least 19 years of age other than the applicant.

[am. B.C. Regs. 103/2001, s. 2; 132/2012, s. 21 (j).]

If a respondent served with a summons does not appear

- (6) If a respondent who is served with a summons issued under subrule (2) does not appear in court as required by the summons, the judge may issue a warrant for arrest in Form 8 for the arrest of the respondent.

[am. B.C. Reg. 132/2012, s. 21 (k).]

PROVINCIAL COURT (FAMILY) RULES

Rule 18 – Orders

If a warrant for arrest is issued

- (7) Rule 6 (11) to (15) (a) applies to a warrant issued under subrule (2) (g) or (6) of this rule.

Method of service on respondent

- (8) Unless a judge grants permission to use a different method of service under rule 9 (7), an applicant under subrule (3) must have a filed copy of the notice of motion and any accompanying documents served on the respondent by mail or fax or personally by a person who is at least 19 years of age other than the applicant.

[am. B.C. Reg. 132/2012, s. 21 (j).]

Other rules about applications under subrule (3)

- (9) The following rules apply to an application under subrule (3) and to proceedings that follow the issuance of a summons to a request under subrule (2):
- (a) rule 8 [*trial preparation conference*];
 - (b) rule 9 [*other rules about service and proving service*];
 - (c) rule 12 (1) (b) and (2) to (4) [*applying by notice of motion for orders or directions*];
 - (d) rule 13 [*affidavits*];
 - (e) rule 18 [*orders*];
 - (f) rule 19 [*transfer of files*];
 - (g) rule 20 [*general*].

RULE 18 – ORDERS**Effective date of order**

- (1) An order takes effect on the day it is made by a judge unless the judge orders otherwise.

Successful party prepares the order

- (2) Subject to subrule (2.1) and unless the judge orders otherwise, if the party in whose favour an order is made is represented by a lawyer, the party's lawyer must, as soon as practicable, prepare the order.

[en. B.C. Reg. 132/2012, s. 22 (a); am. B.C. Reg. 219/2015, s. 3 (a).]

Clerk prepares protection order

- (2.1) Unless the judge orders otherwise, a clerk must prepare a protection order under Part 9 of the *Family Law Act*.

[en. B.C. Reg. 219/2015, s. 3 (b).]

Clerk prepares the order for unrepresented party

- (3) Unless the judge orders otherwise, if the party in whose favour an order is made is not represented by a lawyer, a clerk must, as soon as practicable, prepare the order in the applicable form.

Form of order

- (3.1) An order must be in the following form:
- (a) in Form 25, if the order is a protection order made under Part 9 of the *Family Law Act*;
 - (b) in Form 25.1, if the order is a restraining order made under section 46 of the *Family Maintenance Enforcement Act*;
 - (c) in Form 26, in any other case.

[en. B.C. Reg. 132/2012, s. 22 (b).]

Approving the form of the order

- (4) Unless a judge orders otherwise, an order that is prepared by a party's lawyer and is not made by consent under section 219 of the *Family Law Act* must be signed as approved
- (a) by the party's lawyer, and
 - (b) if any other party is represented by a lawyer, by the other party's lawyer.

[am. B.C. Regs. 132/2012, s. 22 (c); 122/2014, s. 3; 219/2015, s. 3 (c).]

Settling the order

- (5) A party may apply by notice of motion to a judge under rule 12 to settle the terms of an order if there is a dispute about the terms.

Delivering the order to the registry

- (6) After an order is signed as approved in accordance with subrule (4),
- (a) it must be delivered to the registry to be signed by a judge, filed and date stamped with the registry stamp, and
 - (b) any document required by a judge to be filed with the order must be delivered for filing at the same time, or the order ceases to have effect.

[am. B.C. Reg. 132/2012, s. 22 (d).]

Order must be signed

- (6.1) After a protection order under Part 9 of the *Family Law Act* is prepared under subrule (2.1), it must be signed by a judge or by a person designated by a judge for this purpose.

[en. B.C. Reg. 219/2015, s. 3 (d).]

PROVINCIAL COURT (FAMILY) RULESRule 18.1 – Guardianship Orders

Notice of order

- (7) Unless the judge orders otherwise, after an order is signed by the judge and filed, a clerk must provide a filed copy of the order to the parties or their lawyers.

[am. B.C. Reg. 132/2012, s. 22 (d).]

Correcting the order

- (8) Any judge may correct, at any time, a clerical mistake or omission in an order.

RULE 18.1 – GUARDIANSHIP ORDERS**Guardianship affidavit required**

- (1) When an order is sought appointing a person as the guardian of one or more children, the applicant must

- (a) complete and file with the court the original and 3 copies of an affidavit in Form 34, attaching the exhibits referred to in the affidavit, that complies with subrule (4) and serve a copy of that filed affidavit on the other parties and on any other person who may be affected by the orders sought, and
- (b) provide to the judge any other evidence the judge considers necessary.

[A person who is a guardian within the meaning of section 39 of the Family Law Act does not need to apply for guardianship and does not need to file the Form 34 affidavit referred to above.]

[en. B.C. Reg. 40/2013, s. 5; am. B.C. Reg. 122/2014, s. 4 (a).]

Interim order may be made

- (2) A judge may make an interim order for guardianship without an affidavit in Form 34 having been filed if the judge is satisfied that it is in the best interests of the child that an interim guardianship order be made before that affidavit is filed.

[en. B.C. Reg. 40/2013, s. 5.]

Duration of interim order

- (3) An interim order under subrule (2) must expire within 90 days after the date of pronouncement unless renewed by a judge.

[en. B.C. Reg. 40/2013, s. 5.]

Affidavit required before hearing

- (4) Unless a judge otherwise orders,
- (a) if the order referred to in subrule (1) is being sought at a hearing, an affidavit referred to in subrule (1) must be filed and served at least 7 days before the date set for the hearing, or
 - (b) if the order referred to in subrule (1) is being sought without a hearing,
 - (i) an affidavit referred to in subrule (1) must be sworn not more than 7 days before the date on which the materials in support of the application are filed, and

- (ii) the child protection records check, criminal records check and protection order records check attached as an exhibit to the affidavit must be dated not more than 60 days before the date on which the materials in support of the application are filed.

[en. B.C. Reg. 40/2013, s. 5; am. B.C. Reg. 122/2014, s. 4 (b).]

What to do if information changes

- (5) Unless a judge otherwise orders, if the order referred to in subrule (1) is being sought at a hearing and there is a material change in any of the information contained in an affidavit referred to in subrule (1) between the date it is sworn and the date of the hearing, the applicant must do the following before the hearing:
 - (a) if the change relates to information contained in a records check attached to the affidavit,
 - (i) obtain a new records check to replace the one that has changed,
 - (ii) file an original and 3 copies of an affidavit attaching the new records check, and
 - (iii) serve a copy of that filed affidavit on each of the parties and on every other person who may be affected by the orders sought;
 - (b) if the change relates to information that is not contained in a records check attached to the affidavit,
 - (i) file an original and 3 copies of an affidavit describing the material change, and
 - (ii) serve a copy of that filed affidavit on each of the parties and on every other person who may be affected by the orders sought.

[en. B.C. Reg. 40/2013, s. 5.]

RULE 19 – TRANSFER OF COURT FILES**Judge may order transfer of court files**

- (1) On application by notice of motion to a judge under rule 12, the judge may order that a court file be transferred to another registry.

[am. B.C. Reg. 132/2012, s. 23 (b).]

Where to make the application

- (2) The transfer application must be made in the registry where the court file is located or, if the application relates to an order, or a filed agreement, referred to in rule 2 (2), the applicant must apply to a judge at the registry where the order or agreement is filed.

[am. B.C. Reg. 132/2012, s. 23 (b) and (c).]

Permission may be for one application or all purposes

- (3) The application to transfer may be made for the purposes of all or any part of the proceedings.

PROVINCIAL COURT (FAMILY) RULESRule 20 – General

What the judge must consider

- (4) Before granting permission to transfer a court file to another registry or to file an application at another registry, the judge must consider
- (a) the balance of convenience, and
 - (b) any special circumstances that exist.
- [am. B.C. Reg. 132/2012, s. 23 (d).]

Transfer of court file by consent

- (5) A clerk may transfer a court file to another registry for the purposes of all or any part of the proceedings, if the parties
- (a) complete a transfer consent in Form 27, and
 - (b) file the consent in the registry where the court file is located.
- [am. B.C. Reg. 132/2012, s. 23 (d) to (f).]

Transfer of court file without order or consent

- (6) A clerk may transfer a court file to another registry, for the purposes of one application or for all purposes, if
- (a) only one of the parties, other than the Director of Maintenance Enforcement, resides in British Columbia, and
 - (b) the party residing in British Columbia files a written request for the transfer.
- [am. B.C. Reg. 132/2012, ss. 3 and 23 (d).]

RULE 20 – GENERAL**Judge may adjourn trial or hearing**

- (1) Whether or not the parties consent, a judge may adjourn a trial or hearing to a specific date or without setting a date.

Judge may waive or vary rules

- (2) A judge may, at any time,
- (a) waive or modify a time limit set by these rules or by an order of the court, even after the time limit has expired,
 - (b) waive or modify any service, delivery or notice requirement under these rules, and
 - (c) permit any other means of proof instead of that required by these rules.

Order may be made without notice

- (3) If a matter is urgent or special circumstances exist, a judge may make an order without a person having been served with a copy of an application, summons or notice of motion.

Changing or cancelling orders made in the absence of a party

- (4) A judge may change, suspend or terminate an order made in the absence of a person, or made when the person failed to file a reply, if
- (a) there is a good reason for changing, suspending or terminating the order, and
 - (b) that person applies by notice of motion to a judge under rule 12 within a reasonable time and attaches to the application an affidavit stating
 - (i) the reason the person did not file a reply or attend before the court when required,
 - (ii) the reason for any delay if there has been delay in filing the application, and
 - (iii) the facts that support the application.

[am. B.C. Reg. 132/2012, s. 24 (a) to (c).]

Notice of proceedings and adding parties

- (5) A judge may, at any time, do one or more of the following:
- (a) order that a person be given notice of a trial or hearing;
 - (b) order that a person be added as a party for purposes of a hearing or the proceedings generally;
 - (c) dispense with a requirement that notice of a trial or hearing be given to a person who is not a party.

Judge may order production of records

- (6) On application by notice of motion to a judge under rule 12, the judge may order a person who possesses or controls a record that is relevant to the proceedings and on whom notice has been served in accordance with rule 12 (1) (b) to produce the record for inspection and copying on the date, at the time and place and in the manner the judge thinks is fair.

Copies permissible instead of originals

- (7) With a judge's permission, a copy of a document may be used in court instead of the original.

Judge may give directions

- (8) A judge may give directions on any procedural matter that is not provided for in these rules or an enactment.

Confidentiality of financial information

- (9) A person must not disclose any information contained in a record filed under rule 4 [financial information] except to the extent necessary for the purposes of an application under the *Family Law Act*.

[am. B.C. Reg. 132/2012, s. 24 (d).]

PROVINCIAL COURT (FAMILY) RULES

Rule 20 – General

Who can search court files

- (10) No one is entitled to search a court file respecting an application under the *Family Law Act*, a filed agreement or an application under the *Family Maintenance Enforcement Act* except
- (a) a party,
 - (b) a lawyer, whether or not a lawyer of a party,
 - (c) a person who is named in the application as a respondent or who is named as a party to the agreement, as the case may be,
 - (d) a family justice counsellor,
 - (e) a person authorized by a judge, or
 - (f) a person authorized in writing by a party or a party's lawyer.
- [am. B.C. Reg. 132/2012, s. 24 (d) to (h).]

If an applicant or respondent does not comply with the rules

- (11) If an applicant or respondent does not comply with these rules, a judge may
- (a) cancel a step taken or an order made or disregard a document filed in the course of the proceedings,
 - (b) order the trial or a hearing to continue as if the applicant or respondent were not present, or
 - (c) make any order or give any directions that the judge considers necessary and advisable in the circumstances, including an order dismissing or granting an application or counterclaim made.

Filing an agreement or parenting coordinator's determination

- (12) The following may be filed:
- (a) a copy of a written agreement referred to in section 15, 44 (3), 58 (3), 148 (2) or 163 (3) of the *Family Law Act*;
 - (b) a copy of a determination by a parenting coordinator referred to in section 18 of the *Family Law Act*.
- [en. B.C. Reg. 132/2012, s. 24 (i).]

Practice directions

- (13) The chief judge of the court may issue practice directions consistent with these rules and their purpose.
- (14) Repealed. [B.C. Reg. 132/2012, s. 24 (j).]

Judge may require notice

- (15) If a judge has
- (a) made an order under Rule 6 (3) (i) or 7 (4) (c) requiring parties to participate in mediation with the assistance of a family justice counsellor, or

(b) adjourned a case under Rule 6 (5) to enable the parties to participate in mediation with the assistance of a family justice counsellor,
the judge may require the parties to obtain from the family justice counsellor written notice indicating

(c) whether the family justice counsellor determined mediation was appropriate in the circumstances, and

(d) whether the parties were able to resolve some or all of the issues in the case through mediation.

[en. B.C. Reg. 122/2014, s. 5.]

RULE 21 – PARENTING AFTER SEPARATION PROGRAM

Definitions

(1) In this rule:

“**Certificate of Attendance**” means a certificate issued on behalf of the Ministry of Attorney General attesting that the person named has attended at a Parenting after Separation Program;

“**designated registry**” means the following registries: Abbotsford, Campbell River, Chilliwack, Courtenay, Kamloops, Kelowna, Nanaimo, New Westminster, North Vancouver, Penticton, Port Coquitlam, Prince George, Richmond, Surrey, Vancouver (Robson Square), Vernon and Victoria;

“**party**” includes a respondent who has not yet filed a reply within the time allowed under rule 3;

“**program**” means a Parenting after Separation Program operated by the Family Justice Services Division of the Ministry of Attorney General;

“**program administrator**” means a person employed by the minister to review exemption requests made under subrule (6).

[en. B.C. Reg. 102/2001, s. 3; am. B.C. Regs. 159/2003, s. 3; 96/2006, s. 1 (a); 270/2010, s. 1; 111/2012, s. 1 (a); 27/2013, Sch. 2, s. 8; 99/2018, Sch. 2, s. 11.]

Purpose

(2) The purpose of this rule is to promote the best interests of children by providing a program to persons in dispute over issues respecting children.

[en. B.C. Reg. 102/2001, s. 3; am. B.C. Reg. 111/2012, s. 1 (b).]

This rule applies in designated registries

(3) Subject to the exceptions set out in subrule (4), this rule applies to the following applications if the application is filed in a designated registry or the court file for the proceeding is transferred under rule 19 to a designated registry:

(a) for guardianship, parenting arrangements or contact with a child;

(b) for child support;

PROVINCIAL COURT (FAMILY) RULESRule 21 – Parenting after Separation Program

- (c) to change, suspend or terminate an order for anything listed in paragraph (a) or (b);
- (d) to set aside or replace a filed agreement for anything listed in paragraph (a) or (b).

[en. B.C. Reg. 102/2001, s. 3; am. B.C. Reg. 132/2012, ss. 6 and 25 (a).]

Parties in some cases need not attend

- (4) None of the parties need attend a program if one of the parties files a parenting after separation exemption request in Form 31 and
 - (a) a consent order is filed that resolves all issues involving children,
 - (b) a director under the *Child, Family and Community Services Act* is a party,
 - (c) the application is for child support only and a party has assigned child support rights to the government under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*,
 - (d) the application is made under the *Interjurisdictional Support Orders Act*, or
 - (e) one or both of the parties is seeking an order for return of a child under the Convention on the Civil Aspects of International Child Abduction signed at The Hague on October 25, 1980.

[en. B.C. Reg. 102/2001, s. 3; am. B.C. Regs. 159/2003, s. 3; 96/2006, s. 1 (b); 111/2012, s. 1 (c); 132/2012, ss. 6 and 25 (b).]

A party who has already attended

- (5) Unless the court otherwise orders, a party need not attend a program if that party files a parenting after separation exemption request in Form 31 stating that the party has attended and completed a program in the 24 months immediately preceding the date of filing the request.

[en. B.C. Reg. 111/2012, s. 1 (d).]

A party who is unable to attend the program

- (6) A program administrator may exempt a party from attending a program if the party provides to the program administrator a parenting after separation exemption request in Form 31 that states one of the following reasons:
 - (a) the party is not fluent in a language in which a program is offered;
 - (b) the party resides in a community where a program is not offered and the party has no electronic access to a program;
 - (c) the party is incapable of attending due to a serious medical condition.

[en. B.C. Reg. 111/2012, s. 1 (d).]

Judge may grant exemption or deferral

- (7) On application a judge may dispense with or defer the application of this rule to one or more parties if
 - (a) a party has applied for an order under Part 9 of the *Family Law Act*, or

- (b) the judge is satisfied that urgent and exceptional circumstances exist requiring a judge to hear the matter at the earliest opportunity.

[en. B.C. Reg. 102/2001, s. 3; am. B.C. Reg. 132/2012, s. 25 (c).]

One party must attend program before date set

- (8) Subject to subrules (4), (5), (6) and (7), a date for a first court appearance will not be set until either the applicant or respondent files a Certificate of Attendance.

[en. B.C. Reg. 102/2001, s. 3; am. B.C. Reg. 132/2012, s. 7.]

Both parties must attend program before court appearance

- (9) If this rule applies, but subject to subrules (4), (5), (6) and (7), both the applicant and respondent must attend a program and must file a Certificate of Attendance on or before the date of the first court appearance.

[en. B.C. Reg. 102/2001, s. 3; am. B.C. Regs. 111/2012, s. 1 (e); 132/2012, s. 7.]

RULE 22 – ELECTRONIC FILING

Definitions

- (1) In this rule:

“**electronic document**” means a document that has been transmitted for filing electronically;

“**electronic services agreement**” means an agreement referred to in subrule (3);

“**registered user**” means a person who has entered into an electronic services agreement.

[en. B.C. Reg. 132/2012, s. 26.]

This rule applies in event of conflict

- (2) In the event of a conflict between this rule and another rule, this rule applies.

[en. B.C. Reg. 132/2012, s. 26.]

Electronic services agreement

- (3) A person wishing to file documents in a registry under this rule must

(a) enter into an agreement with the Court Services Branch of the Ministry of Attorney General respecting the terms and conditions under which those filings may be made, and

(b) submit documents for filing in accordance with that agreement.

[en. B.C. Reg. 132/2012, s. 26; am. B.C. Reg. 99/2018, Sch. 2, s. 12.]

Means of transmission

- (4) A registered user may electronically transmit a document to a registry for filing if the document is not one referred to in subrule (5).

[en. B.C. Reg. 132/2012, s. 26.]

PROVINCIAL COURT (FAMILY) RULESRule 22 – Electronic Filing

Application of this rule

- (5) The following documents may not be transmitted for filing electronically:
- (a) a summons to a default hearing in Form 7A;
 - (b) a summons to a committal hearing in Form 7B;
 - (c) a certificate of service in Form 14;
 - (d) an application to recognize an extraprovincial order for guardianship, parenting arrangements or contact in Form 22;
 - (e) a request for court enforcement under the *Family Maintenance Enforcement Act* in Form 23.

[en. B.C. Reg. 132/2012, s. 26.]

Affidavits and other signed documents

- (6) An affidavit or other signed document that is being filed for evidentiary purposes, if submitted for filing electronically, must clearly identify the signatory and must be accompanied by a statement, in Form 33, of the lawyer acting for the person on whose behalf the document is submitted for filing or, if that person is unrepresented, by a statement of that person, in Form 33, indicating that
- (a) the original paper version of the document appears to bear an original signature of the person identified as the signatory and the person making the Form 33 statement has no reason to believe that the signature placed on the document is not the signature of the identified signatory, and
 - (b) the version of the document that is being submitted for filing electronically appears to be a true copy of the original paper version of the document and the person making the Form 33 statement has no reason to believe that it is not a true copy of the original paper version.

[en. B.C. Reg. 132/2012, s. 26.]

Retention of documents

- (7) A person who, under subrule (6), submits a document for filing electronically under these rules must
- (a) keep the original paper version of the document until the earliest of
 - (i) the date on which the proceeding, including any appeals, is finally disposed of,
 - (ii) the date on which the appeal period for the proceeding has expired if no notice of appeal respecting the proceeding has been filed within that period, and
 - (iii) the date on which a judge orders that the original paper version be filed, and
 - (b) if a request is made under paragraph (a) (iii), file the original paper version promptly after that request is made.

[en. B.C. Reg. 132/2012, s. 26.]

Conversion of documents

- (8) If a document in paper form is filed, a clerk of the registry in which the document was filed may convert the document into electronic form and, in that event, the clerk must
- (a) store the conversion in a computer or in another electronic system that the clerk considers appropriate, and
 - (b) retain the paper form of the document.
- [en. B.C. Reg. 132/2012, s. 26.]

Inspection of original documents

- (9) A person who submits a document referred to in subrule (6) for filing electronically must, on request, make the original paper version of that document available for inspection by other parties or their lawyers and by the court.
- [en. B.C. Reg. 132/2012, s. 26.]

Notice of motion

- (10) A person who is entitled to inspect a document under subrule (9) may, if that inspection is denied, apply by notice of motion to a judge under rule 12 for an order that the original paper version of the document be filed.
- [en. B.C. Reg. 132/2012, s. 26.]

Application of rule 13

- (11) Rule 13 continues to apply to affidavits filed under this rule, but, in the event of a conflict between this rule and rule 13 in respect of those affidavits, this rule prevails.
- [en. B.C. Reg. 132/2012, s. 26.]

Electronic authentication deemed a signature

- (12) For the purposes of these rules other than subrule (6) of this rule, a document is deemed to have been originally signed if it has been electronically authenticated in the manner contemplated by the applicable electronic services agreement.
- [en. B.C. Reg. 132/2012, s. 26.]

Filing of documents

- (13) If a document that has been transmitted for filing electronically is accepted for filing by a clerk, the document is deemed to have been filed as follows:
- (a) if the document is received by the registry at or before 4 p.m. on a day that is not a Saturday or a holiday, the document is deemed to be filed on the day of receipt;
 - (b) if the document is received by the registry on a Saturday or holiday or after 4 p.m. on any other day, the document is deemed to be filed on the next day that is not a Saturday or a holiday.
- [en. B.C. Reg. 132/2012, s. 26.]

PROVINCIAL COURT (FAMILY) RULESRule 22 – Electronic Filing

Electronic acceptance

- (14) After a document that has been transmitted for filing electronically is accepted for filing by a clerk, the clerk must affix an electronic version of the registry stamp to the document and, after that, must provide a copy of the stamped electronic document, in the manner contemplated by the electronic services agreement, to the person who transmitted the document for filing.

[en. B.C. Reg. 132/2012, s. 26.]

Public access to documents filed electronically

- (15) After a document has been filed under this rule, a person who is otherwise entitled to view and obtain a copy of the document may

- (a) obtain from the registry a paper copy of the document,
- (b) if a public access computer terminal is available in the registry, view the document on that terminal or, if the document is not available for viewing on that terminal, view on that terminal the information about the document or its contents, if any, that is available on that terminal, or
- (c) if the person is a registered user, access the document in accordance with the terms of the electronic services agreement entered into by that person.

[en. B.C. Reg. 132/2012, s. 26.]

Service of documents

- (16) A document that may or must be served on a person may, if it is an electronic document, be served on the person in a manner contemplated by rule 9 or as follows:

- (a) if the person has provided an e-mail address for service, by e-mailing it to that person's e-mail address for service;
- (b) if the lawyer for the person has provided an e-mail address for service, by e-mailing it to that lawyer's e-mail address for service;
- (c) if paragraph (a) or (b) applies and, under these rules, multiple copies of the document are to be served, the serving party need serve only a single electronic copy of the document.

[en. B.C. Reg. 132/2012, s. 26.]

If document does not reach a person

- (17) Even though a document has been served in accordance with subrule (16), a person may show, on an application to set aside the consequences of default, on an application for an extension of time or on an application in support of a request for an adjournment, that the document

- (a) did not come to the person's notice,
- (b) did come to the person's notice later than when it was served or effectively served, or
- (c) was incomplete or illegible.

[en. B.C. Reg. 132/2012, s. 26.]

FORM 1 (RULE 2 (1))

[en. B.C. Reg. 132/2012, s. 27.]

APPLICATION TO OBTAIN AN ORDER

Court File No.

Court Location

F.M.E.P. No.

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

Filed by:

Name Date of birth
(APPLICANT)*(Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.)*

Address for service

City Province Postal Code

Phone Fax E-mail

Notice to:

Name Date of birth
(RESPONDENT)

Address for service

City Province Postal Code

Phone Fax

IMPORTANT NOTES TO RESPONDENT:

If this application contains a claim for support, you are required to file financial information with your reply. If you do not, the court may attribute income to you and set the amount of support to be paid. The applicant has estimated your gross annual income as set out in item 3 below.**If you fail to file a reply within 30 days after being served with this application, you will not receive notice of any part of the proceeding and the court may make an order against you.**

I am applying for:

☐ guardianship☐ allocation of parental responsibilities

PROVINCIAL COURT (FAMILY) RULES

Form 1 (Rule 2 (1))

- ☐ parenting time
☐ contact with a child
☐ child support
☐ spousal support
☐ a protection order
☐ other order (*specify*)

1 – Orders and agreements

Are there any court orders or written agreements between the parties concerning separation, guardianship, parenting arrangements, contact with a child or support?

- ☐ No orders ☐ I am attaching copies of all orders
☐ No written agreements ☐ I am attaching copies of all written agreements

2 – Children

Name(s) of child(ren)	Birthdate(s)

My relationship to the child(ren) is

The respondent's relationship to the child(ren) is

The present arrangements for guardianship, parenting arrangements or contact with a child are:

.....

(Complete the following if you are asking for guardianship, parenting arrangements or contact with a child.) I am asking for guardianship, parenting arrangements or contact with a child as follows:

.....

3 – Support (Complete if you are asking for child or spousal support.)

The current support arrangements are:

.....

I believe that the respondent's gross annual income is \$..... because

.....

I am asking for: (Complete only if you are asking for child support.)

- ☐ support in the amount set out in the Child Support Guidelines for[number]..... children
☐ special or extraordinary expenses, as follows:

.....

I am asking for: (*Complete only if you are asking for retroactive child support or retroactive spousal support.*)

- [] child support retroactive to[mmm/dd/yyyy]..... because
- [] spousal support retroactive to[mmm/dd/yyyy]..... because

Information for Applicant and Respondent

You must complete Form 4, following the instructions on that form, if:

- there is a claim for spousal support,
OR
- there is a claim for child support and one or more of the following applies:
 - you are the person being asked to pay;
 - the claim is for an amount other than the amount set out in the tables of the Child Support Guidelines, including a claim under section 8, 9 or 10 of the Child Support Guidelines;
 - there is a claim under section 7 [*special or extraordinary expenses*] of the Child Support Guidelines;
 - one or more of the children for whom support is claimed is 19 years of age or older;
 - the person who is being asked to pay is a stepparent, or a guardian who is not a parent, of one or more of the children for whom support is claimed.

You may also provide this financial information before receiving the respondent's reply, in order to avoid delay, if you believe that the income of a respondent from whom child support is claimed is over \$150 000 per year or that the respondent will claim undue hardship, special or extraordinary expenses or make a counterclaim for support.

4 – Protection Orders (*Complete if you are asking for a protection order.*)

I am asking for an order in the following terms:

.....

Dated[mmm/dd/yyyy].....

Signature

.....
Name of applicant's lawyer

*If the applicant in this proceeding is represented by a lawyer,
the lawyer must complete the following certificate.*

LAWYER'S CERTIFICATE (FAMILY LAW ACT, s. 8 (2))

I,, lawyer for[name of party]..... certify that, in accordance with section 8 (2) of the *Family Law Act*, I have

- (a) discussed with the party the advisability of using various types of family dispute resolution to resolve the matter, and

PROVINCIAL COURT (FAMILY) RULES

Form 1 (Rule 2 (1))

- (b) informed the party of the facilities and other resources, known to me, that may be available to assist in resolving the dispute.

Dated[mmm/dd/yyyy].....

.....

Signature of lawyer

.....[type or print name].....

PROVINCIAL COURT (FAMILY) RULES

Form 2 (Rule 2 (2))

FORM 2 (RULE 2 (2))

[en. B.C. Reg. 132/2012, s. 27; am. B.C. Reg. 122/2014, s. 6.]

APPLICATION RESPECTING EXISTING ORDERS OR AGREEMENTS

Court File No.

Court Location

F.M.E.P. No.

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

Filed by:

Name Date of birth

(APPLICANT)

(Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.)

Address for service

City Province Postal Code

Phone Fax E-mail

Notice to:

Name Date of birth

(RESPONDENT)

Address for service

City Province Postal Code

Phone Fax

and to:

☐ Director of Maintenance Enforcement☐ Minister under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*

IMPORTANT NOTE:

If this claim involves an order for support, you may be required to file financial information. If you do not, the court may attribute income to you and set the amount of support to be paid.**IMPORTANT NOTE TO RESPONDENT: If you fail to file a reply within 30 days after being served with this application, you will not receive notice of any part of the proceeding and the court may make an order against you.**

PROVINCIAL COURT (FAMILY) RULES

Form 2 (Rule 2 (2))

[] I ask that the attached order dated[mmm/dd/yyyy]..... be changed to the following:.....

Or

[] I ask that the attached order dated[mmm/dd/yyyy]..... be suspended.

Or

[] I ask that the attached order dated[mmm/dd/yyyy]..... be terminated.

Or

[] I ask that arrears of support be reduced or cancelled as follows:

Or

[] I ask that the attached agreement dated[mmm/dd/yyyy]..... be set aside in whole or in part.

Or

[] I ask that the attached agreement dated[mmm/dd/yyyy]..... be replaced.

Or

[] I ask for an order under section 19 (2) of the *Interjurisdictional Support Orders Act* to set aside the registration of a foreign order under that Act.

Or

[] I ask for an order under section 35 of the *Interjurisdictional Support Orders Act* to vary a support order registered in British Columbia.

The reasons for my application are as follows:

.....

Dated[mmm/dd/yyyy].....

Signature

.....
 Name of applicant's lawyer

*If the applicant in this proceeding is represented by a lawyer,
 the lawyer must complete the following certificate.*

LAWYER'S CERTIFICATE (*FAMILY LAW ACT*, s. 8 (2))

I,, lawyer for[*name of party*]..... certify that, in accordance with section 8 (2) of the *Family Law Act*, I have

- (a) discussed with the party the advisability of using various types of family dispute resolution to resolve the matter, and
- (b) informed the party of the facilities and other resources, known to me, that may be available to assist in resolving the dispute.

Dated[*mmm/dd/yyyy*].....

.....

Signature of lawyer

.....[*type or print name*].....

PROVINCIAL COURT (FAMILY) RULES

Form 3 (Rule 3 (1) and (5))

FORM 3 (RULE 3 (1) AND (5))

[en. B.C. Reg. 132/2012, s. 27.]

REPLY

Court File No.

Court Location

F.M.E.P. No.

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

To:

Name

(APPLICANT)

Address for service

City Province Postal Code

Phone Fax E-mail

From:

Name

(RESPONDENT)

(Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.)

Address for service

City Province Postal Code

Phone Fax E-mail

IMPORTANT NOTE TO APPLICANT:**If the respondent's reply includes a claim for support, you, the original applicant, are required to file financial information. If you do not, the court may attribute income to you and set the amount of support to be paid. The respondent has estimated your gross annual income as set out in item 2 below.****Agreement with application:**

I agree with the request(s) of the applicant for:

☐ guardianship☐ allocation of parental responsibilities

PROVINCIAL COURT (FAMILY) RULES

Form 3 (Rule 3 (1) and (5))

-
- ☐ parenting time
☐ contact with a child
☐ child support
☐ spousal support
☐ a change in or suspension or termination of an earlier order dated[mmm/dd/yyyy].....
☐ an order to set aside or replace an agreement dated[mmm/dd/yyyy].....
☐ an order that arrears of support be reduced or cancelled
☐ an order for retroactive support
☐ a protection order
☐ other order (*specify*)

I wish to make the following comments regarding the request(s) even though I agree:

.....

.....

.....

.....

Disagreement with application:

I disagree with the request(s) of the applicant for:

- ☐ guardianship
☐ allocation of parental responsibilities
☐ parenting time
☐ contact with a child
☐ child support
☐ spousal support
☐ a change in or suspension or termination of an earlier order dated[mmm/dd/yyyy].....
☐ an order to set aside or replace an agreement dated[mmm/dd/yyyy].....
☐ an order that arrears of support be reduced or cancelled
☐ an order for retroactive support
☐ a protection order
☐ other order (*specify*)

I disagree because:

.....

.....

.....

.....

PROVINCIAL COURT (FAMILY) RULES

Form 3 (Rule 3 (1) and (5))

Counterclaim (Respondent's own application)

I wish to make application for the following:

- ☐ guardianship
- ☐ allocation of parental responsibilities
- ☐ parenting time
- ☐ contact with a child
- ☐ child support
- ☐ spousal support
- ☐ a change in or suspension or termination of an earlier order dated[mmm/dd/yyyy].....
- ☐ an order to set aside or replace an agreement dated[mmm/dd/yyyy].....
- ☐ an order that arrears of support be reduced or cancelled
- ☐ an order for retroactive support
- ☐ a protection order
- ☐ other order (*specify*)

1 – Children

Name(s) of child(ren)	Birthdate(s)

2 – Support (*Complete if you are asking for child or spousal support.*)

The current support arrangements are:

I believe that the applicant's gross annual income is \$..... because

I am asking for: (*Complete only if you are asking for child support.*)

- ☐ support in the amount set out in the Child Support Guidelines for [number]..... children
- ☐ special or extraordinary expenses, as follows:

.....

.....

I am asking for: (*Complete only if you are asking for retroactive child support or retroactive spousal support.*)

- ☐ child support retroactive to [mmm/dd/yyyy]..... because
- ☐ spousal support retroactive to [mmm/dd/yyyy]..... because

PROVINCIAL COURT (FAMILY) RULES

Form 3 (Rule 3 (1) and (5))

3 – Protection Orders (*Complete if you are asking for a protection order.*)

I am asking for an order in the following terms:

.....

Dated[mmm/dd/yyyy].....

Signature

.....

Name of respondent's lawyer

*If the respondent in this proceeding is represented by a lawyer,
the lawyer must complete the following certificate.*

LAWYER'S CERTIFICATE (FAMILY LAW ACT, s. 8 (2))

I,, lawyer for[name of party]..... certify that, in accordance with section 8 (2) of the *Family Law Act*, I have

- (a) discussed with the party the advisability of using various types of family dispute resolution to resolve the matter, and
- (b) informed the party of the facilities and other resources, known to me, that may be available to assist in resolving the dispute.

Dated[mmm/dd/yyyy].....

.....

Signature of lawyer

.....[type or print name].....

PROVINCIAL COURT (FAMILY) RULES

Form 4 (Rule 4)

FORM 4 (RULE 4)

[am. B.C. Regs. 159/2003, s. 5; 132/2012, s. 28.]

FINANCIAL STATEMENT

Court File No.

Court Location

F.M.E.P. No.

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

I,[name]..... ,
 (Set out the street address of the address for service. One or both of a fax number and an e-mail address
 may be given as additional addresses for service.)

Address for service

City Province Postal Code

Phone Fax E-mail

swear or affirm that:

- 1 The information set out in this financial statement is true, to the best of my knowledge.
- 2 I have made complete disclosure in this financial statement of *(check applicable boxes)*
 - ☐ my income, including benefits and adjustments, if any, in Part 1,
 - ☐ my expenses, in Part 2,
 - ☐ my assets and debts, in Part 3.
- 3 ☐ I do not anticipate any significant changes in the information set out in this financial statement.

Or

- ☐ I anticipate the following significant changes in the information set out in this financial statement:

SWORN OR AFFIRMED BEFORE ME)

at[city etc.]....., British Columbia)

on[mmm/dd/yyyy].....)

.....
 A commissioner for taking affidavits
 for British Columbia

For the purposes of this form:

“**social assistance**” includes assistance within the meaning of the *Employment and Assistance Act* and the *Employment and Assistance for Persons with Disabilities Act*;

“**support**” includes maintenance.

PART 1 INCOME

You must complete Part 1 if:

- (a) there is a claim, either by you or against you, for spousal support, or
- (b) there is a claim, either by you or against you, for child support and you are required by the Child Support Guidelines to provide income information.

1 I am

- ☐ employed as[describe occupation].....
by[name and address of employer].....
- ☐ self-employed[name and address of business].....
- ☐ unemployed since[mmm/dd/yyyy].....

2 I am paid

- ☐ every 2 weeks ☐ twice a month ☐ monthly
- ☐ other (*specify*)

3 I have attached a copy of each of the applicable documents to my financial statement [*check applicable boxes*]

- ☐ every personal income tax return I have filed for each of the three most recent taxation years, together with any attachments
- ☐ every income tax notice of assessment or reassessment I have received for each of the three most recent taxation years
- ☐ **(if you are an employee)** my most recent statement of earnings indicating the total earnings paid in the year to date, including overtime, or where such a statement is not provided by my employer, a letter from my employer setting out that information, including my rate of annual salary or remuneration
- ☐ **(if you are receiving Employment Insurance benefits)** my three most recent EIC benefit statements
- ☐ **(if you are receiving Workers' Compensation benefits)** my three most recent WCB benefit statements
- ☐ **(if you are receiving Social Assistance)** a statement confirming the amount that I receive
- ☐ **(if you are self-employed)** for the three most recent taxation years
 - (i) the financial statements of my business or professional practice, other than a partnership, and
 - (ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom I do not deal at arm's length
- ☐ **(if you are a partner in a partnership)** confirmation of my income and draw from, and capital in, the partnership for its three most recent taxation years
- ☐ **(if you control a corporation)** for its three most recent taxation years
 - (i) the financial statements of the corporation and its subsidiaries, and

PROVINCIAL COURT (FAMILY) RULES

Form 4 (Rule 4)

- (ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom the corporation and every related corporation does not deal at arm's length, and

[] (if you are a beneficiary under a trust) the trust settlement agreement and the trust's three most recent financial statements.

ANNUAL INCOME

If line 150 (total income) of your most recent federal income tax return sets out what you expect your income to be for this year, skip to total income (line A) and record the amount from line 150 on line A. Otherwise, record what you expect your income for this year to be from each source of income that applies to you. Record gross **annual** amounts unless otherwise stated.

- 1 Employment income (include wages, salaries, commissions, bonuses, tips and overtime) \$.....
- 2 Other employment income + \$.....
- 3 Pension income (include CPP, Old Age Security, disability, superannuation and other pensions) + \$.....
- 4 Employment insurance benefits + \$.....
- 5 Taxable dividends from Canadian corporations + \$.....
- 6 Interest and other investment income + \$.....
- 7 **Net** partnership income: limited or non-active partners only + \$.....
- 8 Rental income Gross \$..... **Net** + \$.....
- 9 Taxable capital gains + \$.....
- 10 Child support
 - (a) Total amount for children from another relationship or marriagea. \$..... *
 - (b) Total amount for children from this relationship or marriage b. \$..... *
 - (c) Taxable amount for children from another relationship or marriage c. + \$.....
 - (d) Taxable amount for children from this relationship or marriage d. + \$.....
- 11 Spousal support
 - (a) From another relationship or marriage a. + \$.....
 - (b) From this relationship or marriage b. + \$.....
- 12 Registered retirement savings plan income + \$.....
- 13 Other income (include any taxable income that is not included on lines 1 to 17) + \$.....
- 14 **Net** self-employment income (include business, professional, commission, fishing and farming income) + \$.....
- 15 Workers' compensation benefits + \$.....
- 16 Total social assistance payments + \$.....
- 17 **Net** federal supplements + \$.....
- A Total income:** **A = \$.....**

(*do not add these items into the total at A)

TOTAL BENEFITS

List all allowances and amounts received and all non-monetary benefits from all sources, that are not included in total income [line A]. You do not have to include here any Child Tax Benefit or BC Family Bonus that you receive for your children.

B Total benefits:**B = \$.....****ADJUSTMENTS TO INCOME**

You must complete this section if:

- (a) there is a claim, either by you or against you, for spousal support, or
- (b) there is a claim, either by you or against you, for child support and you are required by the Child Support Guidelines to provide income information.

Deductions from Income:

- 1 **Taxable** amount of child support I receive \$.....
 - 2 Spousal support I receive from the other party + \$.....
 - 3 Union and professional dues + \$.....
 - 4 Other employment expenses (*Refer to Schedule III of the Child Support Guidelines*)
Specify: + \$.....
 - 5 Social assistance I receive for other members of my household and included in my
total income + \$.....
 - 6 Dividends from taxable Canadian corporations
 - (a) Taxable amount of dividends a. \$.....
 - subtract (b) Actual amount of dividends - b. \$.....
 - Excess portion of dividends (a-b) = \$..... → + \$.....
 - 7 Actual business investment losses during the year + \$.....
 - 8 Carrying charges and interest expenses paid and deductible under the *Income Tax Act* (Canada) + \$.....
 - 9 Prior period earnings
 - (a) If net self-employment income included in total income includes an amount
earned in a prior period, the amount earned in the prior period a. \$.....
 - subtract (b) Reserves - b. \$.....
 - Prior period earnings (a-b) = \$..... → + \$.....
 - 10 Portion of partnership and sole proprietorship income required to be reinvested + \$.....
- C Total deductions from income:** **C = \$.....**

Additions to Income:

- 1 Capital gains
 - (a) Actual capital gains a. \$.....
- subtract (b) Actual capital losses - b. \$.....

PROVINCIAL COURT (FAMILY) RULES

Form 4 (Rule 4)

subtract (c) Taxable capital gains..... c. \$.....
 Total capital gains (a–b–c) = \$..... → \$.....
(If amount is zero or less than zero, record “0” on this line)

2 Payments to family members and other non-arm’s length persons
 (a) Salaries, benefits, wages or other payments to family members or other
 non-arm’s length persons, deducted from self-employment income ...a. \$.....

subtract (b) Portion of payments necessary to earn self-employment income – b. \$.....
 Non arm’s length payments (a–b) = \$..... → + \$.....

3 Allowable capital cost allowance for real property + \$.....

4 Employee stock options in Canadian-controlled private corporations exercised
*(If some or all of the shares are disposed of in the same year you exercise the option,
 do not include those shares in the calculation)*
 (a) Value of shares when options are exerciseda. \$.....

subtract (b) Amount paid for shares – b. \$.....

subtract (c) Amount paid to acquire option to purchase shares – c. \$.....
 Value of employee stock options (a–b–c) = \$..... → + \$.....

D Total additions to income: D = \$.....

OTHER ADJUSTMENTS TO INCOME – Spousal Support*Complete this section only if there is a claim, either by you or against you, for spousal support.*

1 Total child support I receive..... \$.....

2 Social assistance I receive for other members of my household + \$.....

3 Child Tax Benefit + \$.....

4 BC Family Bonus + \$.....

E Total other adjustments: E = \$.....

INCOME SUMMARY**Annual Income for a Child Support Claim**

Total income [from line A] \$.....

subtract Total deductions from income [from line C] – \$.....

add Total additions to income [from line D] + \$.....

Annual income to be used for a Child Support Table amount = \$.....

add Spousal support received from the other party (if any) + \$.....

subtract Spousal support paid to the other party (if any) – \$.....

Annual income to be used for a special or extraordinary expenses claim = \$.....

Annual Income for a Spousal Support Claim

Total income [from line A] \$.....

subtract Total deductions from income [from line C] – \$.....

PROVINCIAL COURT (FAMILY) RULES

Form 4 (Rule 4)

add Total additions to income [from line D] + \$.....

add Total other adjustments [from line E] + \$.....

Annual income to be used for a spousal support claim = \$.....

Total Benefits [from line B] \$.....

PART 2 EXPENSES

You do not have to complete Part 2 if the only support claimed is child support in the amount set out in the Child Support Tables and all children for whom support is claimed are under the age of majority (19 years in B.C.)

ANNUAL EXPENSES

Estimate your *annual* expenses:

Compulsory deductions

CPP contributions \$.....

Employment insurance premiums \$.....

Income taxes \$.....

Employee pension contributions

to a Registered Pension Plan \$.....

Other (specify) \$.....

Housing

Rent or mortgage \$.....

Property taxes \$.....

Homeowner's/Tenant's insurance \$.....

Water, sewer and garbage \$.....

Strata fees \$.....

House repairs and maintenance \$.....

Other (specify) \$.....

Utilities

Heat \$.....

Electricity \$.....

Telephone \$.....

Cable TV \$.....

Other (specify) \$.....

Household expenses

Food \$.....

Household supplies \$.....

Meals outside the home \$.....

Furnishings and equipment \$.....

Other (specify) \$.....

Transportation

Public transit, taxis \$.....

Gas and oil \$.....

Car insurance and licence \$.....

Parking \$.....

Repairs and maintenance \$.....

Lease payments \$.....

Other (specify) \$.....

Health^a**Personal**

Clothing \$.....

Hair care \$.....

Toiletries, cosmetics \$.....

Education (specify) \$.....

Life insurance \$.....

Dry cleaning/laundry \$.....

Entertainment, recreation \$.....

Alcohol, tobacco \$.....

Gifts \$.....

Other (specify) \$.....

Children^a

Child care \$.....

Clothing \$.....

Hair care \$.....

School fees and supplies \$.....

Entertainment, recreation \$.....

Activities, lessons \$.....

Gifts \$.....

Insurance \$.....

Other (specify) \$.....

Savings for the future

RRSP \$.....

RESP \$.....

Other (specify) \$.....

Support payments to others

(specify)^b

Debt payments

(specify)

Other

Charitable donations \$.....

PROVINCIAL COURT (FAMILY) RULES

Form 4 (Rule 4)

MSP premiums	\$.....	Vacation	\$.....
Extended health plan premiums	\$.....	Pet care	\$.....
Dental plan premiums	\$.....	Newspapers, publications	\$.....
Health care (net of coverage)	\$.....	Reserve for income tax	\$.....
Drugs (net of coverage)	\$.....		
Dental care (net of coverage)	\$.....		
Other (specify)	\$.....	F Total expenses	F = \$.....

- a. If you claim child support and special or extraordinary expenses, you must also complete Schedule 1.
- b. List only the names of those for whom support is not claimed in this application. Indicate whether the payments are tax deductible to you and whether you make the payments under a court order or agreement.

PART 3 ASSETS AND DEBTS

You do not have to complete Part 3 if the only support claimed is child support in the amount set out in the Child Support Tables and all children for whom support is claimed are under the age of majority (19 years in B.C.).

Assets

Real estate equity \$.....

Market value: \$.....

Mortgage balance: \$.....

Cars, boats, vehicles..... + \$.....

Make and year:.....

Market value: \$.....

Loan balance: \$.....

Pension plans + \$.....

Other property + \$.....

Bank or other account (include RRSPs) + \$.....

Stocks and bonds + \$.....

Life insurance (cash surrender value)..... + \$.....

Money owing to me + \$.....

Name of debtor.....

Other..... + \$.....

(attach list if necessary)

G Asset value total G = \$.....

Annual debt payments

Credit card..... \$.....

Balance owing: \$.....

Date of last payment:.....

Reason for borrowing:.....

Bank or finance company + \$.....

(do not include amount owing on mortgage)

Balance owing: \$.....

Date of last payment:.....

Reason for borrowing:.....

PROVINCIAL COURT (FAMILY) RULES

Form 4 (Rule 4)

Department store + \$.....

Balance owing: \$.....

Date of last payment:.....

Reason for borrowing:.....

Other (attach list if necessary) + \$.....

Balance owing: \$.....

Date of last payment:.....

Reason for borrowing:.....

H Debt payment total..... H = \$.....**SCHEDULE 1 – SPECIAL OR EXTRAORDINARY EXPENSES***Complete if you claim special or extraordinary expenses as part of a child support claim.*

Name of child:				
Child care expenses	Gross \$.....	Net* \$.....	Gross \$.....	Net* \$.....
Medical/dental insurance premiums attributable to child		\$.....		\$.....
Health related expenses (over \$100)	Gross \$.....	Net* \$.....	Gross \$.....	Net* \$.....
Extraordinary expenses for primary or secondary school		\$.....		\$.....
Post secondary education expenses	Gross \$.....	Net* \$.....	Gross \$.....	Net* \$.....
Extraordinary extracurricular expenses		\$.....		\$.....
Subtract contributions from child		⟨\$.....⟩		⟨\$.....⟩
Total		\$.....		\$.....

*To calculate the net amount, subtract from the gross amount subsidies, benefits, income tax deductions or credits related to the expense. Give details below.

SCHEDULE 2 – UNDUE HARDSHIP*Complete if you plead undue hardship in respect of a child support claim.*

Responsibility for unusually high debts reasonably incurred to support the family prior to separation or to earn a living:

Owed to:

Terms of debt:

Monthly amount

\$.....

\$.....

Unusually high expenses for exercising parenting time or contact with a child:

Details of expense:

Monthly amount

\$.....

PROVINCIAL COURT (FAMILY) RULES

Form 4 (Rule 4)

 Legal duty under a court order or separation agreement to support another person:

Name of person:	Relationship:	Nature of duty:	Monthly amount
			\$.....
			\$.....

 Legal duty to support a child, other than a child for whom support is claimed in this application:

Name of person:	Relationship:	Nature of duty:	Monthly amount
			\$.....
			\$.....

 Legal duty to support a person who is unable to support himself or herself because of illness or disability:

Name of person:	Relationship:	Nature of duty:	Monthly amount
			\$.....
			\$.....

 Other undue hardship circumstances:

Details of other undue hardship circumstances:	Monthly amount
	\$.....

SCHEDULE 3 – INCOME OF OTHER PERSONS IN HOUSEHOLD*Complete this section if there is an undue hardship claim*

Other person's name:	Annual income
	\$.....
	\$.....
	\$.....
	\$.....

PROVINCIAL COURT (FAMILY) RULES

Form 5 (Rules 2 (5) and 9 (10) (b))

FORM 5 (RULES 2 (5) AND 9 (10) (b))

AFFIDAVIT OF PERSONAL SERVICE

Court File No.

Court Location

In the Provincial Court of British Columbia

I swear or affirm that I,[*name*].....,[*occupation*]..... of
[*address*]..... personally served[*name of person served*]..... on
[*mmm/dd/yyyy*]..... at[*address*].....
 with a copy of the following document(s): (*Make sure a copy of each document is attached and marked
 with the correct exhibit letter.*)

Exhibit "A": [*name of document*]Exhibit "B": [*etc.*]

The party served was identified to me in this manner: ☐ I know the person.
☐ He/She admitted to being this person.
☐ Other (*specify*)

SWORN OR AFFIRMED BEFORE ME)

at[*city etc.*]....., British Columbia)on[*mmm/dd/yyyy*].....)

.....
 A commissioner for taking affidavits
 for British Columbia

PROVINCIAL COURT (FAMILY) RULES

Form 5.1 (Rule 9 (10) (b.1))

FORM 5.1 (RULE 9 (10) (b.1))

[en. B.C. Reg. 219/2015, s. 4.]

AFFIDAVIT OF PERSONAL SERVICE OF PROTECTION ORDER

Court File No.

Court Location

In the Provincial Court of British Columbia

I swear or affirm that I,[*name*].....,[*occupation*]..... of
[*address*]..... personally served[*name of person served*]..... on
[*mmm/dd/yyyy*]..... at[*address*].....
 with a copy of the attached protection order made under Part 9 of the *Family Law Act*, marked as
 Exhibit "A".

The party served was identified to me in this manner: ☐ I know the person.☐ He/She admitted to being this person.☐ Other (*specify*)

SWORN OR AFFIRMED BEFORE ME)

at[*city etc.*]....., British Columbia)on[*mmm/dd/yyyy*].....)

.....
 A commissioner for taking affidavits
 for British Columbia

PROVINCIAL COURT (FAMILY) RULES

Form 6 (Rules 5 (5) and 6 (7))

FORM 6 (RULES 5 (5) AND 6 (7))

[am. B.C. Reg. 132/2012, ss. 6 and 29.]

REFERRAL REQUEST

Court File No.

Court Location

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

Confirmation of attendance with family justice counsellor

The applicant/respondent met with a family justice counsellor, as required under the Provincial Court (Family) Rules.

Dated[mmm/dd/yyyy].....

Family justice counsellor

Statement of referral results by applicant/respondent

I,, [] applicant [] respondent
ask for a referral to a judge.

Complete the following:

- I [] met with a family justice counsellor but did not seek referral to any person, program or service
- [] enrolled in and completed a Parenting After Separation Program
- [] attended with a person designated by the Attorney General to provide specialized support assistance
- [] attended with a family justice counsellor for the purposes of pursuing dispute resolution
- [] attended with a family dispute resolution professional
- [] other (*attach a separate sheet if necessary*)

The following issues have been resolved:

.....

.....

The following issues have yet to be resolved:

.....

.....

Dated[mmm/dd/yyyy].....

.....

Signature of applicant/respondent

PROVINCIAL COURT (FAMILY) RULES

Form 7 (Rules 6 (4) (e) and (10) (f) and 17 (5))

FORM 7 (RULES 6 (4) (e) AND (10) (f) AND 17 (5))

[am. B.C. Reg. 132/2012, s. 30.]

SUMMONS

Court File No.

Court Location

F.M.E.P. No.

In the Provincial Court of British Columbia

In the case between:.....[*name*].....

and

.....[*name*].....**To:**

Name (RESPONDENT)

Address City

Province Postal Code Phone Fax

..... has applied for an order under the *Family Law Act* or the *Family Maintenance Enforcement Act*. The application is attached.

You have:

☐ failed to file a reply as required under the Provincial Court (Family) Rules, or☐ failed to appear in court as directed by a judge.You must appear before a judge of the Provincial Court, to respond to the application, on
.....[*mmm/dd/yyyy*]..... at[*time*].....a.m./p.m. at[*court location*].....

If you do not appear the Court may make an order in your absence or may issue a warrant for your arrest.

Dated[*mmm/dd/yyyy*].....

.....

By the Court or
a clerk on behalf of[*name of judge*].....

PROVINCIAL COURT (FAMILY) RULES

Form 7A (Rule 17 (2) (c))

FORM 7A (RULE 17 (2) (c))

[en. B.C. Reg. 103/2001, s. 3; am. B.C. Reg. 132/2012, s. 6.]

SUMMONS TO A DEFAULT HEARING

Court File No.

Court Location

F.M.E.P. No.

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

To:

Name (DEBTOR)

Address City

Province Postal Code Phone Fax

Because you have defaulted in payment under a support order,[name]..... has applied for an order under the *Family Maintenance Enforcement Act*.

A statement of arrears is attached.

You must appear before a Judge of the Provincial Court on[mmm/dd/yyyy]..... at[time].....a.m./p.m. at[court location]..... to show cause why the support order should not be enforced.

If you do not appear the Court may make an order in your absence or may issue a warrant for your arrest.

Dated[mmm/dd/yyyy].....

.....
Judge or Justice of the Peace in and for
the Province of British Columbia

PROVINCIAL COURT (FAMILY) RULES

Form 7B (Rule 17 (2) (e))

FORM 7B (RULE 17 (2) (e))

[en. B.C. Reg. 103/2001, s. 3.]

SUMMONS TO A COMMITTAL HEARING

Court File No.

Court Location

F.M.E.P. No.

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

To:

Name (DEBTOR)

Address City

Province Postal Code Phone Fax

Because you the Debtor have not obeyed the Court's order as set out in the attached Statement, you are ordered to appear at a Court hearing to give reason why you should not be imprisoned for disobeying the Court's order.

You must attend the Provincial Court of British Columbia on[mmm/dd/yyyy]..... at[time].....a.m./p.m. at[court location].....

If you do not attend the committal hearing you may be arrested and brought to the Court.

Dated[mmm/dd/yyyy].....

.....
Judge or Justice of the Peace in and for
the Province of British Columbia

PROVINCIAL COURT (FAMILY) RULES

Form 8 (Rules 6 (10) (g) and (15) (a), 10 (6) and 17 (6))

FORM 8 (RULES 6 (10) (g) AND (15) (a), 10 (6) AND 17 (6))

[am. B.C. Regs. 132/2012, s. 31; 219/2015, s. 5.]

WARRANT FOR ARREST

Court File No.

Court Location

F.M.E.P. No.

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

To all police officers in British Columbia:

This court orders you to arrest[name].....

.....[address].....

and bring that person before a justice/judge as soon as practicable.

The reason for the arrest is that the person did not attend this court at[court location]..... on

.....[date].....

☐ as required by a summons served on the person

☐ as ordered by the Court in the presence of the person

☐ as specified on a release

☐ as required by a subpoena

☐ other reason (*specify*):

Dated[mmm/dd/yyyy].....

.....
by the Court or
clerk on behalf of[name of justice/judge].....

PROVINCIAL COURT (FAMILY) RULES

Form 9 (Rules 6 (13) and 10 (9) (a))

FORM 9 (RULES 6 (13) AND 10 (9) (a))**RELEASE**

Court File No.

Court Location

F.M.E.P. No.

In the Provincial Court of British Columbia

In the case between:.....[*name*].....

and

.....[*name*].....

I promise to attend the Provincial Court at[*court location*]..... on
[*mmm/dd/yyyy*]..... at[*time*].....a.m./p.m.

My name, address, phone number and fax number as shown below on this release form are correct. I understand that, if I do not attend court on the above-stated date and time, the judge may issue a warrant for my arrest.

Name

Address City

Province Postal Code Phone Fax

.....
Signature of person being released.....
by the CourtDated[*mmm/dd/yyyy*]..... at, British Columbia

FORM 10 (RULE 9 (1) (a) (iii))

FAX COVER PAGE

Court File No.

Court Location

In the Provincial Court of British Columbia

To:[name of party to be served or party's solicitor]..... Fax No.

From:[name and fax number from which document was transmitted].....

Name and telephone number of person to contact
in the event of transmission problems:

List or provide a brief description of the document(s):
.....

Date faxed:[mmm/dd/yyyy].....

*This fax constitutes service to you under the Provincial Court (Family) Rules.
You will not be served in any other way.*

PROVINCIAL COURT (FAMILY) RULES

Form 11 (Rule 9 (5))

FORM 11 (RULE 9 (5))

[am. B.C. Reg. 132/2012, s. 32.]

NOTICE OF CHANGE OF ADDRESS

Court File No.

Court Location

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

I,[name]..... wish to notify the court and the other parties that my address for service is now changed to:

(Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.)

Address

City Province Postal Code

Phone Fax E-mail

The change is effective as of[mmm/dd/yyyy].....

Dated[mmm/dd/yyyy].....

.....
Party [or party's solicitor]

Provincial Court (Family) Rule 9 (5) provides that:

If a party's address for service changes, the party must promptly file a notice of change of address in Form 11 and serve a copy of the notice on the other parties.

FORM 12 (RULE 9 (9))
NOTICE BY ADVERTISEMENT

Court File No.

Court Location

In the Provincial Court of British Columbia

To[*name of person to be served*].....:

.....[*name of applicant*]..... is applying to the Provincial Court for an order
..... [*general description of order(s) sought*].....

The Court has ordered that the application [*or name the other document to be served by advertisement*] be served on you by way of this advertisement.

To respond to the application you must:

[*option 1*] file a reply form within 30 days (or other time period specified by the court) in the
court registry at[*address of court*].....

[*option 2*] appear in court at[*address of court*]..... on[*date and time*
application will be heard].....

If you do not respond, the Court may make an order in your absence.

You may obtain forms or view documents in your case at the court registry at the above address. Refer to
court file number[*court file number*]..... .

PROVINCIAL COURT (FAMILY) RULES

Form 13 (Rule 9 (10) (a))

FORM 13 (RULE 9 (10) (a))

[am. B.C. Reg. 132/2012, s. 33.]

AFFIDAVIT OF SERVICE

Court File No.

Court Location

In the Provincial Court of British Columbia

I swear or affirm that I,[*name*].....,[*occupation*]..... of
[*address*]..... served[*name of person served*]..... on
[*mmm/dd/yyyy*]..... at[*address*]..... with a
 copy of the following document(s): (*Make sure a copy of each document is attached and marked with the
 correct exhibit letter.*)

Exhibit "A": [*name of document*]Exhibit "B": [*etc.*]

The party was served in this manner: ☐ Fax (attach a copy of Form 10)
☐ E-mail
☐ Mail
☐ By substituted service as ordered by the court

SWORN OR AFFIRMED BEFORE ME)

at[*city etc.*]....., British Columbia)on[*mmm/dd/yyyy*].....)

.....

A commissioner for taking affidavits
 for British Columbia

FORM 14 (RULE 9 (10) (c))

CERTIFICATE OF SERVICE

I certify that I,[name].....,[occupation]..... of
.....[address]..... served[name of person served]..... on
.....[mmm/dd/yyyy]..... at[address]..... with
a copy of:

*(List each document served, and indicate whether a copy of the document is attached and marked as an exhibit or is
on the back of this certificate of service. Make sure each attached document is marked with the correct exhibit letter.)*

by leaving the copy with him or her personally. *(Note: only a peace officer can use a certificate to prove
personal service).*

Dated[mmm/dd/yyyy].....

.....

Signature

PROVINCIAL COURT (FAMILY) RULES

Form 15 (Rule 10 (1) (a))

FORM 15 (RULE 10 (1) (a))

SUBPOENA

Court File No.

Court Location

F.M.E.P. No.

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

To:

Name (WITNESS)

Address City

Province Postal Code Phone

You have been subpoenaed as a witness by[name]..... and must appear in court on[mmm/dd/yyyy]..... at[time]..... a.m./p.m. at[court location].....

You must bring the following records and other things to court:

.....

What happens if you do not attend?

A judge may issue a warrant for your arrest.

Can the subpoena be cancelled?

If you believe that you are not needed as a witness or if it would be a hardship for you to attend court, you may apply to a judge at least 2 full days before the court date to cancel the subpoena.

☐ The amount of \$..... is attached for use as travelling expenses to enable you to come to the court.

☐ Money for travelling expenses was offered but declined.

Dated[mmm/dd/yyyy].....

.....

Signature of person issuing subpoena

PROVINCIAL COURT (FAMILY) RULES

Form 16 (Rule 12 (1))

FORM 16 (RULE 12 (1))

[en. B.C. Reg. 132/2012, s. 34.]

NOTICE OF MOTION

Court File No.

Court Location

F.M.E.P. No.

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

Filed by:

Name

(Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.)

Address for service

City Province Postal Code

Phone Fax E-mail

Notice to:

Name

Address for service

City Province Postal Code

Phone Fax

I,[name of person making application]....., will apply to this court at
.....[court location]..... on[mmm/dd/yyyy]..... at[time]..... a.m./p.m. for:

- ☐ An order shortening or extending a time limit set out in the Provincial Court (Family) Rules
- ☐ An interim order under section 216 or 217 of the *Family Law Act*
- ☐ An order changing, suspending or terminating the attached order made in my absence
- ☐ An order settling the terms of an order made[mmm/dd/yyyy].....
- ☐ An order that a person not remove, or that a person be allowed to remove, a child from a geographical area
- ☐ An order to prohibit the relocation of a child
- ☐ An order for blood or tissue samples, for parentage tests, to be taken from [name(s)].....
- ☐ An order for service of[identify document(s)]..... by[method of service].....
- ☐ An order for access to information under section 242 of the *Family Law Act*

PROVINCIAL COURT (FAMILY) RULES

Form 16 (Rule 12 (1))

-
- [] An order for information to be disclosed by[name].....
- [] An order transferring this file to the court registry at:
- [] Directions on a procedural matter
- [] An order changing or setting aside the determination of a parenting coordinator dated[mmm/dd/yyyy].....
- [] An order to enforce
- [] the order made[mmm/dd/yyyy].....
- [] the agreement dated[mmm/dd/yyyy].....
- [] compliance with the determination of a parenting coordinator dated[mmm/dd/yyyy].....
- [] A review of a filed agreement or order respecting spousal support or maintenance under the *Family Law Act* or the *Family Relations Act*
- [] An order determining whether there are arrears owing under a support order made under the *Family Law Act* or under a support or maintenance order made under the *Family Relations Act* and, if so, the amount of those arrears
- [] Other order (*specify*)

Details of order(s) requested:

.....

.....

NOTICE: If you do not appear, the Court may make an order in your absence.

[] Any affidavits in support of this notice of motion are attached.

Dated[mmm/dd/yyyy].....

Signature

.....

Name of lawyer of party bringing the motion

FORM 17 (RULE 13 (1))

AFFIDAVIT

Court File No.

Court Location

F.M.E.P. No.

In the Provincial Court of British Columbia

In the case between:

.....[*name*].....

and

.....[*name*].....I,[*name*].....,[*occupation*].....,
of[*address*]..... swear or affirm that:I know or believe the following facts to be true. If these facts are based on information from others,
I believe that information to be true.I make this affidavit in relation to an application* by[*name*].....
for☐ I am making the application* OR ☐ I am responding to the application*
OR I am
.....
.....
.....
.....

SWORN OR AFFIRMED BEFORE ME)

at[*city etc.*]....., British Columbia)on[*mmm/dd/yyyy*].....)

.....

A commissioner for taking affidavits
for British Columbia

(*“Application” also includes a notice of motion.)

PROVINCIAL COURT (FAMILY) RULES

Form 18 (Rule 14 (1.1) (a))

FORM 18 (RULE 14 (1.1) (a))

[am. B.C. Reg. 132/2012, s. 35.]

REQUEST

Court File No.

Court Location

F.M.E.P. No.

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

Required:☐ Desk Consent Order – Draft order and supporting material attached

Dated[mmm/dd/yyyy].....

at[city]....., British Columbia

.....

Name of requesting party

FOR THE USE OF THE COURT:☐ I direct that the parties attend before a judge to explain why this order should be made.

Dated[mmm/dd/yyyy].....

.....

by the Court

PROVINCIAL COURT (FAMILY) RULES

Form 19 (Rules 4 (3) and 14 (1.1) (b))

FORM 19 (RULES 4 (3) and 14 (1.1) (b))

[am. B.C. Reg. 132/2012, s. 36.]

CONSENT

Court File No.

Court Location

F.M.E.P. No.

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

To a judge of the Provincial Court of British Columbia:

WE AGREE as follows:

.....

.....

.....

WE CONSENT to an order as follows:

.....

.....

.....

NOTE TO THE PARTIES: You may seek independent legal advice prior to signing this Consent.

Approved and consented to:

Applicant

Date[mmm/dd/yyyy].....

Witness

Date[mmm/dd/yyyy].....

Respondent

Date[mmm/dd/yyyy].....

Witness

Date[mmm/dd/yyyy].....

PROVINCIAL COURT (FAMILY) RULES

Form 20 (Rule 14 (1.1) (c))

FORM 20 (RULE 14 (1.1) (c))

[am. B.C. Regs. 132/2012, s. 37; 122/2014, s. 7.]

CONSENT ORDER

Court File No.

Court Location

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

BEFORE THE HONOURABLE JUDGE)day, the day
) of[yyy]....
)

On the application of[name].....

☐ without a hearing

☐ after a hearing at[Court location]..... on
[mm/dd/yyyy].....

Persons appearing:Lawyer:
Lawyer:

(For guardianship, parenting arrangements, contact with a child and child support orders, include the following):

On the court being advised that the name and birthdate of each child is:

Name(s) of child(ren)	Birthdate(s) of child(ren)		
	mmm	dd	yyyy

(if applicable) On the court also being advised that[name]..... and
[name]..... is/are guardian(s) of the child/children named above/
[name(s) of child/children and date(s) of birth if this list is different than the list above].....

(if applicable) THIS COURT ORDERS THAT:

(specify terms of orders for guardianship, parenting arrangements or contact with a child).

(For child support orders, include the following):

The[name]..... (payor) having been found to be a resident of[province or country if outside Canada]..... and to have an annual income of \$..... [] (if applicable) as agreed to by the parties.

(if applicable) The[name]..... (recipient) having been found to be a resident of[province or country if outside Canada]..... and to have an annual income of \$..... [] (if applicable) as agreed to by the parties.

(For child support orders in the child support table amount include the following):

THIS COURT ORDERS THAT:

pursuant to the *Family Law Act* and the[province]..... Child Support Table,[name]..... (payor) must pay to[name]..... (recipient) the sum of \$..... per month for the support of the child(ren)[name(s) and birthdate(s) of child(ren)]....., payable on the day of each month, commencing[mmm/dd/yyyy]..... and continuing for so long as the child is a child as defined in the *Family Law Act*.

(For child support orders in other amounts)

(If applicable) THIS COURT ORDERS THAT:

(specify other terms of the order):

Consented to:

.....
Signature of party or lawyer

.....
Signature of party or lawyer

.....
by the Court

FORM 21

Repealed. [B.C. Reg. 132/2012, s. 38.]

PROVINCIAL COURT (FAMILY) RULES

Form 22 (Rule 16 (3))

FORM 22 (RULE 16 (3))

[en. B.C. Reg. 132/2012, s. 39.]

APPLICATION TO RECOGNIZE AN EXTRAPROVINCIAL ORDER FOR
GUARDIANSHIP, PARENTING ARRANGEMENTS OR CONTACT

Court File No.

Court Location

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

Filed by:

Name

(Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.)

Address

City Province Postal Code

Phone Fax E-mail

Notice to:

Name

Address

City Province Postal Code

Phone Fax

I am asking for recognition of an order of an extraprovincial tribunal made on[mmm/dd/yyyy]..... at
[court location]..... respecting guardianship, parenting arrange-
 ments or contact with a child or an order that is similar in nature.

A certified copy of the order is attached.

Dated[mmm/dd/yyyy].....

Signature

Applicant's lawyer

PROVINCIAL COURT (FAMILY) RULES

Form 23 (Rule 17 (2))

FORM 23 (RULE 17 (2))

[am. B.C. Reg. 132/2012, ss. 6 and 40.]

**REQUEST FOR COURT ENFORCEMENT
UNDER THE FAMILY MAINTENANCE ENFORCEMENT ACT**

Court File No.

Court Location

F.M.E.P. No.

In the Provincial Court of British Columbia

In the case between:.....[*name*].....

and

.....[*name*].....**Filed by:**

Name (APPLICANT/CREDITOR)

Address City

Province Postal Code Phone Fax

Notice to:

Name (RESPONDENT/DEBTOR)

Address City

Province Postal Code Phone Fax

An order* was made on[*mmm/dd/yyyy*]..... at[*court location*]..... and [] a copy of the order is attached

[] requiring the debtor to pay support

[] requiring the attachee to comply with attachment order/notice of attachment

[] requiring the debtor to pay arrears

[] requiring the debtor to report by filing a statement of income and expenses

[] requiring the debtor to provide a statement of finances or other prescribed document.

In connection with this order, I request:

[] a summons requiring the debtor to provide a statement of finances or other prescribed document.

[] a summons requiring the debtor to attend a default hearing. An affidavit of arrears or statement of arrears is attached.

[] a summons requiring the attachee to attend a default hearing. An affidavit of arrears or statement of arrears is attached.

[] a summons requiring the debtor to attend a committal hearing. An affidavit of arrears or statement of arrears is attached.

PROVINCIAL COURT (FAMILY) RULES

Form 23 (Rule 17 (2))

-
- [] a summons requiring the debtor to appear in court for failing to comply with the attached order to file a statement of income and expenses. A supporting affidavit is attached.
- [] a summons requiring the debtor to appear in court for failing to comply with the attached order to file a statement of finances or other prescribed document. A supporting affidavit is attached.
- [] a garnishing order. A completed garnishing order form and supporting affidavit are attached.
- [] a warrant of execution against the debtor's goods. A completed warrant of execution form and supporting affidavit are attached.
- [] a warrant for arrest of the debtor for failing to comply with the attached order to file a statement of finances, a statement of income and expenses (reporting order) or other prescribed document. A supporting affidavit is attached.
- [] a warrant for the arrest of the debtor, who is about to leave British Columbia.
-

Dated[mmm/dd/yyyy].....

Signature

Creditor/Creditor's lawyer

(*"Order" includes a filed agreement.)

PROVINCIAL COURT (FAMILY) RULES

Form 24 (Rule 17 (3))

FORM 24 (RULE 17 (3))

[am. B.C. Reg. 132/2012, ss. 6 and 41.]

NOTICE OF MOTION IN MAINTENANCE ENFORCEMENT PROCEEDINGS

Court File No.

Court Location

F.M.E.P. File No.

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

Filed by:

Name (APPLICANT)

Address for service..... City

Province Postal Code Phone Fax

Notice to:

Name (RESPONDENT)

Address for service City

Province Postal Code Phone Fax

I will apply to this Court at[court location]..... on
.....[mmm/dd/yyyy]..... at[time].....a.m./p.m. for:☐ an order for access to information, as follows:☐ an order extending the time for filing a statement of finances.☐ an order requiring the debtor to file a statement of finances or prescribed documents.☐ an order requiring the debtor to pay an amount on failing to file a statement of finances or prescribed documents.☐ an order for payment by an attachee.☐ an order determining liability under a notice of attachment or determining a related issue.☐ an order changing the attached order dated[mmm/dd/yyyy]..... .☐ an order changing the amount exempt from attachment.☐ an order setting aside an attachment order or notice of attachment.☐ an order discharging or postponing the registration of a support order registered against land.☐ an order requiring[name]..... to attend a default hearing or a committal hearing before the Court and to file with the Court, by a date specified by the Court, financial information, financial statements or other prescribed documents under section 39 of the *Family Maintenance Enforcement Act*.

PROVINCIAL COURT (FAMILY) RULES

Form 24 (Rule 17 (3))

-
- [] a restraining order, under section 46 of the *Family Maintenance Enforcement Act*.
- [] an order that a corporation is jointly and separately liable with the debtor for payments required under the support order under section 14.2 (2) of the *Family Maintenance Enforcement Act*.
- [] an order under section 29.2 (2) of the *Family Maintenance Enforcement Act* that the Director of Maintenance Enforcement direct the Insurance Corporation of British Columbia to disregard a notice not to issue or renew the driver's licence of a debtor or a notice not to issue or renew the licence and corresponding number plates for any motor vehicle or trailer owned by a debtor.
- [] another order (*specify*)

NOTICE: If you do not appear, the Court may make an order in your absence.

- [] Any affidavits in support of this notice of motion are attached.
-

Dated[mmm/dd/yyyy].....

Signature

.....
Party/Party's lawyer

PROVINCIAL COURT (FAMILY) RULES

Form 25 (Rule 18 (2.1) (a))

FORM 25 (RULE 18 (2.1) (a))

[en. B.C. Reg. 132/2012, s. 42.]

PROTECTION ORDER

Court File No.

Court Location

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

BEFORE THE HONOURABLE JUDGE)day, the day
) of, ...[yyyy]....
)

Persons appearing: Lawyer:
 Lawyer:

[] By Consent [] Without notice to others

(if applicable) [] After a hearing at[court location]..... the order dated[mmm/dd/yyyy].....
 is changed as stated below:

(Select one or more of the 10 following provisions, as applicable, complete the selected provision(s) and remove the provisions(s) that is/are not selected so that it/they do(es) not appear in the draft order when submitted for filing.)

THIS COURT ORDERS, under section 183 of the *Family Law Act*, that.....[full name and date of birth of person restrained]..... is restrained from directly or indirectly communicating with or contacting.....[set out full name(s) of protected person(s)]..... .

THIS COURT ORDERS, under section 183 of the *Family Law Act*, that.....[full name and date of birth of person restrained]..... is restrained from attending at, nearing or entering[set out place(s) where person is not to attend]..... .

THIS COURT ORDERS, under section 183 of the *Family Law Act*, that.....[full name and date of birth of person restrained]..... is restrained from following.....[set out full name(s) of protected person(s)]..... .

THIS COURT ORDERS, under section 183 of the *Family Law Act*, that.....[full name and date of birth of person restrained]..... is restrained from possessing a weapon or firearm.

PROVINCIAL COURT (FAMILY) RULES

Form 25 (Rule 18 (2.1) (a))

THIS COURT ORDERS, under section 183 of the *Family Law Act*, that.....[full name and date of birth of person restrained]..... must not communicate with[set out full name(s) of protected person(s)]..... other than as follows:[specify]..... .

THIS COURT ORDERS, under section 183 of the *Family Law Act*, that.....[full name and date of birth of person restrained]..... must report to the court [or to[specify person(s)].....] as follows: [specify]..... .

THIS COURT ORDERS that any police officer, including any R.C.M.P. officer having jurisdiction in the province of British Columbia, who is provided with a copy of this order is directed to remove[full name and date of birth of person restrained]..... from[location]..... immediately [or within a specified period of time].

THIS COURT ORDERS that any police officer, including any R.C.M.P. officer having jurisdiction in the province of British Columbia, who is provided with a copy of this order is directed to accompany[full name and date of birth of person]..... to[location]..... as soon as practicable [or within a specified period of time] to supervise the removal of his/her personal belongings.

THIS COURT ORDERS that any police officer, including any R.C.M.P. officer having jurisdiction in the province of British Columbia, who is provided with a copy of this order is directed to seize from[full name and date of birth of person from whom seizure is to be made]..... any weapons or firearms and related documents.

THIS COURT ORDERS that this order expires on[mmm/dd/yyyy]..... .

(Add any further terms of protection order.)

Checked by

Dated[mmm/dd/yyyy].....

by the Court

Initials

**DISOBEYING THIS ORDER IS A CRIMINAL OFFENCE UNDER SECTION 127 OF THE
CRIMINAL CODE PUNISHABLE BY FINE OR IMPRISONMENT**

TAKE NOTICE THAT any police officer, including any R.C.M.P. officer having jurisdiction in the province of British Columbia, having reasonable and probable grounds to believe that the person against whom this order is made has contravened a term of this order may take action to enforce the order, whether or not there is proof that the order has been served on the person and, if necessary, may use reasonable force. Enforcement action may include arresting the person against whom this order is made without warrant in accordance with section 495 of the Criminal Code.

AND TAKE NOTICE THAT if no expiry date is ordered in relation to this order, this order expires one year after the date it is made.

PROVINCIAL COURT (FAMILY) RULES

Form 25.1 (Rule 18 (2.1) (b))

FORM 25.1 (RULE 18 (2.1) (b))

[en. B.C. Reg. 132/2012, s. 43.]

RESTRAINING ORDER UNDER *FAMILY MAINTENANCE ENFORCEMENT ACT*

Court File No.

Court Location

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

BEFORE THE HONOURABLE JUDGE)day, the day
) of[yyy]....
)

Persons appearing: Lawyer:
 Lawyer:

☐ By Consent ☐ Without notice to others

THIS COURT ORDERS THAT:

pursuant to section 46 (1) (a) of the *Family Maintenance Enforcement Act*,[name(s) of party(ies)]..... is restrained from molesting, annoying, harassing or communicating with, or attempting to molest, annoy, harass or communicate with,[name(s)].....;

Further details of restraining order:

.....

(Complete if applicable.) ☐ Order to expire on.....[mmm/dd/yyyy].....

Dated[mmm/dd/yyyy].....

Checked by

by the Court

Initials

TAKE NOTICE THAT any police officer, including any R.C.M.P. officer having jurisdiction in the province of British Columbia, who finds the party[name(s) of party(ies)]..... breaching any of the terms of this restraining order may immediately arrest that party without warrant in accordance with section 495 of the *Criminal Code*.

PROVINCIAL COURT (FAMILY) RULES

Form 26 (Rule 18 (3.1) (c))

FORM 26 (RULE 18 (3.1) (c))

[am. B.C. Reg. 132/2012, s. 44.]

ORDER

Court File No.

Court Location

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

BEFORE THE HONOURABLE JUDGE)day, the day
) of,[yyyy]....
)

THIS MATTER coming on for hearing at[court location]..... on[mmm/dd/yyyy].....

Persons appearing:Lawyer:
Lawyer:

[] Interim Order [] Final Order [] By Consent [] Without notice to others

THIS COURT ORDERS:

THIS COURT FURTHER ORDERS:

Approved (if applicable)

.....
Lawyer's signature.....
Lawyer's signature.....
by the Court

FORM 27 (RULE 19 (5))

[am. B.C. Reg. 132/2012, s. 45.]

TRANSFER CONSENT

Court File No.

Court Location

F.M.E.P. File No.

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

We agree to the court file being transferred to the Provincial Court at[court location].....

☐ for the purpose of having an application for heard
at that location, or☐ for all purposes.

Dated[mmm/dd/yyyy].....

Signature of party

(Set out the street address of the address for service. One or both of a fax number and an e-mail address
may be given as additional addresses for service.)

Address

City Province Postal Code

Phone Fax E-mail

Dated[mmm/dd/yyyy].....

Signature of party

(Set out the street address of the address for service. One or both of a fax number and an e-mail address
may be given as additional addresses for service.)

Address

City Province Postal Code

Phone Fax E-mail

FORM 28

Repealed. [B.C. Reg. 132/2012, s. 46.]

FORMS 29 AND 30

(NOT ENACTED)

PROVINCIAL COURT (FAMILY) RULES

Form 31 (Rule 21)

FORM 31 (RULE 21)

[en. B.C. Reg. 102/2001, s. 4; am. B.C. Regs. 159/2003, s. 6; 96/2006, s. 2; 270/2010, s. 2; 111/2012, s. 2; 132/2012, s. 47; 122/2014, s. 8.]

**PARENTING AFTER SEPARATION
EXEMPTION REQUEST**

Court File No.

Name Tick one: ☐ Applicant ☐ Respondent
 Address City
 Province Postal Code Telephone Message Phone

When am I not required to attend a Parenting after Separation (PAS) session?

In some situations, you are not required to attend a Parenting After Separation (PAS) session. This form describes those situations. Read through the form now. **If you tick off any of boxes 1 to 5, file the Exemption Form with the court now.** Note that more than one box may apply.

The requirement to attend a Parenting after Separation (PAS) session does not apply to me because:

1 ☐ I attended PAS in the last 24 months at:

.....[Location].....[Date (approximately)].....

Dated[mmm/dd/yyyy].....[Signature of person requesting exemption].....

2 ☐ A Consent Order under section 219 of the *Family Law Act* is filed for this application. (In these cases the requirement does not apply to either the applicant or the respondent.)

3 ☐ This application is for child support only and the person who has rights to child support receives assistance under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act* and has assigned those rights to the government. (In these cases the requirement does not apply to either the applicant or the respondent.)

4 ☐ The Ministry for Children and Families is one of the parties. (The 'Director' is defined by the *Child, Family and Community Service Act*.) (In these cases the requirement does not apply to either the applicant or the respondent.)

5 ☐ This application is for a matter related to the *Interjurisdictional Support Orders Act*. (In these cases the requirement does not apply to either the applicant or the respondent.)

5.1 ☐ This application is for a matter related to the Convention on the Civil Aspects of International Child Abduction signed at The Hague on October 25, 1980. (In these cases the requirement does not apply to either the applicant or the respondent.)

**PLEASE TURN THIS FORM OVER TO SEE
WHAT OTHER EXEMPTIONS MAY APPLY TO YOUR CASE**

PROVINCIAL COURT (FAMILY) RULES

Form 31 (Rule 21)

OTHER REASONS

If you tick off any of boxes 6 to 8 below, your request for an exemption must be approved by the Program Administrator. You should hear from the Program Administrator within 5 working days of sending in this form. **Be sure to fill out the contact information at the beginning of this form because the Program Administrator might need to contact you for more information about your request.**

6 ☐ There is no PAS session in my community. ☐ I have no electronic access to PAS. I live in community[*name of community*]..... .

7 ☐ I am not fluent in English. I am fluent in this (or these) language(s):
.....

Note that the Program Administrator may require parties to complete online PAS if it is offered in a language in which the parties are fluent.

8 ☐ I am incapable of attending due to a serious medical condition. Please explain:
.....
.....

Dated[*mmm/dd/yyyy*].....[*Signature of person requesting exemption*].....

Remember, if you tick any one of boxes 6 to 8, you must have this form reviewed by the Program Administrator. Mail this Exemption Form to the PAS Program Administrator at
or fax this Exemption Form to the PAS Program Administrator at (....).....

The Program Administrator should contact you within 5 working days of receiving this form with a decision and will also file this form with the Provincial Court Registry.

Remember to include a telephone number where the Program Administrator can contact you to get more information about your request.

FOR USE OF PROGRAM ADMINISTRATOR (PA) ONLY

☐[*Name of person applying for exemption*]..... is required to attend online PAS in English or[*Name of language*]..... and file a Certificate of Completion.

☐ approved –[*Name of person applying for exemption*]..... is exempted from the requirement to attend a PAS session.

☐ not approved –[*Name of person applying for exemption*]..... must attend a PAS session.

Dated[*mmm/dd/yyyy*].....[*Signature of Program Administrator*].....

PARENTING AFTER SEPARATION PROGRAM
NOTICE OF REQUIREMENT AND EXEMPTION FORM

PROVINCIAL COURT (FAMILY) RULES

Form 31 (Rule 21)

For Applicants. If you are:

- applying for an order for guardianship, parenting arrangements or contact with a child or a child support order in the Abbotsford, Campbell River, Chilliwack, Courtenay, Kamloops, Kelowna, Nanaimo, New Westminster, North Vancouver, Penticton, Port Coquitlam, Prince George, Richmond, Surrey, Vancouver (Robson Square), Vernon or Victoria registry of the Provincial Court, or
- applying to change, suspend or terminate an existing order for guardianship, parenting arrangements or contact with a child or a child support order in these courts,

the court requires you to attend a Parenting after Separation (PAS) session before you appear in court.**For Respondents.** If you are named as the other party (respondent):

- in an application in the Abbotsford, Campbell River, Chilliwack, Courtenay, Kamloops, Kelowna, Nanaimo, New Westminster, North Vancouver, Penticton, Port Coquitlam, Prince George, Richmond, Surrey, Vancouver (Robson Square), Vernon or Victoria registry of the Provincial Court, and
- you wish to appear in court to respond to this application,

the court requires you to attend a Parenting after Separation (PAS) session before you appear in court.

Also, check the information in the package of court documents you receive to see what other steps you have to take if you wish to respond to an application.

Attending a PAS Session:

Register for a PAS session. The PAS brochure in this package tells you who to contact for PAS sessions in your area. Attend the session and receive a Certificate of Attendance. File the Certificate of Attendance at the court registry.

When this requirement may not apply:

In some situations you may not be required to attend a PAS session (be exempt). Look at the Exemption Form now to see if you are exempt. Sometimes one or both parties are automatically exempt. These situations are listed on the front page of the form. The reasons listed on the back page of the form apply only if you receive permission from the PAS Program Administrator to be exempt from attending.

If your situation is urgent, for example: you are concerned about your safety or the safety of your children, be sure to tell staff at the Provincial Court Registry or the Family Justice Centre or your lawyer. Other exemptions might apply to you.

IMPORTANT NOTE

A first court appearance cannot be set until one of the parties (applicant or respondent) files a Certificate of Attendance or shows that he or she did not have to attend. Both parties must file a certificate before they appear in court or show that they are exempt.

FORM 32 (RULE 5.1)

[en. B.C. Reg. 111/2012, s. 3; am. B.C. Reg. 99/2018, Sch. 2, s. 13.]

Fax Cover Sheet in the Provincial Court of British Columbia (Family)**This form must be used when transmitting documents to the court registry by fax for filing.****THIS FORM IS NOT TO BE EMAILED**

This is a pilot project, not available at all Court locations, and is subject to limitations set out in Court Rules and Practice Directives which are found at the Court Services Branch, Ministry of Attorney General website at <http://www.ag.gov.bc.ca/courts/fax/index.htm>.

It is the responsibility of the person transmitting a document to ensure that the document is filed in the court registry within the required filing time. The registry takes no responsibility for difficulty experienced when transmitting a document by fax to the registry. The registry cannot guarantee that any document will be filed on the day it is received in the registry.

Documents transmitted to the court registry will be processed in the order they are received. Confirmation of acceptance or refusal will be forwarded to you as soon as possible at the return fax number set out below or by mail if indicated.

To:

court location

fax number

Fax numbers for transmitting documents to court registries are available through the Court Services Branch website at <http://www.ag.gov.bc.ca/courts/fax/index.htm> or through Enquiry BC at 1-800-663-7867

From:

name - firm or individual

contact name

phone number

address

city

province

postal code

Notification of acceptance or refusal of filing will be sent by either fax or mail. Please choose one of the following:

☐ Notification by mail to address above

☐ Notification by fax to: _____
Attached:

file number or name (style of cause) e.g. - 013654 or "Steward vs. Parakeet"

comments

Type of document: (e.g. Reply)	No. of pages in document
Total no. of pages in submission (Maximum 20 including the cover sheet)	

Court Services Branch may use your contact information for the purposes of conducting an evaluation of the fax service.

PROVINCIAL COURT (FAMILY) RULES

Form 33 (Rule 22 (6))

FORM 33 (RULE 22 (6))

[en. B.C. Reg. 132/2012, s. 48.]

ELECTRONIC FILING STATEMENT

Court File No.

Court Location

F.M.E.P. File No.

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

(Check whichever one of the following boxes is correct and complete the required information.)

☐ I,[name]....., am the lawyer acting for[name(s) of party(ies)]..... .

☐ I,[name]....., am not represented by a lawyer.

I advise as follows:

- 1 The[type and identifying description of document]..... is being submitted for filing electronically [add the following if applicable] on behalf of the[party(ies)].....,[name(s) of party(ies)]..... .
- 2 The original paper version of the document being submitted for filing electronically appears to bear an original signature of the person identified as the signatory and I have no reason to believe that the signature placed on the document is not the signature of the identified signatory;
- 3 The version of the document that is being submitted for filing electronically appears to be a true copy of the original paper version of the document and I have no reason to believe that it is not a true copy of the original paper version.

Dated[mmm/dd/yyyy].....

Signature

PROVINCIAL COURT (FAMILY) RULES

Form 34 (Rule 18.1 (1))

FORM 34 (RULE 18.1 (1))

[en. B.C. Reg. 40/2013, s. 6.]

AFFIDAVIT

Court File No.

Court Location

F.M.E.P. No.

In the Provincial Court of British Columbia

In the case between:

.....[name].....

and

.....[name].....

I,[name].....,[occupation]....., of
[address]..... swear or affirm that I know or believe the
 following facts to be true. If these facts are based on information from others, I believe that information
 to be true.

- 1 I am applying under the *Family Law Act* to become a guardian of the following child(ren):

Full name of child	Birth date of child	Name(s) of current guardian(s) of child	Name(s) of parent(s) who are not current guardian(s) of child

- 2 My date of birth is[dd/mm/yyyy]..... .

- 3 The nature and length of my relationship with the child(ren) referred to in paragraph 1 of this affidavit is as follows:

Name of child	Nature of relationship [specify if parent, step-parent, grandparent, aunt, uncle, family friend, etc.]	Length of relationship

- 4 The current living arrangements applicable to the child(ren) referred to in paragraph 1 of this affidavit are as follows:

Name of child	Current living arrangements

- 5 I plan to care for the child(ren) referred to in paragraph 1 of this affidavit as follows:
[set out detailed plans for how the child(ren) is/are to be cared for]..... .

- 6 [Check whichever paragraph is correct.]

[] I am not aware of any incidents of family violence, as that term is defined in section 1 of the *Family Law Act*, that affect the child(ren) referred to in paragraph 1 of this affidavit.

PROVINCIAL COURT (FAMILY) RULES

Form 34 (Rule 18.1 (1))

☐ I am aware of the following incidents of family violence, as that term is defined in section 1 of the *Family Law Act*, that affect the child(ren) referred to in paragraph 1 of this affidavit:[describe the incidents of family violence of which you are aware]..... .

7 [Check whichever paragraph is correct.]

☐ I am not a parent, step-parent or guardian of any children except that child/those children referred to in paragraph 1 of this affidavit.

☐ I am the parent, step-parent or guardian of the following child(ren) who is/are not referred to in paragraph 1 of this affidavit:

Full name of child	Birth date of child	Nature of relationship to child [specify whether parent, step-parent or guardian]

8 [Check whichever paragraph is correct.]

☐ I have not been involved in court proceedings in British Columbia under the *Child, Family and Community Service Act*, the *Family Relations Act*, the *Family Law Act* or the *Divorce Act* (Canada) concerning children under my care, or in any other court proceedings under comparable legislation in any other jurisdiction concerning children under my care.

☐ I have been involved in the following court proceedings in British Columbia under the *Child, Family and Community Service Act*, the *Family Relations Act*, the *Family Law Act* or the *Divorce Act* (Canada) concerning children under my care, and in the following court proceedings under comparable legislation in any other jurisdiction concerning children under my care:

Item	Names of parties to the proceeding	Name and location of court in which the proceeding was conducted	Date of any orders concerning children under my care made in the proceeding
1			
2			

The orders referred to in the table above are attached as Exhibits to this affidavit as follows:

(a) the order dated[dd/mm/yyy].... referred to in[Item 1, 2, etc.].... above is attached as Exhibit to this affidavit.

(b) the order dated[dd/mm/yyy].... referred to in[Item 1, 2, etc.].... above is attached as Exhibit to this affidavit.

9 Attached to this affidavit and marked as Exhibit is a copy of a British Columbia Ministry of Children and Family Development records check dated[dd/mm/yyy]..... . [Note that under rule 18.1, if there is to be no hearing for this application, this records check must be dated within 60 days of the date on which this affidavit is filed.]

10 Attached to this affidavit and marked as Exhibit is a copy of a Protection Order Registry protection order records check dated[dd/mm/yyy]..... . [Note that under rule 18.1, if there is to be no hearing for this application, this records check must be dated within 60 days of the date on which this affidavit is filed.]

11 Attached to this affidavit and marked as Exhibit is a copy of a criminal records check dated[dd/mm/yyy]..... obtained from the[name and location of police force or department from

PROVINCIAL COURT (FAMILY) RULES

Form 34 (Rule 18.1 (1))

which the criminal records check was obtained]..... . [Note that under rule 18.1, if there is to be no hearing for this application, this records check must be dated within 60 days of the date on which this affidavit is filed.]

12 [Check whichever paragraph is correct.]

☐ There are no criminal offences, other than those, if any, specified in the criminal records check referred to in paragraph 11 of this affidavit, of which I have been convicted and not pardoned.

☐ In addition to the convictions, if any, specified in the criminal records check referred to in paragraph 11 of this affidavit, I have been convicted of, and not pardoned for, the following criminal offences:

.....[provide details of any criminal convictions, not referred to in the criminal records check, for which you have not received a pardon]..... .

13 [Check whichever paragraph is correct.]

☐ I am not currently charged with any criminal offences.

☐ I am currently charged with criminal offences. The particulars of each charge are set out below:

Nature of alleged offence	Date of alleged offence	Name and location of court in which proceedings are outstanding

SWORN (OR AFFIRMED) BEFORE)

ME at, British Columbia)

on[dd/mm/yyyy]..... .)

)

.....)

A commissioner for taking)

affidavits for British Columbia)

....[print name or affix stamp of commissioner]....