



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

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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

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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

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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,

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- (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

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- (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).]

PROVINCIAL COURT (FAMILY) RULES

Rule 5.01 – Early Resolution and Case Management Model Procedures

**RULE 5.01 – EARLY RESOLUTION AND
CASE MANAGEMENT MODEL PROCEDURES****Definitions**

- (1) In this rule and Appendix B [*Early Resolution and Case Management Model*]:
- “**certificate of service**” means a certificate in Form E [*Certificate of Service*] of Appendix C that certifies service under the Early Resolution and Case Management Model;
- “**consensual dispute resolution**” means
- (a) mediation with a family law mediator who is qualified as a family dispute resolution professional in accordance with section 4 [*family law mediators*] of the Family Law Act Regulation,
 - (b) a collaborative family law process conducted in accordance with a collaborative participation agreement, or
 - (c) facilitated negotiation of a child support or spousal support matter with a child support officer employed by the Family Justice Services Division of the Ministry of Attorney General;
- “**Early Resolution and Case Management Model**” means the rules for early resolution and case management set out in the provisions of Appendix B [*Early Resolution and Case Management Model*];
- “**early resolution and case management registry**” means the Victoria registry;
- “**extraordinary parenting matter**” means any of the following matters:
- (a) giving, refusing or withdrawing consent, by a guardian, to medical, dental or other health-related treatments for a child, if delay will result in risk to the health of the child;
 - (b) applying, by a guardian, for
 - (i) a passport, licence, permit, benefit, privilege or other thing for a child, if delay will result in risk of harm to the child’s physical, psychological or emotional safety, security or well-being, or
 - (ii) travel with a child or participation by a child in an activity if consent to the travel or activity is required and is alleged to have been wrongfully denied;
 - (b.1) relating to change in location of a child’s residence, or a guardian’s plan to change the location of a child’s residence, if
 - (i) no written agreement or order respecting parenting arrangements applies in respect of the child, and
 - (ii) the change of residence can reasonably be expected to have a significant impact on the child’s relationship with another guardian;
 - (c) relating to the removal of a child under section 64 [*orders to prevent removal of child*] of the *Family Law Act*;

- (d) determining matters relating to interjurisdictional issues under section 74 (2) (c) [*determining whether to act under Part 4 – Care of and Time with Children*] of the *Family Law Act*;
- (e) relating to the alleged wrongful removal of a child under section 77 (2) [*wrongful removal of child*] of the *Family Law Act*;
- (f) Repealed. [B.C. Reg. 119/2020, s. 1 (e).]
- (g) relating to the return of a child alleged to have been wrongfully removed or retained under the Convention on the Civil Aspects of International Child Abduction signed at the Hague on October 25, 1980;

“family law matter” means any of the following matters:

- (a) parenting arrangements;
- (b) child support;
- (c) contact with a child;
- (d) guardianship of a child;
- (e) spousal support.

[en. B.C. Reg. 61/2019, s. 1; am. B.C. Reg. 119/2020, s. 1.]

In the event of conflict

- (2) Unless the court otherwise orders, in the event of a conflict between this rule, including the Early Resolution and Case Management Model, and another rule, this rule, including the Early Resolution and Case Management Model, applies.

[en. B.C. Reg. 61/2019, s. 1.]

Application of this rule and Early Resolution and Case Management Model

- (3) This rule and the Early Resolution and Case Management Model apply to proceedings concerning the following, when initiated in an early resolution and case management registry:
 - (a) orders about family law matters that are to be made under Part 3 [*Applying for Orders about Family Law Matters*] of Appendix B;
 - (b) case management orders that are to be made under Part 5 [*Case Management Orders*] of Appendix B;
 - (c) orders that are to be made under Part 6 [*Applying for Other Orders*] of Appendix B in relation to the following:
 - (i) protection orders;
 - (ii) extraordinary parenting matters;
 - (iii) relocation;
 - (iv) consent orders;
 - (v) enforcement.

[en. B.C. Reg. 61/2019, s. 1.]

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When family law matter must be resolved in early resolution and case management registry

- (4) Subject to subrule (5), a party seeking to resolve any matters in subrule (3) must do so in the early resolution and case management registry when
- (a) there is an existing case filed in the early resolution and case management registry and the family law matter has the same parties as the existing case,
 - (b) the family law matter involves a child related issue and the early resolution and case management registry is the closest registry to where the child lives most of the time, or
 - (c) the family law matter does not involve a child related issue and the early resolution and case management registry is the closest registry to where the party seeking to resolve the family law matter lives most of the time.

[en. B.C. Reg. 61/2019, s. 1.]

Protection orders and extraordinary parenting matters

- (5) With permission of the court, a party seeking an order about a protection order or an extraordinary parenting matter may do so in any registry.

[en. B.C. Reg. 61/2019, s. 1.]

When Early Resolution and Case Management Model does not apply

- (6) The Early Resolution and Case Management Model does not apply to matters in a court file if
- (a) the court file relating to the family law matter is transferred to another registry,
 - (b) an application to obtain an order is made before the coming into force of this rule, or
 - (c) a notice of motion is filed before the coming into force of this rule.

[en. B.C. Reg. 61/2019, s. 1.]

Intention to proceed – court file started before Early Resolution and Case Management Model

- (7) Despite subrule (6), if one year has passed from the date of an activity described in subrule (6) (b) or (c), before the parties may proceed, a party must
- (a) file a notice of intention to proceed in Form B [*Notice of Intention to Proceed*] of Appendix C,
 - (b) serve it on the other party,
 - (c) file a Certificate of Service, and
 - (d) participate in a family management conference.

[en. B.C. Reg. 61/2019, s. 1.]

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.]

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.]

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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, rule 5.01 or Appendix B applies.

[am. B.C. Reg. 61/2019, s. 2.]

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,

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- (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;
- (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;

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- (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;
- (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

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- (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;
- (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) (l) 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;

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- (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;
- (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 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.

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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).]

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.

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

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).]

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.

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

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

PROVINCIAL COURT (FAMILY) RULES

Rule 12 – Applying by Notice of Motion for Orders or Directions

- (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
 - (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

PROVINCIAL COURT (FAMILY) RULESRule 13 – Affidavits

- (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;
- (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).]

PROVINCIAL COURT (FAMILY) RULES

Rule 16 – Applying for Recognition of Extraprovincial Orders

RULE 15

(1) to (6) 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
 - (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;

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

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).]

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.]

PROVINCIAL COURT (FAMILY) RULESRule 18.1 – Guardianship Orders

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.

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).]

PROVINCIAL COURT (FAMILY) RULES

Rule 20 – General

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).]

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

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

- (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) and Vernon;

“**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; 61/2019, s. 3.]

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;
- (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).]

PROVINCIAL COURT (FAMILY) RULES

Rule 22 – Electronic Filing

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.]

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

PROVINCIAL COURT (FAMILY) RULESRule 22 – Electronic Filing

- (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.]

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.]

PROVINCIAL COURT (FAMILY) RULES

Appendix A – Form 1 (Rule 2 (1))

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.]

APPENDIX A

[am. B.C. Reg. 61/2019, s. 4.]

GENERAL FORMS**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].....

PROVINCIAL COURT (FAMILY) RULES

Appendix A – Form 1 (Rule 2 (1))

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
- ☐ 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

PROVINCIAL COURT (FAMILY) RULES

Appendix A – Form 1 (Rule 2 (1))

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;

PROVINCIAL COURT (FAMILY) RULES

Appendix A – Form 1 (Rule 2 (1))

- 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
- (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

Appendix A – 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.**

[] 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.*

PROVINCIAL COURT (FAMILY) RULES

Appendix A – Form 2 (Rule 2 (2))

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

Appendix A – 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

Appendix A – 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:

.....

.....

.....

.....

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

Appendix A – 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].....

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

PROVINCIAL COURT (FAMILY) RULES

Appendix A – Form 4 (Rule 4)

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

Appendix A – 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 marriage..... a. \$..... *
 - (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)

PROVINCIAL COURT (FAMILY) RULES

Appendix A – Form 4 (Rule 4)

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 dividendsa. \$.....
 - 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 perioda. \$.....
 - 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 gainsa. \$.....
- subtract (b) Actual capital losses – b. \$.....

PROVINCIAL COURT (FAMILY) RULES

Appendix A – 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

Appendix A – 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

Appendix A – 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

Appendix A – 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*	Gross	Net*	Gross	Net*	
	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	
Medical/dental insurance premiums attributable to child		\$.....		\$.....		\$.....		\$.....	
Health related expenses (over \$100)	Gross	Net*	Gross	Net*	Gross	Net*	Gross	Net*	
	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	
Extraordinary expenses for primary or secondary school		\$.....		\$.....		\$.....		\$.....	
Post secondary education expenses	Gross	Net*	Gross	Net*	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

Appendix A – 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

Appendix A – 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

Appendix A – 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

Appendix A – 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/respondentI,, [] 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

Appendix A – 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

Appendix A – 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

Appendix A – 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

Appendix A – 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

Appendix A – 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 Court

Dated[mmm/dd/yyyy]..... at, British Columbia

PROVINCIAL COURT (FAMILY) RULES

Appendix A – Form 10 (Rule 9 (1) (a) (iii))

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.*

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.

PROVINCIAL COURT (FAMILY) RULES

Appendix A – Form 12 (Rule 9 (9))

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

Appendix A – 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

PROVINCIAL COURT (FAMILY) RULES

Appendix A – Form 14 (Rule 9 (10) (c))

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

Appendix A – 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

Appendix A – 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

Appendix A – 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

PROVINCIAL COURT (FAMILY) RULES

Appendix A – Form 17 (Rule 13 (1))

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

Appendix A – 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

Appendix A – 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

Appendix A – 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[yyyy]....
)

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

☐ without a hearing

☐ after a hearing at[Court location]..... on
[mmm/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):

PROVINCIAL COURT (FAMILY) RULES

Appendix A – Form 20 (Rule 14 (1.1) (c))

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.]

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

Appendix A – 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.

- [] 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

Appendix A – 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

Appendix A – 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

Appendix A – 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.

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

Appendix A – 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

Appendix A – 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

PROVINCIAL COURT (FAMILY) RULES

Appendix A – Form 27 (Rule 19 (5))

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

Appendix A – 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

Appendix A – 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**

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

Appendix A – 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

Appendix A – 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

Appendix A – 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/yyyy].... referred to in[Item 1, 2, etc.].... above is attached as Exhibit to this affidavit.

(b) the order dated[dd/mm/yyyy].... 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/yyyy]..... . [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/yyyy]..... . [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/yyyy]..... obtained from the[name and location of police force or department from

PROVINCIAL COURT (FAMILY) RULES

Appendix A – 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]....

APPENDIX B

[en. B.C. Reg. 61/2019, s. 5.]

**EARLY RESOLUTION AND
CASE MANAGEMENT MODEL**

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PART 1 – INTERPRETATION, APPLICATION AND PURPOSE**Definitions**

- 1 (1) In this Appendix, the definitions in rule 5.01 (1) apply.
- (2) In this Appendix:
 - “**early resolution requirements**” means the requirements described in section 5 [early resolution requirements];
 - “**these rules**” means the Provincial Court (Family) Rules.

Citation

- 2 This Appendix may be cited as the “Early Resolution and Case Management Model” and is included within any reference to the “Provincial Court (Family) Rules”.

Designation of early resolution and case management model registry

- 3 This Early Resolution and Case Management Model applies in the Victoria registry, which is designated as an early resolution and case management model registry.

Purpose

- 4 The purpose of the Early Resolution and Case Management Model is to encourage parties to resolve their cases by agreement or to help them obtain a just and timely decision in a way that
 - (a) takes into account the impact that the conduct of a case may have on a child and family,
 - (b) minimizes conflict,
 - (c) promotes cooperation between the parties, and
 - (d) provides processes for resolution that are efficient and consistent with the complexity of the cases to be resolved.

PROVINCIAL COURT (FAMILY) RULES

Appendix B – Part 2 – Early Resolution Requirements

PART 2 – EARLY RESOLUTION REQUIREMENTS**Division 1 – General****Early resolution requirements**

- 5** Before filing a family law matter claim under Part 3 [*Applying for Orders about Family Law Matters*], a person seeking resolution of a family law matter in an early resolution and case management registry must, unless otherwise provided in this Early Resolution and Case Management Model,
- (a) file a notice to resolve in Form A [*Notice to Resolve a Family Law Matter*] of Appendix C,
 - (b) provide a copy of the notice to resolve to the other person,
 - (c) attend a needs assessment under section 10 [*participating in needs assessment*],
 - (d) complete a parenting education program under section 12 [*completing parenting education program*], and
 - (e) participate in at least one consensual dispute resolution session under section 13 [*participating in consensual dispute resolution*].

Exception to early resolution requirements

- 6** The early resolution requirements described in section 5 are not required if a person is only applying for one or more orders that are to be made under Part 5 [*Case Management Orders*] or 6 [*Applying for Other Orders*].

Protection orders and orders about extraordinary parenting matters take priority

- 7** For certainty, if a party applies for an order about
- (a) a protection order under Part 9 [*Protection from Family Violence*] of the *Family Law Act*, or
 - (b) an extraordinary parenting matter
- in addition to an order about a family law matter, the party may apply for the order about the protection order or the extraordinary parenting matter before complying with the early resolution requirements under this Part.

Judge may waive or vary requirements

- 8** (1) For certainty, rule 20 (2) [*judge may waive or vary rules*] of these rules applies to this Early Resolution and Case Management Model.
- (2) A party may make an application to waive or vary the early resolution requirements in accordance with Part 5 [*Case Management Orders*] of this Early Resolution and Case Management Model.

**Intention to proceed in certain cases
after one year**

- 9 (1) The parties must meet the requirements of subsection (2) if no family law matter claim has been filed and more than one year has passed since the latest date on which one of the parties
- (a) filed a notice to resolve a family law matter in Form A [*Notice to Resolve a Family Law Matter*] of Appendix C,
 - (b) completed a needs assessment,
 - (c) completed a parenting education program, or
 - (d) participated in a consensual dispute resolution session.
- (2) Before the parties described in subsection (1) may proceed under this Early Resolution and Case Management Model,
- (a) a party must file a notice of intention to proceed in Form B [*Notice of Intention to Proceed*] of Appendix C and provide a copy of the notice to the other party, and
 - (b) the parties must participate in a new needs assessment.

Division 2 – Needs Assessment**Participating in needs assessment**

- 10 Each party must participate in a needs assessment conducted by a needs assessor for the following:
- (a) assistance with identifying legal and non-legal needs;
 - (b) information about resolving issues, including
 - (i) how to resolve family law matters and other issues out of court, and
 - (ii) how to apply for a court order;
 - (c) provision of
 - (i) a referral to an appropriate parenting education program, or
 - (ii) an exemption from a parenting education program under Division 3 [*Parenting Education Program*] of this Part;
 - (d) referrals to other resources, including
 - (i) where and how to seek legal advice,
 - (ii) where and how to access legal information,
 - (iii) where and how to access resources for issues that are not legal in nature, and
 - (iv) where and how to access resources for children dealing with family changes;
 - (e) assessment about whether consensual dispute resolution under Division 4 [*Consensual Dispute Resolution*] of this Part is not appropriate;

PROVINCIAL COURT (FAMILY) RULESAppendix B – Part 2 – Early Resolution Requirements

- (f) assessment about whether there is a risk of family violence;
- (g) referrals to other resources for individuals and families experiencing or concerned about family violence.

Needs assessor

- 11** For the purposes of this Division, a needs assessor must be a family justice counsellor appointed under section 10 (1) [*family justice counsellors*] of the *Family Law Act*.

Division 3 – Parenting Education Program**Completing parenting education program**

- 12** Each party must complete a parenting education program unless the needs assessor exempts that party because
- (a) that party has already completed the parenting education program in the 2 years before the date of the needs assessment,
 - (b) the family law matter is only related to spousal support,
 - (c) every child involved in the family law matter has reached 19 years of age,
 - (d) that party resides in a community where the parenting education program is not offered in person and the party cannot access the online version,
 - (e) the parenting education program is not available in a language in which that party is fluent,
 - (f) that party is unable to attend the parenting education program in person and cannot complete an online version of the parenting education program due to literacy challenges, or
 - (g) that party cannot complete the parenting education program due to a serious medical condition.

Division 4 – Consensual Dispute Resolution**Participating in consensual dispute resolution**

- 13** (1) The parties must attempt to resolve a family law matter by participating in at least one consensual dispute resolution session unless
- (a) a needs assessor determines that the parties cannot access consensual dispute resolution services, or
 - (b) a needs assessor or a consensual dispute resolution professional determines that participation at a consensual dispute resolution session is not appropriate.
- (2) To prepare for the consensual dispute resolution session, each party must participate in any preparatory meetings or other preparatory process as required by the consensual dispute resolution professional.

**Financial information for
consensual dispute resolution**

- 14** If financial information for consensual dispute resolution is required, it must be provided in the form required by the consensual dispute resolution professional.

PART 3 – APPLYING FOR ORDERS ABOUT FAMILY LAW MATTERS**Division 1 – Making Family Law Matter Claims****Early resolution requirements must
be met before filing claim**

- 15** Before filing a claim about a family law matter, a party must meet the applicable early resolution requirements described in section 5 [*early resolution requirements*].

Applying for family law matter claim

- 16** (1) A party who is seeking an order about the following must file and serve a family law matter claim in Form C [*Family Law Matter Claim*] of Appendix C:
- (a) for a new order about a family law matter;
 - (b) to change or cancel all or part of an existing order or filed written agreement about a family law matter;
 - (c) to set aside or replace all or part of a written agreement about a family law matter that has not been filed.
- (2) The family law matter claim under subsection (1) must be accompanied by the following, as applicable:
- (a) a financial statement in Form D [*Financial Statement*] of Appendix C;
 - (b) an affidavit;
 - (c) any supporting evidence or documents.

**Additional documents when
applying for certain orders**

- 17** If the party is applying for one of the following orders, the family law matter claim must be filed with the following appropriate additional documents for the order:
- (a) in relation to an existing order or written agreement, a copy of the existing order or written agreement;
 - (b) in relation to child support, if the child support guidelines require the person to provide information, a financial statement in Form D [*Financial Statement*] of Appendix C and any other documents required by the child support guidelines;
 - (c) in relation to spousal support, a financial statement in Form D [*Financial Statement*] of Appendix C;

PROVINCIAL COURT (FAMILY) RULESAppendix B – Part 3 – Applying for Orders about Family Law Matters

- (d) to be appointed as a guardian of a child, an affidavit in Form 34 *[Affidavit]* of Appendix A with the following exhibits attached:
 - (i) a record check from the Ministry of Children and Family Development;
 - (ii) a protection order record check from the protection order registry;
 - (iii) a criminal record check.

Serving family law matter claim

- 18** (1) A party making a family law matter claim under section 16 must arrange for the service of the family law matter claim by arranging for an adult who is not a party to leave a copy of the following documents with the party to be served:
- (a) the family law matter claim;
 - (b) a blank copy of Form F *[Reply to a Family Law Matter Claim]* of Appendix C;
 - (c) any applicable additional documents, as described in section 17.
- (2) The adult who serves documents under subsection (1) is to complete a certificate of service in Form E *[Certificate of Service]* of Appendix C and provide it to the party making the family law matter claim.
- (3) If a reply is not filed under Division 2 within 21 days, the party making the family law matter claim must file the Certificate of Service.

Division 2 – Family Law Matter Replies and Counterclaims**After receipt of family law matter claim**

- 19** (1) When a party is served with a family law matter claim, the party may reply to the family law matter claim, as described in section 21 *[replying to family law matter claim]*.
- (2) If the party served with a family law matter claim does not reply, the consequences described in section 23 *[if no reply filed]* apply.

Early resolution requirements must be met before filing reply

- 20** Before filing a reply to a family law matter claim under section 21, a party must meet the applicable early resolution requirements described in section 5 *[early resolution requirements]*.

Replying to family law matter claim

- 21** If a party is served with a family law matter claim and replies,
- (a) the party must file a completed reply in Form F *[Reply to a Family Law Matter Claim]* of Appendix C within 21 days after the date that the party is served the family law matter claim,

- (b) the party may, in the reply, do any of the following:
 - (i) agree with one or more of the orders applied for in a family law matter claim;
 - (ii) disagree with one or more of the orders applied for in a family law matter claim;
 - (iii) make a counterclaim in accordance with section 22, and
- (c) if the family law matter claim involves child support or spousal support, the party must file a financial statement in Form D [*Financial Statement*] of Appendix C.

Applying for counterclaim

- 22** (1) In the reply, a party may include a counterclaim to apply for an order about a different family law matter that was not included in the family law matter claim.
- (2) If the counterclaim involves child support, spousal support or appointment of a guardian, the party must file any applicable additional documents, as described in section 17 [*additional documents when applying for certain orders*].
- [am. B.C. Reg. 119/2020, s. 2.]

If no reply filed

- 23** If a party does not file a reply in accordance with section 21 (a) [*replying to family law matter claim*],
- (a) the party is not entitled to receive notice of any part of the proceedings, including any conference, court appearance, hearing or trial, and
 - (b) a judge may make orders without that party's knowledge.

Judge may direct matters if party does not file reply

- 24** Despite section 23, a judge may direct that a party who does not file a reply under section 21 [*replying to family law matter claim*] receive notice of and attend a family management conference or another conference or hearing.

Copy to filing party

- 25** After the reply is filed, the registry must, within 21 days, provide a copy of the reply and all documents filed with the reply to the party who filed the family law matter claim.

Replying to counterclaim

- 26** A party may reply to a counterclaim by filing and serving a reply to the counterclaim in Form G [*Reply to a Counterclaim*] of Appendix C within 14 days after the date that the party receives the counterclaim in the reply.

PROVINCIAL COURT (FAMILY) RULES

Appendix B – Part 4 – Family Management Conferences

PART 4 – FAMILY MANAGEMENT CONFERENCES**Division 1 – Purpose, Participation and Information****Family management conferences**

- 27** A family management conference is an informal and time-limited process in which a judge
- (a) may assist the parties to identify the issues to be resolved,
 - (b) may explore options to resolve the issues,
 - (c) may, if needed, make orders and directions under Part 5 [*Case Management Orders*] based on information provided by or on behalf of the parties to ensure a file is ready to proceed to the next step in the process,
 - (d) may, if needed, make interim orders under section 36 [*interim orders*], based on evidence provided by or on behalf of the parties regarding family law matters, to address needs until the parties resolve their family law matters in a subsequent step in the process, and
 - (e) may, if needed, make orders under
 - (i) section 23 [*if no reply filed*], if a party does not file a reply,
 - (ii) section 37 [*consent orders*], by consent of the parties, and
 - (iii) section 41 [*orders made in the absence of a party*], in the absence of a party.

Family management conference required after compliance with Part 3

- 28** All parties to a family law matter claim must attend a family management conference after complying with Part 3 [*Applying for Orders about Family Law Matters*].

Who must attend family management conference

- 29** (1) All parties must attend the family management conference.
- (2) A lawyer of each party may attend the family management conference with the party.

Family management conference may proceed

- 30** A family management conference may proceed without a party who
- (a) does not file a reply, or
 - (b) does not attend.

Information presented in family management conferences

- 31** For the purposes of a family management conference, the parties may be required to provide the following for consideration by a judge:

- (a) information provided in a family law matter claim, reply and reply to counterclaim, if any;
- (b) information provided in a financial statement;
- (c) evidence given orally on oath or affirmation;
- (d) affidavit evidence;
- (e) submissions offered by the parties or by the lawyers of the parties.

**Intention to proceed –
family management conferences**

- 32** (1) A notice of intention to proceed must be filed in accordance with subsection (2) if
- (a) a party has filed a family law matter claim,
 - (b) there is no final order in respect of the claim, and
 - (c) more than one year has passed since the parties have taken any action under these rules.
- (2) If subsection (1) applies, before the parties may proceed,
- (a) a party must file a notice of intention to proceed in Form B [*Notice of Intention to Proceed*] of Appendix C, serve it on the other party and file a certificate of service, and
 - (b) the parties must participate in a family management conference.

Division 2 – Scheduling the Family Management Conference

**Scheduling family management conference
if reply filed**

- 33** If a family law matter claim and a reply have been filed, the registry must provide the parties with information about the procedure for scheduling the family management conference.

**Scheduling family management conference
if no reply filed**

- 34** If a family law matter claim has been filed and a reply has not been filed and, based on the certificate of service, at least 21 days have passed since the family law matter claim was served, the registry must provide the party who filed the family law matter claim with information about the procedure for scheduling the family management conference.

Division 3 – Family Management Conference Proceedings

Directions to attend

- 35** At a family management conference, a judge may direct a party to do any of the following:
- (a) attend consensual dispute resolution;

PROVINCIAL COURT (FAMILY) RULESAppendix B – Part 4 – Family Management Conferences

- (b) attend a family case conference;
- (c) return for another family management conference;
- (d) attend a trial preparation conference;
- (e) attend a hearing or trial.

Interim orders

- 36** At a family management conference, a judge may make one or more of the following interim orders:
- (a) an allocation of parental responsibilities;
 - (b) an allocation of parenting time;
 - (c) contact with a child;
 - (d) child support;
 - (e) spousal support;
 - (f) guardianship of a child.

Consent orders

- 37** At a family management conference, a judge may make one or more of the following orders, including final orders, with consent of the parties:
- (a) an allocation of parental responsibilities;
 - (b) an allocation of parenting time;
 - (c) contact with a child;
 - (d) child support;
 - (e) spousal support;
 - (f) guardianship of a child.

Completion of early resolution requirements

- 38** At a family management conference, a judge may make an order that a party complete the early resolution requirements under section 5 [*early resolution requirements*].

Conduct orders

- 39** At a family management conference, a judge may make any conduct order that may be made under Division 5 of Part 10 [*Orders Respecting Conduct*] of the *Family Law Act*, including the following:
- (a) prohibiting a party from making an application respecting any matter over which a parenting coordinator has authority to act under an agreement or order, other than an application changing or setting aside a parenting coordinator determination, without permission of the judge, under section 223 [*orders respecting case management*] of the *Family Law Act*;

- (b) requiring the parties to participate in family dispute resolution under section 224 (1) (a) [*orders respecting dispute resolution, counselling and programs*] of the *Family Law Act*;
- (c) requiring the parties to attend counselling, specified services or programs, under section 224 (1) (b) of the *Family Law Act*;
- (d) allocating or requiring one party to pay the fees related to the family dispute resolution, counselling, specified services or programs, if the party is ordered to attend, under section 224 (2) of the *Family Law Act*;
- (e) setting restrictions or conditions respecting communication between parties, including respecting when or how communications may be made, under section 225 [*orders restricting communications*] of the *Family Law Act*, unless it would be more appropriate for a protection order to be made by a judge under Part 9 [*Protection from Family Violence*] of that Act;
- (f) reporting to the court or to a person named by the judge at the time and in the manner specified, under section 227 [*other orders respecting conduct*] of the *Family Law Act*.

Preparing for subsequent hearing

- 40** The parties may be required to attend a family management conference to prepare for a hearing, even if Part 3 [*Applying for Orders about Family Law Matters*] does not apply to the parties, if one of the parties has requested one of the following orders:
- (a) reviewing, enforcing, changing or setting aside a determination of a parenting coordinator;
 - (b) permitting or prohibiting the relocation of a child under section 69 [*orders respecting relocation*] of the *Family Law Act*;
 - (c) setting reasonable and necessarily incurred expenses under any of the following sections of the *Family Law Act*:
 - (i) section 61 [*denial of parenting time or contact*];
 - (ii) section 62 [*when denial is not wrongful*];
 - (iii) section 212 [*orders respecting disclosure*];
 - (iv) section 213 [*enforcing orders respecting disclosure*];
 - (v) section 228 [*enforcing orders respecting conduct*];
 - (vi) section 230 [*enforcing orders generally*].

Orders made in the absence of a party

- 41** (1) At the family management conference, a judge may make an order, including final orders, in the absence of a party.
- (2) A judge may change, suspend or cancel an order made in the absence of a party if the judge determines that

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Appendix B – Part 5 – Case Management Orders

- (a) the absent party applied within a reasonable time for the change, suspension or cancellation of the order using Form H [*Application for Case Management Order*] of Appendix C, and
- (b) either of the following apply:
 - (i) the absent party did not receive notice of the application or family management conference;
 - (ii) there is a good reason to change, suspend or cancel the order.

[am. B.C. Reg. 119/2020, s. 3.]

PART 5 – CASE MANAGEMENT ORDERS

Case management orders – general

- 42** (1) A judge may make orders to manage a case, including orders about the following with or without application by a party:
- (a) transferring a court file to another registry for all purposes or specific purposes;
 - (b) adding or removing a party to a case, including leave to intervene under section 204 (2) of the *Family Law Act*;
 - (c) settling or correcting the terms of an order made under these rules;
 - (d) setting a specified period for the filing and exchanging of information or evidence, including a financial statement in Form 4 [*Financial Statement*];
 - (e) correcting or amending a filed document, including the correction of a name or date of birth;
 - (f) requiring that a parentage test be taken under section 33 [*parentage tests*] of the *Family Law Act*;
 - (g) specifying or requiring information that must be disclosed by a person who is not a party to a case;
 - (h) adjourning a court appearance;
 - (i) relating to a report under section 211 [*orders respecting reports*] of the *Family Law Act*, including requiring that a person who prepared the report attend a trial as a witness;
 - (j) respecting the conduct of a party or management of a case, including pre-trial and trial process and evidence disclosure, as set out in rule 8 (4) (a), (b) or (g) of these rules;
 - (k) respecting the appointment of a lawyer to represent
 - (i) the interests of a child, or
 - (ii) a party;
 - (l) allowing a person to attend a conference or hearing using electronic communication, including by telephone or video;

- (m) waiving or modifying any requirement related to service or giving notice to a person, including allowing an alternative method for the service of a document;
 - (n) waiving or modifying any other requirement under these rules, including a time limit set under these rules or a time limit set by an order or direction of a judge, even after the time limit has expired;
 - (o) requiring access to information in accordance with section 242 [*orders respecting searchable information*] of the *Family Law Act*;
 - (p) recognizing an extraprovincial order other than a support order;
 - (q) relating to the management of a court record, file or document, including access to a court file;
 - (r) cancelling a subpoena.
- (2) A party may apply for a case management order under subsection (1) by filing and serving the following on any other parties, at least 7 days before the date set for the hearing:
- (a) an application for a case management order in Form H [*Application for Case Management Order*];
 - (b) any supporting evidence or documents.

[am. B.C. Reg. 119/2020, s. 4.]

**Case management orders –
without notice or appearance**

- 43** (1) A party may request in Form I [*Application for Case Management Order Without Notice or Appearance*] of Appendix C the case management orders described in section 42 (1) (l) to (p) without an appearance or without notice to any other parties.
- (2) The judge reviewing an application under this section for a case management order without notice or an appearance may do the following:
- (a) grant the order without the attendance of the parties;
 - (b) give directions to obtain further information, including to require the parties to attend to speak to the matter;
 - (c) require that notice be given to any other parties;
 - (d) reject the application with reasons.
- (3) If a case management order is made without notice under this section, the party who applied for the order must ensure that the other party is served the case management order that is made.

[am. B.C. Reg. 119/2020, s. 5.]

PROVINCIAL COURT (FAMILY) RULES

Appendix B – Part 6 – Applying for Other Orders

PART 6 – APPLYING FOR OTHER ORDERS**Division 1 – Protection Orders****Priority – protection orders**

- 44** The application for an order about a protection order may be made before complying with the early resolution requirements described in section 5 [*early resolution requirements*] if a party is applying for both of the following:
- (a) an order about a protection order;
 - (b) an order about a family law matter.

Applying for *Family Law Act* protection orders or to change or terminate protection orders

- 45** (1) To apply to a judge to obtain, or to change a term or condition of or to terminate, a protection order under Part 9 [*Protection from Family Violence*] of the *Family Law Act*, a person must file
- (a) an application about a protection order in Form K [*Application about a Protection Order*] of Appendix C, and
 - (b) any supporting evidence or documents.
- (2) A person applying for an order about a protection order under this Division must arrange for the service of the application and supporting documents at least 7 days before the date set for the hearing by arranging for an adult who is not a party to leave a copy of the application and the supporting documents with the party to be served, unless the application is made
- (a) without notice, or
 - (b) with less than 7 days' notice.
- (3) The adult who serves documents under subsection (2) is to complete a certificate of service in Form E [*Certificate of Service*] of Appendix C and provide it to the person applying for an order about a protection order.

Protection orders – without notice

- 46** (1) A person may, under section 45, apply to make the following application without notice to any party by completing Form I [*Application for Case Management Order Without Notice or Appearance*] of Appendix C:
- (a) a protection order under section 183 [*orders respecting protection*] of the *Family Law Act*;
 - (b) to change a term or condition of or to terminate a protection order under section 187 [*changing or terminating orders respecting protection*] of the *Family Law Act*.
- (2) If a judge determines that a party should be given notice of an application made under subsection (1), the judge may make directions regarding

- (a) the date for the hearing,
- (b) the amount of notice,
- (c) how notice is to be given, and
- (d) any other directions that the judge considers appropriate.

Evidence at protection order hearing

47 Evidence at a protection order hearing under section 46 may be given

- (a) orally on oath or affirmation, or
- (b) by affidavit.

Judge to make new protection order

48 If a judge changes an existing protection order, including an extension of the protection order, a judge must terminate the existing protection order and make a new protection order.

What happens if protection order is made or changed

49 If a judge makes or changes a protection order in accordance with this Division, a clerk must

- (a) prepare the protection order unless the judge indicates otherwise,
- (b) provide a copy of the protection order to the protection order registry,
- (c) serve or provide a copy of the protection order on the party against whom the protection order was made or changed, as follows:
 - (i) if that party is present when the order is made or changed, provide the party with the protection order;
 - (ii) if that party is not present when the order is made or changed, arrange for the service of the protection order on that party within British Columbia;
 - (iii) if the registry is unable to arrange service under subparagraph (ii), notify the person who obtained the order and that person would subsequently be responsible for service, and
- (d) provide a copy of the protection order to the person who made the application.

What happens if protection order is terminated

50 If a judge terminates a protection order, a clerk must

- (a) prepare the termination order in Form L [*Order Terminating a Protection Order*] of Appendix C,
- (b) advise the protection order registry about the termination of the protection order, and
- (c) provide a copy of the termination order to all parties.

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Form of orders

- 51** A protection order made under Part 9 [*Protection from Family Violence*] of the *Family Law Act* must be in Form 25 [*Protection Order*] of Appendix A of these rules and does not need to be signed by the parties or their lawyers.

No limitation on protection order applications

- 52** The expiry of a protection order or the change or termination of a protection order does not prevent a person from applying for subsequent protection orders.

**Division 2 – Orders about
Extraordinary Parenting Matters****Priority – extraordinary parenting matters**

- 53** The application for an order about an extraordinary parenting matter may be made before complying with the early resolution requirements described in section 5 [*early resolution requirements*] if a party is applying for both of the following:
- (a) an order about an extraordinary parenting matter;
 - (b) an order about a family law matter.

**Applying for orders about
extraordinary parenting matters**

- 54** To apply to a judge to obtain, or to change a term or condition of or to terminate, an order about an extraordinary parenting matter, a person must file and serve
- (a) the application for an order about an extraordinary parenting matter in Form M [*Application about Extraordinary Parenting Matter*] of Appendix C, and
 - (b) any supporting evidence or documents.

**Notifying other person about order
about extraordinary parenting matter**

- 55** To apply to a judge for an order about an extraordinary parenting matter under this Division, a party must serve any other parties as follows:
- (a) with the application and supporting documents at least 7 days before the date set for the hearing unless the application is made without notice or with less than 7 days' notice;
 - (b) if there is an address for delivery in the case on the court file for the party to be served,
 - (i) by leaving the documents at the party's address for delivery,
 - (ii) by mailing the documents by ordinary mail to the party's address for delivery,
 - (iii) if a party's address for delivery includes an email address, by emailing the documents to that email address, or

- (iv) if a party's address for delivery includes a fax number, by faxing the documents to that fax number;
- (c) if there is no address for delivery on the court file for the party to be served by arranging for an adult who is not a party to leave the documents with the party to be served, unless otherwise ordered.

Extraordinary parenting matters – without notice

- 56** (1) A person may, under section 54, apply to make an application for an order about an extraordinary parenting matter without notice to any party by completing Form I [*Application for Case Management Order Without Notice or Appearance*] of Appendix C.
- (2) If a judge determines that a party should be given notice of an application made under section 54, the judge may make directions regarding
- (a) the date for the hearing,
 - (b) the amount of notice,
 - (c) how notice is to be given, and
 - (d) any other directions that the judge considers appropriate.

Evidence presented at hearings for orders about extraordinary parenting matters

- 57** Evidence for a hearing with respect to the application for an order about an extraordinary parenting matter may be given
- (a) orally on oath or affirmation, or
 - (b) by affidavit.

Division 3 – Orders about Relocation**Applying for orders about relocation**

- 58** To apply for an order, under section 69 [*orders respecting relocation*] of the *Family Law Act*, prohibiting the relocation of a child, a person must file and serve
- (a) an application for an order prohibiting the relocation of a child in Form O [*Application for Order Prohibiting the Relocation of Child*] of Appendix C, and
 - (b) a copy of the existing order or agreement and the notice of relocation described in section 66 [*notice of relocation*] of the *Family Law Act*.

Division 4 – Consent Orders**Applying for consent orders about family law matters without hearing**

- 59** To apply for an order about a family law matter by consent without a hearing, the parties must file the following:

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- (a) an application for a consent order in Form N [*Application for a Family Law Matter Consent Order*] of Appendix C;
- (b) a draft consent order in Form 20 [*Consent Order*] of Appendix A signed by the parties or their lawyers;
- (c) any applicable additional documents, as described in section 17 [*additional documents when applying for certain orders*] of this Early Resolution and Case Management Model.

Consideration of consent order

- 60** In considering whether to make a consent order, a judge may do the following:
- (a) give directions to obtain further information, including to require the parties to attend to speak to the matter;
 - (b) amend the draft consent order and require the parties to attend to review and sign the changes;
 - (c) reject the application with reasons.

Consent orders about guardianship

- 61** In addition to the material filed under section 59 [*applying for consent orders about family law matters without hearing*], a party who is applying for appointment as guardian of a child must also file an affidavit in Form 34 [*Affidavit*] of Appendix A with the following exhibits attached:
- (a) a copy of a record check from the Ministry of Children and Family Development;
 - (b) a protection order record check from the protection order registry;
 - (c) a criminal record check.

Administrative matters for consent orders about guardianship

- 62** The following time periods apply to applications for consent orders under this Division:
- (a) an affidavit under section 17 [*additional documents when applying for certain orders*] must be sworn no more than 7 days before the date that the material under that section is filed;
 - (b) the record checks described under section 61 must be dated within 60 days before the date that the material under section 59 is filed.

Applying for consent orders about case management

- 63** (1) The parties applying for a consent order about a case management order must file,
- (a) if the parties wish to speak to the matter, an application for case management orders in Form H [*Application for Case Management Order*], or

- (b) if the parties do not wish to speak to the matter,
 - (i) an application for case management orders without an appearance in Form H [*Application for Case Management Order*] of Appendix C, and
 - (ii) a draft consent order in Form 20 [*Consent Order*] of Appendix A signed by the parties or their lawyers.
- (2) The judge considering an application for a consent case management order may do the following:
 - (a) give directions to obtain further information, including to require the parties to attend to speak to the matter;
 - (b) amend the draft consent order and require the parties to attend to review and sign the changes;
 - (c) reject the application with reasons.

General process for consent orders

- 64** (1) If an application is made for a consent order without the parties speaking to the matter, a clerk must place the application, draft consent order and supporting documents before a judge, who may
- (a) approve and sign the consent order without the parties having to attend,
 - (b) require a party to file additional information, or
 - (c) direct that the parties, and any other person specified by the judge, attend before the judge to explain why the order should be made.
- (2) If the judge gives a direction under subsection (1) (c), a clerk must notify the parties and any other person specified by the judge of the direction, including the date, time and place for the court appearance and any other information in the direction.
- (3) If a consent order is made, a clerk must provide a filed copy of the consent order to the parties or their lawyers.
- (4) Parties who have applied for a consent order and have had their application rejected must include a copy of the reasons for rejection with subsequent related applications for consent orders.
- (5) The parties may apply for a consent order at any time while appearing before a judge by providing evidence as the judge may require.

Division 5 – Orders about Enforcement**Applying for orders about enforcement**

- 65** To apply for an order about enforcement of any of the following, a party must, at least 7 days before the date set for the hearing, file and serve an application for enforcement

PROVINCIAL COURT (FAMILY) RULESPart 6 – Applying for Other Orders – AFFIDAVIT

in Form P [*Application for Enforcement*] of Appendix C, including a copy of the agreement, determination, or order to be enforced:

- (a) enforcing a written agreement or order, including enforcement under the *Family Maintenance Enforcement Act*;
- (b) reviewing, enforcing, changing or setting aside a determination of a parenting coordinator;
- (c) setting reasonable and necessarily incurred expenses under any of the following sections of the *Family Law Act*:
 - (i) section 61 [*denial of parenting time or contact*];
 - (ii) section 212 [*orders respecting disclosure*];
 - (iii) section 213 [*enforcing orders respecting disclosure*];
 - (iv) section 228 [*enforcing orders respecting conduct*];
 - (v) section 230 [*enforcing orders generally*];
- (d) in respect of extraordinary remedies under section 231 [*extraordinary remedies*] of the *Family Law Act*;
- (e) determining whether or not arrears are owing under a support order made under the *Family Law Act*.

APPENDIX C

[en. B.C. Reg. 61/2019, s. 5; am. B.C. Reg. 119/2020, s. 6.]

EARLY RESOLUTION AND CASE MANAGEMENT MODEL FORMS

FORM A

Notice to Resolve
a Family Law MatterProvincial Court (Family) Rules
Early Resolution and Case Management Registry

Registry location:	
Court File Number:	

1. My name is *[full name of party]*. My contact information is:

Full Name:	Date of Birth:	
Contact Information		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

2. I would like help with the following family law matter(s):

Select all options that apply

- ☐ parenting arrangements
☐ child support
☐ contact with a child
☐ guardianship
☐ spousal support

3. ☐ I understand I need to give a copy of this notice to any and all parents, step-parents, or guardians of the child(ren) who are the subject of the family law matter, and/or my spouse, if I am asking for spousal support.4. I will be providing notice to *[full name of other party/parties]*. Their contact information, as I know it, is:

Full Name:	Date of Birth:	
Contact Information		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

Additional party (Complete only if applicable. You may leave this section blank.)

Full Name:	Date of Birth:	
Contact Information		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

5. I am filing this form in the court registry:

Select only one of the options below

- ☐ closest to where the child(ren), who are subject of the family law matter, live most of the time
☐ closest to where I live, because my family law matter does not involve a child related issue
☐ where my existing case with the same party/parties is filed

NOTE TO THE PARTIES:

This Notice has been filed with the Provincial Court of British Columbia.
 Before proceeding any further with your court action, each party is required to participate in early resolution (see next page for details).
 If you do not resolve all issues during early resolution, either party can make a claim to the Provincial Court for a court order.
 If you do not participate in the early resolution processes, the other party will be allowed to proceed to the Provincial Court to ask for a court order. A party must have complied with the requirements for early resolution before they will be allowed to file a family law matter claim or reply in the family law case.

Form A

1

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form A

WHAT YOU MUST DO

1. ☐ **Contact** Family Justice Services Division to **schedule** your individual **Needs Assessment**.

[FISD contact information]

If you have already participated in some or all of the early resolution process within the last year, Family Justice Services Division will confirm you have complied with the requirements for early resolution and prepare the required documentation for the Court.

Note: You may be contacted by a Needs Assessor if someone else has filed a Notice to Resolve a Family Law Matter and named you in that document.

2. ☐ **Participate in a Needs Assessment**

A Needs Assessment is a one-on-one meeting with an assessor who is a neutral person trained to help people understand this process and other ways that are available to resolve their issues. The Needs Assessor can provide some legal information, make referrals to supports, including legal advice, and help identify the next steps that are right for you.

3. ☐ **Complete a Parenting Education Course**, unless your only issue is spousal support.

Your Needs Assessor will provide you with more information on the Parenting Education Course right for you and how to complete it.

4. ☐ **Participate in Consensual Dispute Resolution**, unless your Needs Assessor determines that it is not appropriate.

Your Needs Assessor will provide you with more information on what Consensual Dispute Resolution is, whether or not it is right for you, and the process for participating in it.

NOTE TO THE PARTIES:

If you require a time sensitive order on a family law matter, you may be exempt from participating in one or more of the early resolution processes, or you may be able to postpone participation until after you have received your time sensitive order. Please speak to Family Justice Services Division or the Court Registry if this situation applies to you.

Reminder:

If you do not resolve all issues during early dispute resolution, either party can make a claim to the Provincial Court for an order.

If you do not participate in the early resolution process, the other party will be allowed to proceed to the Provincial Court to ask for a court order. A party must have complied with the requirements for early resolution before they will be allowed to file a family law matter claim or reply in the family law case.

FORM B

Notice of Intention
to Proceed

Provincial Court (Family) Rules

Early Resolution and Case Management Registry

Registry location:	
Court File Number:	

1. My name is
- [full name of party]*
- . My contact information and address for delivery of court documents is:

Full Name:	Date of Birth:	
Contact Information and Address for Delivery		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

- 2.
- ☐
- It has been one or more years since the last action was completed in my case.

3. The last action completed in my case, by any party, was:

Select only one of the following

- ☐ filing of the Notice to Resolve a Family Law Matter on *[date]*
- ☐ completion of a Needs Assessment on *[date]*
- ☐ completion of a Parenting Education Program on *[date]*
- ☐ completion of Consensual Dispute Resolution on *[date]*
- ☐ filing of the Family Law Matter Claim on *[date]*
- ☐ filing of an Application to Obtain or Notice of Motion on *[date]*

- 4.
- ☐
- I understand I need to give a copy of this notice to each other party.

5. I will be providing a copy to
- [full name of other party/parties]*
- . Their contact information or address for delivery, as I know it, is:

Full Name:	Date of Birth:	
Contact Information and/or Address for Delivery		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

Additional party (Complete only if applicable. You may leave this section blank.)

Full Name:	Date of Birth:	
Contact Information and/or Address for Delivery		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

NOTE TO OTHER PARTY:

If the above contact information and/or address for delivery is not correct, you must file a notice of change of address in Form 11 and serve a copy of the notice on the other parties.

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form B

WHAT YOU MUST DO

If the last action identified in section 3 was any of the following, you must complete a needs assessment before you may take any further steps in your family law matter:

- filing of the Notice to Resolve a Family Law Matter
- completion of a Needs Assessment
- completion of a Parenting Education Program
- completion of Consensual Dispute Resolution

To complete your individual needs assessment, **contact** Family Justice Services Division to **schedule** your individual **Needs Assessment**.

[FJSD contact information]

Note: You may be contacted by a Needs Assessor if someone else has filed a Notice of Intention to Proceed and named you in that document.

If the last action identified in section 3 was any of the following, you must attend a family management conference before you may take any further steps in your family law matter:

- filing of the Family Law Matter Claim
- filing of an Application to Obtain or Notice of Motion

The court registry will provide you information about how to schedule your family management conference once you have filed the Certificate of Service to prove service of the Notice of Intention to Proceed on the other party.

Note: To receive notice of the family management conference, the court registry requires your current contact information and address for delivery. To update this information, you must file a notice of change of address in Form 11 and serve a copy of the notice on the other parties.

FORM C

Family Law Matter Claim

Provincial Court (Family) Rules
Early Resolution and Case Management Registry

Registry location:	
Court File Number:	

This Family Law Matter Claim has been filed in Provincial Court. It provides notice to each party and the court of the family law matters to be resolved with the help of the court. The Family Law Matter Claim may set out

- a claim for a new order to be made by the court,
- a claim to change or cancel an existing order or written agreement, or
- a claim to set aside or replace an existing written agreement.

If you choose to reply, you or your lawyer must:

File a completed reply in Form F within 21 days after the date you were served with the Family Law Matter Claim.

To file your reply, you will be required to have completed any required early resolution process and you may be required to file a financial statement if the claim is about child support and/or spousal support.

If you do not file a reply to the Family Law Matter Claim within the 21 day period referred to above, you will not be entitled to receive notice of any part of the case, including any conference, court appearance, hearing or trial, and orders may be made without your knowledge.

Information about the parties

1. My name is *[full name of party]*. My contact information and address for delivery of court documents is:

Full Name:		Date of Birth:
Contact Information and Address for Delivery		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

2. ☐ I understand any and all parents, step-parents, or current guardians of the child(ren) who are the subject of the family law matter, and/or my spouse, if I am asking for spousal support, need to be given notice of my claim by being served with a copy of this document.

3. ☐ I will be providing notice to *[full name of other party/parties]*. Their contact information, as I know it, is:

Full Name:		Date of Birth:
Contact Information		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

Additional party (Complete only if applicable. You may leave this section blank.)

Full Name:		Date of Birth:
Contact Information		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form C

Early Resolution Requirements

4. I have met the following early resolution requirements:

The requirements have been met if you attended at, participated in, or if you were granted an exemption from attending or participating. Select all that apply.

- ☐ needs assessment
☐ parenting education program
☐ consensual dispute resolution

Make a Claim

5. I am asking for a court order about the following family law matter(s):

Select all options that apply, complete and attach the required schedule(s)

Parenting

- ☐ parenting arrangements – new [Complete and attach Schedule 1]
☐ parenting order/written agreement – existing [Complete and attach Schedule 2]

Child Support

- ☐ child support – new [Complete and attach Schedule 3]
☐ child support order/written agreement – existing [Complete and attach Schedule 4]

Contact

- ☐ contact with a child – new [Complete and attach Schedule 5]
☐ contact order/written agreement – existing [Complete and attach Schedule 6]

Guardianship

- ☐ become a guardian [Complete and attach Schedule 7]
☐ cancel guardianship [Complete and attach Schedule 8]

Spousal Support

- ☐ spousal support – new [Complete and attach Schedule 9]
☐ spousal support order/written agreement – existing [Complete and attach Schedule 10]

Existing written agreements or court orders

6. Select only one of the options below

- ☐ There is no existing written agreement or court order about parenting arrangements, child support, contact with a child, guardianship, and/or spousal support.
☐ There are existing written agreements or court orders about parenting arrangements, child support, contact with a child, guardianship, and/or spousal support.

If you have checked this option, attach a copy of the agreement(s) and/or order(s) and list them here:

Relationship between the parties

7. The parties are:

Describe how you and the other party/parties are related for the purposes of this family law claim

8. The parties are or have been spouses (married or lived in a marriage-like relationship for at least 2 years)

☐ Yes ☐ No

If yes, please complete all options below that apply to the parties

Date on which the parties began to live together in a marriage-like relationship: *[Date]*

Date of marriage: *[Date of marriage]*

Date of separation: *[Date of separation]*

Note: Spouses may be separated while continuing to live in the same residence

Identification of child(ren)

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

- ☐ My claim does not ask for any order(s) about a child or children.
☐ My claim is asking for an order(s) about the following child or children:

Child's Full Legal Name	Child's Date of Birth	Child's Relationship to me	Child's Relationship to the other party/parties	Child is currently living with

10. ☐ I understand that I must consider the child(ren)'s best interests with respect to each order about the child I am asking the court to make. An agreement or order is not in the best interests of a child unless it protects, to the greatest extent possible, the child's physical, psychological and emotional safety, security and well-being.

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form C

SCHEDULE 1 – PARENTING ARRANGEMENTS – NEW

This is Schedule 1 to the Family Law Matter Claim

Complete this schedule only if you are a guardian making a new claim about parenting arrangements for a child or children identified in Section 9 of the claim.

Parenting arrangements include how each guardian will parent their child(ren) together, including each guardians' responsibilities for decision making about a child, and the time each guardian spends with a child.

1. I am:

- ☐ a guardian of the child(ren)

A child's parents are most often the child's guardians, but other people can be guardians too.

A parent who has never lived with their child is a guardian if they have regularly taken care of the child, there is an agreement or court order that says they are a guardian, or under a will if the other parent dies.

- ☐ applying to become a guardian of the child(ren)

A person who is not a parent can become a guardian by a court order or under a will.

Parenting time

During parenting time, a guardian has the parental responsibility of making day-to-day decisions affecting the child and having day-to-day care, control, and supervision of the child.

2. Select all options that apply and complete the required information

- ☐ I do not need an order for parenting time because I am the only guardian of the following child(ren):

List the name(s) of each child you are the only guardian for

- ☐ I am applying for the allocation of parenting time as follows:

I am asking for the child(ren) to spend time with me as follows:

Complete only if applicable. You may leave this section blank.

I am willing to have the following conditions placed on my time with the child(ren):

I am asking for the child(ren) to spend time with the other guardian(s) as follows:

Complete only if applicable. You may leave this section blank.

I am asking to have the following conditions placed on the other guardian's time with the child(ren):

Parenting responsibilities

Parental responsibilities can be set up so that they can be exercised by one or more guardians only, or by each guardian acting separately, or by all guardians acting together.

3. *Select all options that apply and complete the required information*

- ☐ I am asking for an order that gives me all parenting responsibilities of the child(ren) because I am the only guardian of the following child(ren):

List the name(s) of each child you are the only guardian for

- ☐ I am asking for the parenting responsibilities to be exercised by the guardians as follows:

4. I believe the parenting arrangements I am asking for are in the child(ren)'s best interests because:

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Appendix C – Form C

SCHEDULE 2 – PARENTING ORDER/WRITTEN AGREEMENT – EXISTING

This is Schedule 2 to the Family Law Matter Claim

Complete this schedule only if you are making a claim to change or cancel all or part of an existing parenting order or filed agreement, or to set aside or replace all or part of a written agreement about the child or children identified in Section 9 of the claim.

1. I am:

- ☐ a guardian of the child(ren)
☐ applying to become a guardian of the child(ren)

2. ☐ I am attaching a copy of the existing parenting order or written agreement made on [date].

3. Since the order/written agreement was made, circumstances have changed as follows:

4. I am asking for the existing:

Select all options that apply

- ☐ parenting order or filed agreement to be:
☐ changed (provide details below)
☐ cancelled
☐ written agreement to be:
☐ set aside
☐ replaced (provide details below)

5. Complete only if applicable. You may leave this section blank.

☐ I am asking for the parenting time schedule to be changed as follows:

6. Complete only if applicable. You may leave this section blank.

☐ I am asking for the conditions on my parenting time or the other guardian's parenting time to be changed as follows:

7. *Complete only if applicable. You may leave this section blank.*

- ☐ I am asking for the parenting responsibilities (who makes certain decisions about the child(ren)) to be changed as follows:

8. I believe the order I am asking for about the existing parenting order or written agreement is in the child(ren)'s best interests because:

SCHEDULE 3 – CHILD SUPPORT – NEW

This is Schedule 3 to the Family Law Matter Claim

Complete this schedule only if you are making a new claim for child support and/or special and extraordinary expenses for the child or children identified in Section 9 of the claim.

1. I am:

- ☐ a parent or guardian of the child(ren)
☐ applying to become a guardian of the child(ren)
☐ other (specify):

2. The other party is:

- ☐ a parent or guardian of the child(ren)
☐ a person standing in the place of a parent to the child(ren) [for example, a step-parent]
☐ other (specify):

3. The child(ren):

- ☐ live with me all the time
☐ live with the other party all the time
☐ live with me and the other party as follows:

- ☐ other (specify):

4. The current support arrangements are as follows:

5. Select only one of the options below

- ☐ I do not know the income of the other party.
☐ I believe the other party's annual income is \$.

6. I know the following facts about the other party's employment, training, health and ability to work:
If you do not have any information, please leave this section blank.

7. ☐ I am asking for support to be paid by [name of paying party] in the amount set out in the child support guidelines table for the following child(ren) identified in Section 9 of this claim:

List the name(s) of each child you are asking for support for

8. *Select only one of the options below*

- ☐ I am attaching calculations showing how much child support I believe should be paid according to the child support guidelines
- ☐ I am not attaching calculations

9. Child support payments in this amount should start on [date] because:

10. *Select only one of the options below*

- ☐ The child(ren) are all under 19 years of age
- ☐ The following child(ren) are 19 years of age or older and need child support because of illness, disability or because they are full-time students:

Full Legal Name of Child	Child's date of birth	Reason for child support (illness, disability, student)

11. *Complete only if applicable. You may leave this section blank.*

- ☐ I am the payor and the guideline amount payable would cause me undue hardship if I try to pay it because:

Note: If this option applies to your situation, you will need to complete the undue hardship portion of the Financial Statement, Part 4 and Part 5, in addition to any other required parts

- ☐ I have an unusual or excessive amount of debt I incurred to support the family prior to separation or to earn a living
- ☐ I have high costs to be able to spend time with the child(ren)
- ☐ I have a legal duty to support another person, such as a former spouse or a new spouse who is too ill or disabled to support themselves
- ☐ I have a legal duty to support a dependent child from another relationship
- ☐ other undue hardship circumstances (specify):

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12. Select only one of the options below

- ☐ I am not making a claim for special and extraordinary expenses for the child(ren).
- ☐ I am asking for special and extraordinary expenses in accordance with section 7 of the child support guidelines. The following special or extraordinary expenses are included in my claim for child support:

Name of Child:				
Special and Extraordinary Expense	Annual Amount	Annual Amount	Annual Amount	Annual Amount
Child care expenses	\$	\$	\$	\$
Portion of medical/dental premiums attributable to child	\$	\$	\$	\$
Health related expenses that exceed insurance reimbursement by at least \$100	\$	\$	\$	\$
Extraordinary expenses for primary or secondary school	\$	\$	\$	\$
Post-secondary school expenses	\$	\$	\$	\$
Extraordinary extracurricular activities expenses	\$	\$	\$	\$
Total	\$	\$	\$	\$

13. Select only one of the options below

- ☐ I have completed a Financial Statement in Form D because the following situation applies to my claim:
Select all options that apply
- ☐ I am being asked to pay child support
- ☐ split or shared parenting time
- ☐ there is a child at or over 19 years old for whom support is claimed
- ☐ a party has been acting as a parent to a child of the other party
- ☐ the paying parent earns more than \$150,000 per year
- ☐ special or extraordinary expenses are being claimed for a child
- ☐ I am claiming undue hardship
- ☐ I am not required to file a financial statement at this time as none of these situations apply to me
- ☐ I am not able to complete a financial statement at this time and I have completed an Application for Case Management Order Without Notice or Appearance requesting this claim be filed without a complete financial statement

IMPORTANT NOTE TO THE OTHER PARTY:

This family law case includes a claim for support. You must provide your financial information with your reply to this claim by completing and filing a Financial Statement in Form D.

SCHEDULE 4 – CHILD SUPPORT ORDER OR WRITTEN AGREEMENT – EXISTING**This is Schedule 4 to the Family Law Matter Claim**

Complete this schedule only if you are making a claim to change or cancel all or part of an existing child support order or filed agreement or to set aside or replace all or part of an existing written agreement about child support for the child or children identified in Section 9 of the claim.

1. The existing order or written agreement requires me to:

Select only one of the options below

- ☐ make payments for child support
☐ receive payments for support of a child
☐ other (*specify*):

2. ☐ I am attaching a copy of the existing child support order or written agreement made on *[date]*

3. Since the child support order or written agreement was made, circumstances have changed as follows:

Select all options that apply and complete the required information

- ☐ my financial situation has changed
☐ I believe the other party's financial situation has changed
☐ the special and extraordinary expenses for the child(ren) have changed as follows:

- ☐ the child(ren)'s living arrangement(s) have changed as follows:

- ☐ other changes (*specify*):

4. As of *[date]*, the amount of unpaid child support arrears was \$

5. *Complete only if there are arrears. Select only one of the options below.*

- ☐ I am not asking to reduce the arrears.
☐ I am asking to reduce the arrears to \$ because:

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6. Complete only if there are arrears.

I am asking that the remaining arrears should be paid:

- ☐ at a rate of \$ per month
- ☐ in a lump sum
- ☐ other (specify):

7. I am asking for the existing

Select the options that apply

- ☐ child support order or filed agreement to be:
 - ☐ changed (provide details below)
 - ☐ cancelled
- ☐ written agreement to be:
 - ☐ set aside
 - ☐ replaced (provide details below)

Explain the changes you want to the order or filed agreement or what you want the existing written agreement to be replaced with

8. Select only one of the options below

- ☐ I am attaching calculations showing how much child support I believe should be paid according to the child support guidelines
- ☐ I am not attaching calculations

9. The new order about child support should start on [date] because:

10. Select only one of the options below

- ☐ I have completed a Financial Statement in Form D because the following situation applies to my claim:

Select all options that apply

- ☐ I am being asked to pay child support
- ☐ split or shared parenting time
- ☐ there is a child at or over 19 years old for whom support is claimed
- ☐ a party has been acting as a parent to a child of the other party
- ☐ the paying parent earns more than \$150,000 per year
- ☐ special or extraordinary expenses are being claimed for a child
- ☐ I am claiming undue hardship
- ☐ I am not required to file a financial statement at this time as none of these situations apply to me

- ☐ I am not able to complete a financial statement at this time and I have completed an Application for Case Management Order Without Notice or Appearance requesting this claim be filed without a complete financial statement

IMPORTANT NOTE TO THE PARTIES:

If this family law case includes a claim to change an order or written agreement for support, you must provide financial information with your claim or reply to this claim by completing and filing a Financial Statement in Form D.

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Appendix C – Form C

SCHEDULE 5 – CONTACT WITH A CHILD – NEW

This is Schedule 5 to the Family Law Matter Claim

Complete this schedule only if you are not a guardian of the child or children and you are making a new claim about contact with the child or children identified in Section 9 of the claim.

Contact with a child is the time a child spends with a person who is not their guardian.

1. ☐ I am not a guardian of the child(ren).
2. I am asking for contact with the following child(ren) identified in Section 9 of this claim:
List the name(s) of each child you want to have contact with

3. I am asking for contact with the child(ren) as follows:
Select all options that apply and complete the required information

☐ visits:

(Provide specific dates requested, or dates and times that would be most suitable)

☐ oral communication

☐ written communication

☐ other method of communication *(specify)*:

Complete if applicable. You may leave this section blank.

I am willing to have the following conditions placed on my contact with the child(ren):

4. I last had contact with the child(ren) on or around *[date]*
5. I believe the contact I am applying for is in the child(ren)'s best interests because:

SCHEDULE 6 –CONTACT ORDER OR WRITTEN AGREEMENT – EXISTING

This is Schedule 6 to the Family Law Matter Claim

Complete this schedule only if you are making a claim to change or cancel an existing contact order or filed agreement or to set aside or replace an existing written agreement about a child or children identified in Section 9 of the claim.

1. I am:
 - ☐ a person allowed to have contact with the child(ren) according to a court order or written agreement
 - ☐ a guardian of the child(ren)
2. ☐ I am attaching a copy of the existing contact order or written agreement made on [date]
3. Since the order/agreement was made, circumstances have changed as follows:

4. I am asking for the existing
Select the options that apply
 - ☐ contact order or filed agreement to be:
 - ☐ changed
 - ☐ cancelled
 - ☐ written agreement to be:
 - ☐ set aside
 - ☐ replaced (provide details below)
5. *Complete if applicable. You may leave this section blank.*
 I am asking to change or replace the existing contact order or agreement as follows:
Select all options that apply
 - ☐ no contact of any type
 - ☐ visits:
(Provide specific dates requested, or dates and times that would be most suitable)

 - ☐ oral communication
 - ☐ written communication
 - ☐ other method of communication (specify):

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Complete if applicable. You may leave this section blank.

I am asking to have the following conditions placed on the contact with the child(ren):

6. I believe the change(s) to the contact order/agreement I have requested is in the child(ren)'s best interests because:

SCHEDULE 7 – BECOME A GUARDIAN FOR A CHILD OR CHILDREN

This is Schedule 7 to the Family Law Matter Claim

Complete this schedule only if you are making a claim to become a guardian for a child or children identified in Section 9 of the claim.

1. ☐ I am applying to become a guardian for the following child(ren) identified in Section 9 of this claim:
List the name(s) of each child you want to become a guardian of

2. *Select only one of the options below*
 - ☐ I have completed an Affidavit in Form 34 and I am filing it along with this claim.
 - ☐ I am not able to complete an Affidavit in Form 34 at this time and I have completed an Application for Case Management Order Without Notice or Appearance requesting this claim be filed without a complete affidavit.

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SCHEDULE 8 – CANCEL GUARDIANSHIP OF A CHILD OR CHILDREN

This is Schedule 8 to the Family Law Matter Claim

Complete this schedule only if you are making a claim to cancel the guardianship of a child or children identified in Section 9 of the claim.

1. ☐ I am applying for the following person(s) to no longer be the guardian(s) of the child or children:

Full Legal Name of Guardian	Name of child(ren)	They have been a guardian of the child(ren) since:

2. I am:

- ☐ a guardian of the child(ren)
☐ applying to become a guardian of the child(ren)

3. I believe it is in the child(ren)'s best interests to cancel the guardianship of the person(s) listed in paragraph 1 because:

SCHEDULE 9 – SPOUSAL SUPPORT – NEW

This is Schedule 9 to the Family Law Matter Claim

Complete this schedule only if you are making a new claim about spousal support.

1. I believe myself or the other party is entitled to spousal support for the following reason(s):

Select all options that apply

- ☐ there are economic advantages or disadvantages to the spouses arising from the relationship or breakdown of the relationship
- ☐ to share the financial consequences to caring for the children during the relationship, beyond the duty to provide support for the child
- ☐ to relieve economic hardship of the spouses arising from the breakdown of the relationship
- ☐ to help each spouse become financially independent within a reasonable period of time

2. The current support arrangements are as follows:

3. My current employment situation, training, health and ability to work are as follows:

4. Select only one of the options below

- ☐ I do not know the income of the other party
- ☐ I believe the other party's annual income is \$

5. I know the following facts about the other party's employment, training, health and ability to work:

If you do not have any information, please leave this section blank

6. I am asking for spousal support to be paid by [name of paying party] as follows:

Select all that apply and complete the required information

- ☐ in the amount of \$ per month to commence on [date] until [date]
- ☐ in a lump sum of \$
- ☐ other (specify):

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7. *Select only one of the options below*

- ☐ I am attaching calculations showing how much spousal support I believe should be paid
- ☐ I am not attaching calculations

8. *Select only one of the options below*

- ☐ I have completed a Financial Statement in Form D
- ☐ I am not able to complete a financial statement at this time and I have completed an Application for Case Management Order Without Notice or Appearance requesting this claim be filed without a completed financial statement

IMPORTANT NOTE TO THE PARTIES:

This family law case includes a claim for support. You must provide your financial information with your claim or reply to this claim by completing and filing a Financial Statement in Form D.

SCHEDULE 10 – SPOUSAL SUPPORT – EXISTING

This is Schedule 10 to the Family Law Matter Claim

Complete this schedule only if you are making a claim to change or cancel an existing spousal support order or filed agreement or to set aside or replace an existing agreement about spousal support.

1. ☐ I am attaching a copy of the existing spousal support order or agreement made on [date]
2. Since the spousal support order or agreement was made, circumstances have changed as follows:
Select all options that apply and complete the required information
 - ☐ my financial situation has changed
 - ☐ I believe the other party's financial situation has changed
 - ☐ my employment, training, health and/or ability to work has changed as follows:

 - ☐ I believe the other party's employment, training, health and/or ability to work has changed as follows:

 - ☐ my household expenses have changed as follows:

 - ☐ other changes (specify):

3. As of [date], the amount of unpaid spousal support arrears was \$ _____.
4. *Complete only if there are arrears. Select only one of the options below.*
 - ☐ I am not asking to reduce the arrears.
 - ☐ I am asking to reduce the arrears to \$ _____ because:

5. *Complete only if there are arrears*
I suggest the remaining arrears should be paid:
 - ☐ at a rate of \$ _____ per month
 - ☐ in a lump sum
 - ☐ other (specify): _____

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6. I am asking for the existing

Select the options that apply

- ☐ spousal support order to be:
- ☐ changed (*provide details below*)
 - ☐ cancelled
- ☐ agreement to be:
- ☐ set aside
 - ☐ replaced (*provide details below*)

Explain the changes you want to the order or filed agreement or what you want the existing written agreement to be replaced with

7. *Select only one of the options below*

- ☐ I am attaching calculations showing how much spousal support I believe should be paid
- ☐ I am not attaching calculations

8. *Select only one of the options below*

- ☐ I have completed a Financial Statement in Form D
- ☐ I am not able to complete a financial statement at this time and I have completed an Application for Case Management Order Without Notice or Appearance requesting this claim be filed without a completed financial statement

IMPORTANT NOTE TO THE PARTIES:

This family law case includes a claim about support. You must provide your financial information with your claim or reply to this claim by completing and filing a Financial Statement in Form D.

FORM D

Financial Statement

Provincial Court (Family) Rules
Early Resolution and Case Management Registry

Registry location:	
Court File Number:	

I, *[full name of party]*, *[occupation]* of *[address of party, city, province]*,

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:

Select all options that apply

- ☐ my income, including benefits and adjustments, if any, in Part 1
- ☐ my expenses and debts, in Part 2
- ☐ my assets, in Part 3
- ☐ income of other person(s) in my household, in Part 4
- ☐ undue hardship, in Part 5

Sworn or affirmed before me

at *[city]* British Columbiaon *[date]*

--

A Commissioner for taking Affidavits in British Columbia
[print name or affix stamp of commissioner]

--

Signature

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form D

PART 1 – Income

1. I am attaching a copy of each of the following documents to my financial statement:
- ☐ my tax return and related schedules for each of the three most recent taxation years; and
 - ☐ any notice of assessment and reassessment issued by the CRA for each of the three most recent taxation years.

2. Income Summary:

Total income before adjustments		
1	My total income last year as indicated at line 150 of my [year] tax return was	\$
Adjustments to total income (use annual amounts)		
2	Taxable child support received (line 128 of tax return)	\$
3	Spousal support received (line 128 of tax return)	\$
4	Universal Child Care Benefit (line 117 of tax return)	\$
5	Split-pension amount (line 116 of tax return)	\$
6	Employment expenses (line 212 and 229 of tax return)	\$
7	Social assistance received for other members of your household (portion of line 145 of tax return that applies to other members)	\$
8	Excess portion of dividends from taxable Canadian Corporations (line 120 of tax return minus total amount of dividends on T5)	\$
9	Actual business investment losses (line 228 of tax return)	\$
10	Carrying charges (line 221 of tax return)	\$
11	Partnership or sole proprietorship income (any amount included in your income that is required by the partnership or sole proprietorship for capitalization purposes)	\$
12	Total deductions from income (add lines 2 through 11)	\$
Additions		
13	Capital gains and capital losses (line 197 of Schedule 3 minus line 127 of tax return – if zero or less, indicate “0” in this line)	\$
14	Net self-employment income	\$
15	Capital cost allowance for property	\$
16	Employee stock options with Canadian-controlled private corporation	\$
17	Total additions to income (add lines 13 through 16)	\$
18	Annual income for support purposes (line 1 minus line 12 plus line 17)	\$

3. Select only one of the options below

- ☐ I do not expect any significant changes to the total income at line 150 of my tax return this year.
- ☐ I expect my total income at line 150 of my tax return this year to be \$ because:

4. All of my sources of income and amounts of income per month are as follows:

Select and complete all that apply

- ☐ Employment income of \$ from [employer]
- ☐ Employment insurance benefits of \$
- ☐ Workers Compensation Benefits of \$
- ☐ Interest and investment income of \$
- ☐ Pension income of \$
- ☐ Government assistance income of \$ from [source]
- ☐ Self-employment income of \$
- ☐ Trust income of \$
- ☐ Other income of \$ from [source]

5. I am attaching proof of my year-to-date income from all sources, including my most recent:

Select and attach all that apply

- ☐ pay stub or statement of earnings, or a letter from my employer stating my salary and/or wages
- ☐ employment insurance benefit statement and record of employment
- ☐ workers' compensation benefit statement
- ☐ interest and investment statement
- ☐ pension income statement
- ☐ government assistance statement
- ☐ self-employment income for the last three taxation years, including:
 - ☐ (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
- ☐ confirmation of income and draw from, and capital in, a partnership, including:
 - ☐ (i) the financial statements of the corporation and its subsidiaries, 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 the corporation, and every related corporation, does not deal at arm's length
- ☐ trust settlement agreement and the trust's three most recent financial statements
- ☐ Other (specify):

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form D

PART 2 – Personal expenses and debts

Expenses

An expense is the amount of money you spend on something.

Estimate how much you pay in a month and a year for each of the expenses listed below. Note: You may be asked to provide the court with proof of an amount or a breakdown of how you came to the estimate.

Expenses			Monthly	Yearly
Housing			\$	\$
	Monthly	Yearly		
Rent/Mortgage property taxes				
Property taxes and strata fees				
Utilities				
Homeowner/Renter's Insurance				
Home maintenance and repair				
Other				
Housing Subtotal:	\$	\$	→	
Food & Household supplies			\$	\$
	Monthly	Yearly		
Groceries				
Eating out				
Household supplies such as cleaning supplies, lightbulbs, batteries, toilet paper and laundry detergent				
Other				
Food & Household supplies Subtotal:	\$	\$	→	
Transportation			\$	\$
	Monthly	Yearly		
Car Insurance and car loan payments				
Fuel				
Maintenance and repairs				
Public Transit, taxis and parking				
Other				
Transportation Subtotal:	\$	\$	→	
Clothing & Self-care			\$	\$
Include clothing, hair dresser/barber and cosmetics				
Health & Medical			\$	\$
Include regular dental care, orthodontics, medicine, eye glasses or contact lenses				
Children			\$	\$
Include school activities, extracurricular activities, tuition/school fees, camps, baby sitting, allowances and daycare				
Miscellaneous/Other			\$	\$
Include gifts & donations, alcohol, tobacco & cannabis, entertainment & recreation, pet expenses and vacations				
Premiums, Contributions and Debt Repayment			\$	\$
Include life or term insurance premiums, RRSP or other contributions, debt repayment (for expenses not itemized above)				
Other (specify):			\$	\$
Total			\$	\$

Form D

4

Debts

A debt is an amount of money you owe someone that you have a duty to pay.

Identify any outstanding debts. Do NOT record the monthly payment for mortgage, car loans, credit card payments or other debts included in the expenses section above, just the total balance owing.

Name of creditor (name of bank, finance company, person, etc)	Reason for borrowing (for example, mortgage, car loan, school)	Balance owing
Total		

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PART 3 – Assets

Complete this part only if you are required to provide information about assets. See the chart in the instructions for this form to determine if this part applies to your situation.

An asset is something of value that you own or that belongs to you.

List all your assets in the table below, provide a brief description and how much the asset is currently worth (the value).

Asset	Description of the Asset	Current Value of Asset
Real Estate	Street address	Market Value
Cars/Boats/Vehicles	Make, model, year	Market Value
Cash assets (including cash and bank accounts)	Type of cash asset (e.g. cash, savings account, chequing account)	Current Balance
Investments (including TFSAs, RRSPs, stocks and bonds, pensions)	Type of investment	Current Balance
Loans and Credit (money owing to me)	Name of borrower	Amount owing
Other (including precious metals, art, jewelry or other items of high value)	Brief description	Market Value
Total		

DISPOSITION OF ASSETS

I have sold or disposed of an asset(s) in the last two years ☐ yes ☐ no

If yes, please describe the asset(s) you sold or disposed of and indicate how much you made from the sale or disposal

PART 4 – Income of Other Persons in Household

Complete this part only if you or the other party has made a claim for undue hardship in a child support claim.
Complete all sections that apply to your circumstances.

1. ☐ I live alone.
2. ☐ I am living with *[full legal name of person I am married to or cohabitating with]*. They have an annual income of \$.
3. ☐ I/we live with the following other adult(s):

Full legal name of adult	Annual income

4. ☐ I/we have *[number of children]* child(ren) who live(s) in the home.
5. My spouse/partner or other adult(s) residing in the home contributes about \$ per *[frequency of contribution(s)]* towards the household expenses.

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form D

PART 5 – Undue Hardship

Complete this part only if you have made a claim for undue hardship in a child support claim.

Select all sections that apply and complete the required information.

1. ☐ I have an unusual or excessive amount of debt I incurred to support the family prior to separation or to earn a living as follows:

Name of creditor and reason for borrowing (name of bank, finance company, etc)	Balance owing	Annual debt repayment

2. ☐ I have high costs to be able to spend time with the child(ren).

Specify below

3. ☐ I have a legal duty to support another person, such as a former spouse, or a new spouse who is too ill or disabled to support themselves.

Full legal name of adult you support	Monthly amount paid for support	Annual amount paid for support

4. ☐ I have a legal duty to support a dependant child from another relationship

Full legal name of dependant you support	Monthly amount paid for support	Annual amount paid for support

5. ☐ other undue hardship circumstances (specify):

FORM E

Certificate of Service

Provincial Court (Family) Rules
Early Resolution and Case Management Registry

Registry location:	
Court File Number:	

I certify that

I,

Your Full Name

served

Full Name of the person served (Copy their name from the document you served them)

on

Date the document(s) were served (Month, Day, Year)

at

Street address or location, city, province, or email address or fax number where the document(s) were served

with the following document(s):

Select all options that apply.

Attach a copy of each document you have selected below (except the blank reply) to this Certificate of Service.

- | | |
|---|--|
| <input type="checkbox"/> Family Law Matter Claim | <input type="checkbox"/> Reply to a counterclaim |
| <input type="checkbox"/> Financial Statement | <input type="checkbox"/> Application for Order Prohibiting the Relocation of a Child |
| <input type="checkbox"/> Affidavit Form 34 | <input type="checkbox"/> Application for Enforcement |
| <input type="checkbox"/> Blank Reply | <input type="checkbox"/> Application for Review |
| <input type="checkbox"/> Application for Case Management Order | <input type="checkbox"/> Notice of Intention to Proceed |
| <input type="checkbox"/> Application about a Protection Order | <input type="checkbox"/> Other (list any additional document(s) that you served here): |
| <input type="checkbox"/> Application about Extraordinary Parenting Matter | |
| <input type="checkbox"/> Order | |

by:

Select the appropriate option for how you served the other party with the document(s)

Personal service (Family Law Matter Claim and Application about a Protection Order can only be served this way)

- ☐ leaving a copy of the document(s) with the person
- ☐ other service method ordered by the Court (specify the method or instructions you followed as ordered by the Court):

Service to address for delivery (This method of service is not allowed for a Family Law Matter Claim or Application about a Protection Order)

- ☐ leaving a copy of the document(s) at the person's address for delivery
- ☐ mailing the document(s) by ordinary mail to the person's address for delivery on [Date]
Note: The date the document(s) were served (above) is 14 days after this date.
- ☐ mailing the document(s) by registered mail to the person's address for delivery
Note: The date the document(s) were served (above) is the date the document(s) were confirmed to have been delivered by Canada Post. Attach a copy of the delivery confirmation from Canada Post.
- ☐ emailing the document(s) to the person's email address for delivery
- ☐ faxing the document(s) to the person's fax number for delivery
- ☐ other service method ordered by the Court (specify the method or instructions you followed as ordered by the Court):

 Signature of the person who served the document

 Date of Signature

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form F

FORM F

Reply to a Family Law Matter Claim

☐ **With Counterclaim**

Provincial Court (Family) Rules

Early Resolution and Case Management Registry

Registry location:	
Court File Number:	

Information about the parties

1. The Family Law Matter Claim was started by *[full name of the other party]*. They are the other party in this family law case.

2. My name is *[full name of party]*. My contact information and address for delivery of court documents is:

Full Name:	Date of Birth:	
Contact Information and Address for Delivery		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

3. *Select only one of the options below*

- ☐ The claim does not ask for any order(s) about a child or children (*skip ahead to section 5*)
- ☐ The other party correctly provided the name and date of birth of each child involved in the claim
- ☐ The following is the correct name and date of birth of each child involved in the claim:

If you have selected this option, please provide the names and date of birth of ALL the children.

Child's Full Legal Name	Child's Date of Birth

4. ☐ I understand that I must consider the child(ren)'s best interests with respect to each order about the child I am asking the court to make. An agreement or order is not in the best interests of a child unless it protects, to the greatest extent possible, the child's physical, psychological and emotional safety, security and well-being.

Existing written agreements or court orders

5. *Select only one of the options below*

- ☐ I agree there is no existing agreement or court order about guardianship, parenting arrangements, contact with a child or child support
- ☐ I agree there are existing agreements or court orders about guardianship, parenting arrangements, contact with a child, child support and/or spousal support and the other party has identified all of them
- ☐ The additional existing agreements or court orders about guardianship, parenting arrangements, contact with a child, child support and/or spousal support were not provided by the other party with their claim
- If you have checked this option, attach a copy of the agreement(s) and/or order(s) and list them here:*

Early Resolution Requirements

6. I have met the following early resolution requirements:

The requirements have been met if you attended at, participated in, or if you were granted an exemption from attending or participating. Select all that apply.

- ☐ needs assessment
- ☐ parenting education program
- ☐ consensual dispute resolution

Replying to the Other Party**Agreement with Claim(s)**

7. I agree with the following order(s) asked for by the other party:

Refer to the Family Law Matter Claim schedules as referenced below to assist in completing this section.

Select all options that apply

Parenting Arrangements

Parenting – new *[see Schedule 1 of Family Law Matter Claim]*

- ☐ parenting time
- ☐ conditions on parenting time
- ☐ parenting responsibilities

Parenting order/written agreement – existing *[see Schedule 2 of Family Law Matter Claim]*

- ☐ change to parenting time
- ☐ change to conditions on parenting time
- ☐ change to parenting responsibilities

Child Support

- ☐ child support – new *[see Schedule 3 of Family Law Matter Claim]*
- ☐ child support order/written agreement – existing *[see Schedule 4 of Family Law Matter Claim]*

Contact

- ☐ contact with a child – new *[see Schedule 5 of Family Law Matter Claim]*
- ☐ contact order/written agreement – existing *[see Schedule 6 of Family Law Matter Claim]*

Guardianship

- ☐ become a guardian *[see Schedule 7 of Family Law Matter Claim]*
- ☐ cancel guardianship *[see Schedule 8 of Family Law Matter Claim]*

Spousal Support

- ☐ spousal support – new *[see Schedule 9 of Claim]*
- ☐ spousal support order/written agreement – existing *[see Schedule 10 of Family Law Matter Claim]*

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form F

Disagreement with Claim(s)**8. I do not agree, to all or part, of the following order(s) asked for by the other party:***Refer to the Family Law Matter Claim schedules to assist in completing this section.**Select all options that apply, complete and attach the required schedule(s).***Parenting Arrangements**Parenting – new *[Complete and attach Schedule 1]*

- ☐ parenting time
- ☐ conditions on parenting time
- ☐ parenting responsibilities

Parenting order/written agreement – existing *[Complete and attach Schedule 2]*

- ☐ change to parenting time
- ☐ change to conditions on parenting time
- ☐ change to parenting responsibilities

Child Support

- ☐ child support – new *[Complete and attach Schedule 3]*
- ☐ child support order/written agreement – existing *[Complete and attach Schedule 4]*

Contact

- ☐ contact with a child – new *[Complete and attach Schedule 5]*
- ☐ contact order/written agreement – existing *[complete and attach Schedule 6]*

Guardianship

- ☐ become a guardian *[Complete and attach Schedule 7]*
- ☐ cancel guardianship *[Complete and attach Schedule 8]*

Spousal Support

- ☐ spousal support – new *[Complete and attach Schedule 9]*
- ☐ spousal support order/written agreement – existing *[Complete and attach Schedule 10]*

IMPORTANT NOTE:

If this family law case includes a claim for support, you must provide your financial information with your reply to this claim by completing and filing a Financial Statement in Form D.

Making a Counterclaim

Complete this section only if, in addition to replying to the other party's claim, you want to ask for an order about a family law matter that the other party did not claim in section 5 of their Family Law Matter Claim.

9. **I am asking for a court order about the following family law matter(s):**

Select all options that apply, complete and attach the required schedule(s)

Parenting

- ☐ parenting arrangements – new [Complete and attach Schedule 11]
☐ parenting order/written agreement – existing [Complete and attach Schedule 12]

Child Support

- ☐ child support – new [Complete and attach Schedule 13]
☐ child support order/written agreement – existing [Complete and attach Schedule 14]

Contact

- ☐ contact with a child – new [Complete and attach Schedule 15]
☐ contact order/written agreement – existing [Complete and attach Schedule 16]

Guardianship

- ☐ become a guardian [Complete and attach Schedule 17]
☐ cancel guardianship [Complete and attach Schedule 18]

Spousal Support

- ☐ spousal support - new [Complete and attach Schedule 19]
☐ spousal support order/written agreement – existing [Complete and attach Schedule 20]

Identification of child(ren)10. *Select only one of the options below and complete the required information*

- ☐ My counterclaim does not ask for any order(s) about a child or children.
☐ My counterclaim is asking for an order(s) about the following child or children:

Child's Full Legal Name	Child's Date of Birth	Child's Relationship to me	Child's Relationship to the other party/parties	Child is currently living with

11. ☐ I understand that I must consider the child(ren)'s best interests with respect to each order about the child I am asking the court to make. An agreement or order is not in the best interests of a child unless it protects, to the greatest extent possible, the child's physical, psychological and emotional safety, security and well-being.

Notice to the other party:

If the reply includes a counterclaim, you may reply to the counterclaim by filing a Reply to a Counterclaim in Form G, and any additional documents that may be required to be filed, within 14 days after the date you receive the reply with counterclaim.

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form F

SCHEDULE 1 – REPLY TO A CLAIM ABOUT PARENTING ARRANGEMENTS – NEW

This is Schedule 1 to the Reply to a Family Law Matter

This schedule must be completed only if you are disagreeing with a new claim by the other party about parenting arrangements for the child or children. The orders they asked for about parenting arrangements can be found in Schedule 1 of their Family Law Matter Claim.

1. I do not agree, to all or part, of the following parenting arrangement order(s) asked for by the other party:

Select all options that apply and complete the required part(s)

- ☐ parenting time schedule *(Complete Part 1 of this schedule)*
☐ conditions on parenting time *(Complete Part 2 of this schedule)*
☐ parenting responsibilities *(Complete Part 3 of this schedule)*

SCHEDULE 1 PART 1 – Reply to a Claim – Parenting time schedule

Complete this part only if you are disagreeing with a claim about the parenting time schedule requested by the other party.

1. I do not agree with the requested parenting time schedule because:

2. I am asking for the parenting time schedule to be as follows:

3. I believe my requested parenting time schedule is in the child(ren)'s best interests because:

SCHEDULE 1 PART 2 – Reply to a Claim – Conditions on Parenting time

Complete this part only if you are disagreeing with a claim about the conditions on parenting time requested by the other party.

1. I do not agree with the requested conditions on my parenting time or the other guardian's parenting time because:

2. I am asking for the conditions on my parenting time or the other guardian's parenting time to be as follows:

3. I believe the conditions I have asked for on parenting time are in the child(ren)'s best interests because:

SCHEDULE 1 PART 3 – Reply to a Claim – Parenting Responsibilities

Complete this part only if you are disagreeing with a claim about parenting responsibilities requested by the other party.

1. I do not agree with the requested allocation of parenting responsibilities because:

2. I am asking for the parenting responsibilities to be exercised by the guardians as follows:

3. I believe the parenting responsibilities I am asking for are in the child(ren)'s best interests because:

SCHEDULE 2 – REPLY TO A CLAIM ABOUT PARENTING ARRANGEMENTS – EXISTING**This is Schedule 2 to the Reply to a Family Law Matter**

This schedule must be completed only if you are disagreeing with a claim by the other party to change or cancel an existing parenting order or filed agreement, or to set aside or replace a written agreement about parenting arrangements for the child or children. The orders they asked for about parenting arrangements can be found in Schedule 2 of their Family Law Matter Claim.

1. *Select only one of the options below*

- ☐ I agree that circumstances have changed since the parenting order or written agreement was made
☐ There has been no change in circumstances since the parenting order or written agreement was made

2. I do not agree with the requested changes to the parenting order or written agreement because:

3. *Select only one of the options below*

- ☐ I am asking for the existing parenting order or written agreement to continue to be in place
☐ I am asking to change the parenting order or written agreement as follows:

4. I believe the parenting arrangements I am asking for are in the child(ren)'s best interests because:

SCHEDULE 3 – REPLY TO A CLAIM ABOUT CHILD SUPPORT – NEW**This is Schedule 3 to the Reply to a Family Law Matter**

This schedule must be completed only if you are disagreeing with a new claim by the other party about child support. The orders they asked for about child support can be found in Schedule 3 of their Family Law Matter Claim.

1. I am:

- ☐ a parent to the child(ren)
- ☐ a person standing in the place of a parent to the child(ren) *[for example, a step-parent]*
- ☐ not a parent of the child(ren)
 - ☐ I request a parentage test *(Check only if applicable)*
- ☐ not a person standing in the place of a parent to the child(ren)

2. I do not agree with the amount of child support requested by the other party because:

Select all options that apply and complete the required information

- ☐ my income is not what the other party claims it is
- ☐ the other party's income is not what they claim it is

Explain below.

- ☐ I believe the special and extraordinary expenses are not what the other party claims they are.

Explain below.

- ☐ the children do not live with the other party at all
- ☐ the living arrangements for the child(ren) are not as described and the child(ren) live with me at least 40% of the time

Describe the child(ren)'s living arrangements below

- ☐ the amount would cause me undue hardship if I try to pay it because:

Note: If this option applies to your situation, you will need to complete the undue hardship portion of the Financial Statement, Part 4 and Part 5, in addition to any other required parts

- ☐ I have an unusual or excessive amount of debt I incurred to support the family prior to separation or to earn a living
- ☐ I have high costs to be able to spend time with the child(ren)
- ☐ I have a legal duty to support another person, such as a former spouse or a new spouse who is too ill or disabled to support themselves
- ☐ I have a legal duty to support a dependent child from another relationship

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☐ other undue hardship circumstances (*specify*):

☐ other reasons (*specify*):

3. *Select only one of the options below*

- ☐ I have completed a Financial Statement in Form D
- ☐ I am not able to complete a financial statement at this time and I have completed an Application for Case Management Order Without Notice or Appearance requesting this reply be filed without a complete financial statement

4. *Select only one of the options below*

- ☐ I am attaching calculations showing how much I believe should be paid for child support according to the child support guidelines
- ☐ I am not attaching calculations

IMPORTANT NOTE:

This family law case includes a claim for support. You must provide your financial information with your reply to this claim by completing and filing a Financial Statement in Form D.

SCHEDULE 4 – REPLY TO A CLAIM ABOUT CHILD SUPPORT – EXISTING**This is Schedule 4 to the Reply to a Family Law Matter**

This schedule must be completed only if you are disagreeing with a claim by the other party to change or cancel an existing child support order or filed agreement, or to set aside or replace an existing written agreement about child support. The orders they asked for about child support can be found in Schedule 4 of their Family Law Matter Claim.

1. *Select only one of the options below*

- ☐ I agree that circumstances have changed since the child support order or written agreement was made
- ☐ There has been no change in circumstances since the child support order or written agreement was made

2. I do not agree with the requested changes to the child support order or written agreement because:

3. *Select only one of the options below*

- ☐ I am asking for the existing child support order or written agreement to continue to be in place
- ☐ I am asking to change the child support order or written agreement as follows:

4. *Select only one of the options below*

- ☐ I am attaching calculations showing how much child support I believe should be paid according to the child support guidelines
- ☐ I am not attaching calculations

5. *Select only one of the options below*

- ☐ I agree that the amount of arrears in the claim is correct
- ☐ The amount of arrears in the claim is not correct. As of [date], the amount of unpaid child support arrears was \$

IMPORTANT NOTE:

This family law case includes a claim to change an existing order or written agreement for support. You must provide updated financial information with your reply to this claim by completing and filing a Financial Statement in Form D.

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SCHEDULE 5 – REPLY TO A CLAIM ABOUT CONTACT WITH A CHILD – NEW

This is Schedule 5 to the Reply to a Family Law Matter

This schedule must be completed only if you are disagreeing with a new claim by the other party about contact with a child or children. The orders they asked for about contact can be found in Schedule 5 of their Family Law Matter Claim.

1. I do not agree that the other party should have contact with the child(ren) as the other party requested.

Instead, I ask that the other party's contact be as follows:

Select all options that apply and complete the required information

☐ no contact of any type

☐ visits:

(Provide specific dates requested, or dates and times that would be most suitable)

☐ oral communication

☐ written communication

☐ other method of communication *(specify)*:

Complete if applicable. You may leave this section blank.

I am asking to have the following conditions placed on the contact with the child(ren):

2. I believe the contact I am applying for is in the child(ren)'s best interests because:

SCHEDULE 6 – REPLY TO A CLAIM ABOUT CONTACT WITH A CHILD – EXISTING**This is Schedule 6 to the Reply to a Family Law Matter**

This schedule must be completed only if you are disagreeing with a claim by the other party to change or cancel an existing contact order or filed agreement or to set aside or replace an existing written agreement about contact with a child or children. The orders they asked for about contact can be found in Schedule 6 of their Family Law Matter Claim.

1. *Select only one of the options below*

- ☐ I agree that circumstances have changed since the contact order or written agreement was made
☐ There has been no change in circumstances since the contact order or written agreement was made

2. I do not agree with the requested changes to the contact order or written agreement because:

3. *Select only one of the options below*

- ☐ I am asking for the existing contact order or written agreement to continue to be in place
☐ I am asking to change the contact order or written agreement as follows:

4. I believe the contact I am asking for is in the child(ren)'s best interests because:

SCHEDULE 7 – REPLY TO A CLAIM ABOUT BECOMING A GUARDIAN**This is Schedule 7 to the Reply to a Family Law Matter**

This schedule must be completed only if you are disagreeing with a claim by the other party to become a guardian. The orders they asked for about guardianship can be found in Schedule 7 of their Family Law Matter Claim.

1. I do not believe it is in the best interests of the child(ren) for the other party to become a guardian because:

Select all options that apply and complete the required information

☐ the other party is not able to be a guardian

☐ the other party is not suitable to be a guardian

☐ other reason(s) (specify):

SCHEDULE 8 – REPLY TO A CLAIM ABOUT TERMINATING GUARDIANSHIP**This is Schedule 8 to the Reply to a Family Law Matter**

This schedule must be completed only if you are disagreeing with a claim by the other party to cancel guardianship. The orders they asked for about cancelling guardianship can be found in Schedule 8 of their Family Law Matter Claim.

1. Do not cancel guardianship of the child(ren) as requested because:

Select all options that apply and complete the required information

☐ the guardian is able and willing to be a guardian

☐ the guardian is suitable to be a guardian

☐ the guardian does not consent to cancellation of their guardianship

☐ other reason(s) (specify):

2. I believe it is not in the best interests of the child(ren) to cancel guardianship as requested by the other party because:

SCHEDULE 9 – REPLY TO A CLAIM ABOUT SPOUSAL SUPPORT – NEW**This is Schedule 9 to the Reply to a Family Law Matter**

This schedule must be completed only if you are disagreeing with a new claim by the other party about spousal support. The orders they asked for about spousal support can be found in Schedule 9 of their Family Law Matter Claim.

1. Select only one of the options below

- ☐ I am (or was) the other party's spouse
☐ I have never been the other party's spouse

2. I do not agree with the spousal support order requested by the other party because:

Select all options that apply and complete the required information

- ☐ I do not believe the other party is entitled to spousal support

Explain below

- ☐ my income is not what the other party claims it is

- ☐ my employment, training, health and ability to work is not what the other party claims it is

Explain below.

- ☐ the other party's financial situation is not what they claim it is

Explain below

- ☐ I believe the other party's employment, training, health and ability to work is not what the other party claims it is

Explain below.

- ☐ the other party's expenses are not what they claim them to be

Explain below

- ☐ other reasons (specify):

3. The amount of spousal support that I believe should be paid is:

Check any applicable box(es) and complete the required information

- ☐ in the amount of \$ per month to commence on [date] until [date]
☐ in a lump sum of \$
☐ other (specify):

4. *Select only one of the options below*

- ☐ I am attaching calculations showing how much spousal support I believe should be paid
☐ I am not attaching calculations

5. *Select only one of the options below*

- ☐ I have completed a Financial Statement in Form D
☐ I am not able to complete a financial statement at this time and I have completed an Application for Case Management Order Without Notice or Appearance requesting this reply be filed without a complete financial statement

IMPORTANT NOTE:

This family law case includes a claim for support. You must provide your financial information with your reply to this claim by completing and filing a Financial Statement in Form D.

SCHEDULE 10 – REPLY TO A CLAIM ABOUT SPOUSAL SUPPORT – EXISTING**This is Schedule 10 to the Reply to a Family Law Matter**

This schedule must be completed only if you are disagreeing with a claim by the other party to change or cancel an existing spousal support order or filed agreement or to set aside or replace an existing written agreement. The orders they asked for about spousal support can be found in Schedule 10 of their Family Law Matter Claim.

1. *Select only one of the options below*

- ☐ I agree that circumstances have changed since the spousal support order or agreement was made
☐ There has been no change in circumstances since the spousal support order or agreement was made

2. *Select only one of the options below*

- ☐ I agree that the amount of arrears in the claim is correct
☐ The amount of arrears in the claim is not correct. As of [date], the amount of unpaid spousal support arrears was \$

3. I do not agree with the requested changes to the spousal support order or agreement because:

4. *Select only one of the options below*

- ☐ I am asking for the existing spousal support order or agreement to continue to be in place
☐ I am asking to change the spousal support order or agreement as follows:

5. *Select only one of the options below*

- ☐ I am attaching calculations showing how much spousal support I believe should be paid
☐ I am not attaching calculations

6. *Select only one of the options below*

- ☐ I have completed a Financial Statement in Form D
☐ I am not able to complete a financial statement at this time and I have completed an Application for Case Management Order Without Notice or Appearance requesting this reply be filed without a complete financial statement

IMPORTANT NOTE:

This family law case includes a claim to change an order or agreement for support. You must provide updated financial information with your reply to this claim by completing and filing a Financial Statement in Form D.

SCHEDULE 11 – COUNTERCLAIM PARENTING ARRANGEMENTS – NEW**This is Schedule 11 to the Reply to a Family Law Matter with Counterclaim**

Complete this schedule only if you are a guardian making a new counterclaim about parenting arrangements for a child or children identified in Section 10 of the reply with counterclaim.

Parenting arrangements include how each guardian will parent their child(ren) together, including each guardians' responsibilities for decision making about a child, and the time each guardian spends with a child.

1. I am:

- ☐ a guardian of the child(ren)

A child's parents are most often the child's guardians, but other people can be guardians too.

A parent who has never lived with their child is a guardian if they have regularly taken care of the child, there is an agreement or court order that says they are a guardian, or under a will if the other parent dies.

- ☐ applying to become a guardian of the child(ren)

A person who is not a parent can become a guardian by a court order or under a will.

Parenting time

During parenting time, a guardian has the parental responsibility of making day-to-day decisions affecting the child and having day-to-day care, control, and supervision of the child.

2. Select all options that apply and complete the required information

- ☐ I do not need an order for parenting time because I am the only guardian of the following child(ren):

List the name(s) of each child you are the only guardian for

- ☐ I am applying for the allocation of parenting time as follows:

I want the child(ren) to spend time with me as follows:

Complete only if applicable. You may leave this section blank.

I am willing to have the following conditions placed on my time with the child(ren):

I am asking for the child(ren) to spend time with the other guardian(s) as follows:

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Complete only if applicable. You may leave this section blank.

I am asking to have the following conditions placed on the other guardian's time with the child(ren):

Parenting responsibilities

Parental responsibilities can be set up so that they can be exercised by one or more guardians only, or by each guardian acting separately, or by all guardians acting together.

3. *Select all options that apply and complete the required information*

- ☐ I am asking for an order that gives me all parenting responsibilities of the child(ren) because I am the only guardian of the following child(ren):

List the name(s) of each child you are the only guardian for

- ☐ I am asking for the parenting responsibilities to be exercised by the guardians as follows:

4. I believe the parenting arrangements I am asking for are in the child(ren)'s best interests because:

SCHEDULE 12 – COUNTERCLAIM PARENTING ORDER/WRITTEN AGREEMENT – EXISTING**This is Schedule 12 to the Reply to a Family Law Matter with Counterclaim**

Complete this schedule only if you are making a counterclaim to change or cancel all or part of an existing parenting order or filed agreement, or to set aside or replace all or part of a written agreement about the child or children identified in Section 10 of the reply with counterclaim.

1. I am:

- ☐ a guardian of the child(ren)
☐ applying to become a guardian of the child(ren)

2. ☐ I am attaching a copy of the existing parenting order or written agreement made on [date].

3. Since the order/written agreement was made, circumstances have changed as follows:

4. I am asking for the existing:

Select all options that apply

- ☐ parenting order or filed agreement to be:
☐ changed (provide details below)
☐ cancelled
☐ written agreement to be:
☐ set aside
☐ replaced (provide details below)

5. *Complete only if applicable. You may leave this section blank.*

- ☐ I am asking for the parenting time schedule to be changed as follows:

6. *Complete only if applicable. You may leave this section blank.*

- ☐ I am asking for the conditions on my parenting time or the other guardian's parenting time to be changed as follows:

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7. *Complete only if applicable. You may leave this section blank.*

- ☐ I am asking for the parenting responsibilities (who makes certain decisions about the child(ren)) to be changed as follows:

8. I believe the order I am asking for about the existing parenting order or written agreement is in the child(ren)'s best interests because:

SCHEDULE 13 – COUNTERCLAIM CHILD SUPPORT – NEW

This is Schedule 13 to the Reply to a Family Law Matter with Counterclaim

Complete this schedule only if you are making a new counterclaim for child support and/or special and extraordinary expenses for the child or children identified in Section 10 of the reply with counterclaim.

1. I am:

- ☐ a parent or guardian of the child(ren)
☐ applying to become a guardian of the child(ren)
☐ other (*specify*):

2. The other party is:

- ☐ a parent or guardian of the child(ren)
☐ a person standing in the place of a parent to the child(ren) [*for example, a step-parent*]
☐ other (*specify*):

3. The child(ren):

- ☐ live with me all the time
☐ live with the other party all the time
☐ live with me and the other party as follows:

☐ other (*specify*):

4. The current support arrangements are as follows:

5. *Select only one of the options below*

- ☐ I do not know the income of the other party.
☐ I believe the other party's annual income is \$.

6. I know the following facts about the other party's employment, training, health and ability to work:
If you do not have any information, please leave this section blank.

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7. ☐ I am asking for support to be paid by *[name of paying party]* in the amount set out in the child support guidelines table for the following child(ren) identified in section 9 of this reply with counterclaim:
List the name(s) of each child you are asking for support for

8. *Select only one of the options below*

- ☐ I am attaching calculations showing how much child support I believe should be paid according to the child support guidelines
☐ I am not attaching calculations

9. Child support payments in this amount should start on *[date]* because:

10. *Select only one of the options below*

- ☐ The child(ren) are all under 19 years of age
☐ The following child(ren) are 19 years of age or older and need child support because of illness, disability or because they are full-time students:

Full Legal Name of Child	Child's date of birth	Reason for child support (illness, disability, student)

11. *Complete only if applicable. You may leave this section blank.*

- ☐ I am the payor and the guideline amount payable would cause me undue hardship if I try to pay it because:
Note: If this option applies to your situation, you will need to complete the undue hardship portion of the Financial Statement, Part 4 and Part 5, in addition to any other required parts
☐ I have an unusual or excessive amount of debt I incurred to support the family prior to separation or to earn a living
☐ I have high costs to be able to spend time with the child(ren)
☐ I have a legal duty to support another person, such as a former spouse or a new spouse who is too ill or disabled to support themselves
☐ I have a legal duty to support a dependent child from another relationship
☐ other undue hardship circumstances (specify):

12. *Select only one of the options below*

- ☐ I am not making a claim for special and extraordinary expenses for the child(ren).
☐ I am asking for special and extraordinary expenses in accordance with section 7 of the child support guidelines. The following special or extraordinary expenses are included in my claim for child support:

Name of Child:				
Special and Extraordinary Expenses	Annual Amount	Annual Amount	Annual Amount	Annual Amount
Child care expenses	\$	\$	\$	\$
Portion of medical/dental premiums attributable to child	\$	\$	\$	\$
Health related expenses that exceed insurance reimbursement by at least \$100	\$	\$	\$	\$
Extraordinary expenses for primary or secondary school	\$	\$	\$	\$
Post-secondary school expenses	\$	\$	\$	\$
Extraordinary extracurricular activities expenses	\$	\$	\$	\$
Total	\$	\$	\$	\$

13. *Select only one of the options below*

- ☐ I have completed a Financial Statement in Form D because the following situation applies to my claim:
Select all options that apply
- ☐ I am being asked to pay child support
☐ split or shared parenting time
☐ there is a child at or over 19 years old for whom support is claimed
☐ a party has been acting as a parent to a child of the other party
☐ the paying parent earns more than \$150,000 per year
☐ special or extraordinary expenses are being claimed for a child
☐ I am claiming undue hardship
- ☐ I am not required to file a financial statement at this time as none of these situations apply to me
- ☐ I am not able to complete a financial statement at this time and I have completed an Application for Case Management Order Without Notice or Appearance requesting this claim be filed without a complete financial statement

IMPORTANT NOTE TO THE OTHER PARTY:

This family law case includes a counterclaim for support. You must provide your financial information with your reply to this claim by completing and filing a Financial Statement in Form D.

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SCHEDULE 14 – COUNTERCLAIM CHILD SUPPORT ORDER OR WRITTEN AGREEMENT – EXISTING

This is Schedule 14 to the Reply to a Family Law Matter with Counterclaim

Complete this schedule only if you are making a counterclaim to change or cancel all or part of an existing child support order or filed agreement or to set aside or replace all or part of an existing written agreement about child support for the child or children identified in Section 10 of the reply with counterclaim.

1. The existing order or written agreement requires me to:

Select only one of the options below

- ☐ make payments for child support
☐ receive payments for support of a child
☐ other (specify):

2. ☐ I am attaching a copy of the existing child support order or written agreement made on [date]

3. Since the child support order or written agreement was made, circumstances have changed as follows:

Select all options that apply and complete the required information

- ☐ my financial situation has changed
☐ I believe the other party's financial situation has changed
☐ the special and extraordinary expenses for the child(ren) have changed as follows:

- ☐ the child(ren)'s living arrangement(s) have changed as follows:

- ☐ other changes (specify):

4. As of [date], the amount of unpaid child support arrears was \$

5. Complete only if there are arrears. Select only one of the options below.

- ☐ I am not asking to reduce the arrears.
☐ I am asking to reduce the arrears to \$ because:

6. *Complete only if there are arrears.*

I am asking that the remaining arrears should be paid:

- ☐ at a rate of \$ per month
- ☐ in a lump sum
- ☐ other (*specify*):

7. I am asking for the existing

Select the options that apply

- ☐ child support order or filed agreement to be:
- ☐ changed (*provide details below*)
- ☐ cancelled
- ☐ written agreement to be:
- ☐ set aside
- ☐ replaced (*provide details below*)

Explain the changes you want to the order or filed agreement or what you want the existing written agreement to be replaced with

8. *Select only one of the options below*

- ☐ I am attaching calculations showing how much child support I believe should be paid according to the child support guidelines
- ☐ I am not attaching calculations

9. The new order about child support should start on *[date]* because:

10. *Select only one of the options below*

- ☐ I have completed a Financial Statement in Form D because the following situation applies to my claim:
- Select all options that apply*
- ☐ I am being asked to pay child support
- ☐ split or shared parenting time
- ☐ there is a child at or over 19 years old for whom support is claimed
- ☐ a party has been acting as a parent to a child of the other party
- ☐ the paying parent earns more than \$150,000 per year
- ☐ special or extraordinary expenses are being claimed for a child
- ☐ I am claiming undue hardship
- ☐ I am not required to file a financial statement at this time as none of these situations apply to me

- ☐ I am not able to complete a financial statement at this time and I have completed an Application for Case Management Order Without Notice or Appearance requesting this claim be filed without a complete financial statement

IMPORTANT NOTE TO THE PARTIES:

If this family law case includes a counterclaim to change an order or written agreement for support, you must provide financial information with your counterclaim or reply to this counterclaim by completing and filing a Financial Statement in Form D.

SCHEDULE 15 – COUNTERCLAIM CONTACT WITH A CHILD – NEW

This is Schedule 15 to the Reply to a Family Law Matter with Counterclaim

Complete this schedule only if you are not a guardian of the child or children and you are making a new counterclaim about contact with the child or children identified in Section 10 of the reply with counterclaim. Contact with a child is the time a child spends with a person who is not their guardian.

1. ☐ I am not a guardian of the child(ren).
2. I am asking for contact with the following child(ren) identified in Section 10 of this reply with counterclaim:
List the name(s) of each child you want to have contact with

3. I am asking for contact with the child(ren) as follows:
Select all options that apply and complete the required information
☐ visits:
(Provide specific dates requested, or dates and times that would be most suitable)

- ☐ oral communication
☐ written communication
☐ other method of communication *(specify):*

Complete if applicable. You may leave this section blank.

I am willing to have the following conditions placed on my contact with the child(ren):

4. I last had contact with the child(ren) on or around *[date]*
5. I believe the contact I am applying for is in the child(ren)'s best interests because:

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SCHEDULE 16 – COUNTERCLAIM CONTACT ORDER OR WRITTEN AGREEMENT – EXISTING

This is Schedule 16 to the Reply to a Family Law Matter with Counterclaim

Complete this schedule only if you are making a claim to change or cancel an existing contact order or filed written agreement or to set aside or replace an existing written agreement about a child or children identified in Section 10 of the reply with counterclaim.

1. I am:
- ☐ a person allowed to have contact with the child(ren) according to a court order or written agreement
 - ☐ a guardian of the child(ren)

2. ☐ I am attaching a copy of the existing contact order or written agreement made on [date]

3. Since the order/agreement was made, circumstances have changed as follows:

4. I am asking for the existing
Select the options that apply

- ☐ contact order or filed agreement to be:
 - ☐ changed
 - ☐ cancelled
- ☐ written agreement to be:
 - ☐ set aside
 - ☐ replaced (provide details below)

5. *Complete if applicable. You may leave this section blank.*

I want to change or replace the existing contact order or agreement as follows:

Select all options that apply

- ☐ no contact of any type
- ☐ visits:

(Provide specific dates requested, or dates and times that would be most suitable)

- ☐ oral communication
- ☐ written communication
- ☐ other method of communication (specify):

Complete if applicable. You may leave this section blank.

I am asking to have the following conditions placed on the contact with the child(ren):

6. I believe the change(s) to the contact order/agreement I have requested is in the child(ren)'s best interests because:

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SCHEDULE 17 – COUNTERCLAIM TO BECOME A GUARDIAN FOR A CHILD OR CHILDREN**This is Schedule 17 to the Reply to a Family Law Matter with Counterclaim**

Complete this schedule only if you are making a counterclaim to become a guardian for a child or children identified in Section 10 of the reply with counterclaim.

1. ☐ I am applying to become a guardian for the following child(ren) identified in Section 10 of the reply with counterclaim:

List the name(s) of each child you want to become a guardian of

2. *Select only one of the options below*

- ☐ I have completed an Affidavit in Form 34 and I am filing it along with this counterclaim.
☐ I am not able to complete an Affidavit in Form 34 at this time and I have completed an Application for Case Management Order Without Notice or Appearance requesting this counterclaim be filed without a complete affidavit.

SCHEDULE 18 – COUNTERCLAIM TO CANCEL GUARDIANSHIP OF A CHILD OR CHILDREN**This is Schedule 18 to the Reply to a Family Law Matter with Counterclaim**

Complete this schedule only if you are making a counterclaim to cancel the guardianship of a child or children identified in Section 10 of the reply with counterclaim.

1. ☐ I am applying for the following person(s) to no longer be the guardian(s) of the child or children:

Full Legal Name of Guardian	Name of child(ren)	They have been a guardian of the child(ren) since:

2. I am:

- ☐ a guardian of the child(ren)
☐ applying to become a guardian of the child(ren)

3. I believe it is in the child(ren)'s best interests to cancel the guardianship of the person(s) listed in paragraph 1 because:

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SCHEDULE 19 – COUNTERCLAIM SPOUSAL SUPPORT – NEW

This is Schedule 19 to the Reply to a Family Law Matter with Counterclaim

Complete this schedule only if you are making a new counterclaim about spousal support.

1. I believe myself or the other party is entitled to spousal support for the following reason(s):
Select all options that apply
 - ☐ there are economic advantages or disadvantages to the spouses arising from the relationship or breakdown of the relationship
 - ☐ to share the financial consequences to caring for the children during the relationship, beyond the duty to provide support for the child
 - ☐ to relieve economic hardship of the spouses arising from the breakdown of the relationship
 - ☐ to help each spouse become financially independent within a reasonable period of time

2. The current support arrangements are as follows:

3. My current employment situation, training, health and ability to work are as follows:

4. *Select only one of the options below*
 - ☐ I do not know the income of the other party
 - ☐ I believe the other party's annual income is \$

5. I know the following facts about the other party's employment, training, health and ability to work:
If you do not have any information, please leave this section blank

6. I am asking for spousal support from the other party as follows:
Select all that apply and complete the required information
 - ☐ in the amount of \$ per month to commence on [date] until [date]
 - ☐ in a lump sum of \$
 - ☐ other (specify):

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7. *Select only one of the options below*

- ☐ I am attaching calculations showing how much spousal support I believe should be paid
- ☐ I am not attaching calculations

8. *Select only one of the options below*

- ☐ I have completed a Financial Statement in Form D
- ☐ I am not able to complete a financial statement at this time and I have completed an Application for Case Management Order Without Notice or Appearance requesting this counterclaim be filed without a completed financial statement

IMPORTANT NOTE TO THE PARTIES:

This family law case includes a counterclaim for support. You must provide your financial information with your counterclaim or reply to this counterclaim by completing and filing a Financial Statement in Form D.

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SCHEDULE 20 – COUNTERCLAIM SPOUSAL SUPPORT – EXISTING

This is Schedule 20 to the Reply to a Family Law Matter with Counterclaim

Complete this schedule only if you are making a counterclaim to change or cancel an existing spousal support order or filed agreement or to set aside or replace an existing agreement about spousal support.

1. ☐ I am attaching a copy of the existing spousal support order or agreement made on [date]
2. Since the spousal support order or agreement was made, circumstances have changed as follows:
Select all options that apply and complete the required information
 - ☐ my financial situation has changed
 - ☐ I believe the other party's financial situation has changed
 - ☐ my employment, training, health and/or ability to work has changed as follows:

 - ☐ I believe the other party's employment, training, health and/or ability to work has changed as follows:

 - ☐ my household expenses have changed as follows:

 - ☐ other changes (specify):

3. As of [date], the amount of unpaid spousal support arrears was \$ _____.
4. Complete only if there are arrears. Select only one of the options below.
 - ☐ I am not asking to reduce the arrears.
 - ☐ I am asking to reduce the arrears to \$ _____ because:

5. Complete only if there are arrears
I suggest the remaining arrears should be paid:
 - ☐ at a rate of \$ _____ per month
 - ☐ in a lump sum
 - ☐ other (specify): _____

6. I am asking for the existing

Select the options that apply

- ☐ spousal support order to be:
- ☐ changed (*provide details below*)
 - ☐ cancelled
- ☐ agreement to be:
- ☐ set aside
 - ☐ replaced (*provide details below*)

Explain the changes you want to the order or filed agreement or what you want the existing written agreement to be replaced with

7. *Select only one of the options below*

- ☐ I am attaching calculations showing how much spousal support I believe should be paid
- ☐ I am not attaching calculations

8. *Select only one of the options below*

- ☐ I have completed a Financial Statement in Form D
- ☐ I am not able to complete a financial statement at this time and I have completed an Application for Case Management Order Without Notice or Appearance requesting this counterclaim be filed without a completed financial statement

IMPORTANT NOTE TO THE PARTIES:

This family law case includes a counterclaim about support. You must provide your financial information with your counterclaim or reply to this counterclaim by completing and filing a Financial Statement in Form D.

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FORM G

Reply to a Counterclaim

Provincial Court (Family) Rules

Early Resolution and Case Management Registry

Registry location:	
Court File Number:	

1. My name is *[full name of party]*. I am replying to the counterclaim made by *[full name of other party]*.

Replying to the Other Party's Counterclaim

2. I agree with the following order(s) asked for by the other party:

Refer to the Reply to a Family Law Matter with Counterclaim schedules as referenced below to assist in completing this section.

Select all options that apply

Parenting Arrangements

Parenting – new *[see Schedule 11 of Counterclaim]*

- ☐ parenting time
☐ conditions on parenting time
☐ parenting responsibilities

Parenting order/written agreement – existing *[see Schedule 12 of Counterclaim]*

- ☐ change to parenting time
☐ change to conditions on parenting time
☐ change to parenting responsibilities

Child Support

- ☐ child support – new *[see Schedule 13 of Counterclaim]*
☐ child support order/written agreement – existing *[see Schedule 14 of Counterclaim]*

Contact

- ☐ contact with a child - new *[see schedule 15 of Counterclaim]*
☐ contact order/written agreement – existing *[see Schedule 16 of Counterclaim]*

Guardianship

- ☐ become a guardian *[see Schedule 17 of Counterclaim]*
☐ terminate guardianship *[see Schedule 18 of Counterclaim]*

Spousal Support

- ☐ spousal support – new *[see Schedule 19 of Counterclaim]*
☐ spousal support order/written agreement – existing *[see Schedule 20 of Counterclaim]*

3. I do not agree, to all or part, of the following order(s) asked for by the other party:

Refer to the Reply to a Family Law Matter with Counterclaim schedules to assist in completing this section.

Select all options that apply, complete and attach the required schedule(s).

Parenting Arrangements

Parenting – new *[Complete and attach Schedule 1]*

- ☐ parenting time
- ☐ conditions on parenting time
- ☐ parenting responsibilities

Parenting order/written agreement – existing *[Complete and attach Schedule 2]*

- ☐ change to parenting time
- ☐ change to conditions on parenting time
- ☐ change to parenting responsibilities

Child Support

- ☐ child support – new *[Complete and attach Schedule 3]*
- ☐ child support order/written agreement – existing *[Complete and attach Schedule 4]*

Contact

- ☐ contact with a child – new *[Complete and attach Schedule 5]*
- ☐ contact order/written agreement – existing *[complete and attach Schedule 6]*

Guardianship

- ☐ become a guardian *[Complete and attach Schedule 7]*
- ☐ terminate guardianship *[Complete and attach Schedule 8]*

Spousal Support

- ☐ spousal support - new *[Complete and attach Schedule 9]*
- ☐ spousal support order/written agreement – existing *[Complete and attach Schedule 10]*

IMPORTANT NOTE: If this family law case includes a counterclaim for support, you must provide your financial information with this reply, as required by the instructions on the financial statement, by completing and filing a Financial Statement in Form D.

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SCHEDULE 1 – REPLY TO A CLAIM ABOUT PARENTING ARRANGEMENTS - NEW

This is Schedule 1 to the Reply to a Counterclaim

This schedule must be completed only if you are disagreeing with a new counterclaim by the other party about parenting arrangements for the child or children. The orders they asked for about parenting arrangements can be found in Schedule 11 of their Reply to a Family Law Matter with Counterclaim.

1. I do not agree, to all or part, of the following parenting arrangement order(s) asked for by the other party:

Select all options that apply and complete the required part(s)

- ☐ parenting time schedule *(Complete Part 1 of this schedule)*
☐ conditions on parenting time *(Complete Part 2 of this schedule)*
☐ parenting responsibilities *(Complete Part 3 of this schedule)*

SCHEDULE 1 PART 1 – Reply to a Counterclaim – Parenting time schedule

Complete this part only if you are disagreeing with a counterclaim about the parenting time schedule requested by the other party.

1. I do not agree with the requested parenting time schedule because:

2. I am asking for the parenting time schedule to be as follows:

3. I believe my requested parenting time schedule is in the child(ren)'s best interests because:

SCHEDULE 1 PART 2 – Reply to a Counterclaim – Conditions on Parenting time

Complete this part only if you are disagreeing with a counterclaim about the conditions on parenting time requested by the other party.

1. I do not agree with the requested conditions on my parenting time or the other guardian's parenting time because:

2. I am asking for the conditions on my parenting time or the other guardian's parenting time to be as follows:

3. I believe the conditions I have asked for on parenting time are in the child(ren)'s best interests because:

SCHEDULE 1 PART 3 – Reply to a Counterclaim – Parenting Responsibilities

Complete this part only if you are disagreeing with a counterclaim about parenting responsibilities requested by the other party.

1. I do not agree with the requested allocation of parenting responsibilities because:

2. I am asking for the parenting responsibilities to be exercised by the guardians as follows:

3. I believe the parenting responsibilities I am asking for are in the child(ren)'s best interests because:

SCHEDULE 2 – REPLY TO A COUNTERCLAIM ABOUT PARENTING ARRANGEMENTS – EXISTING**This is Schedule 2 to the Reply to a Counterclaim**

This schedule must be completed only if you are disagreeing with a counterclaim by the other party to change or cancel an existing parenting order or filed agreement, or to set aside or replace a written agreement about parenting arrangements for the child or children. The orders they asked for about parenting arrangements can be found in Schedule 12 of their Reply to a Family Law Matter with Counterclaim.

1. *Select only one of the options below*

- ☐ I agree that circumstances have changed since the parenting order or written agreement was made
☐ There has been no change in circumstances since the parenting order or written agreement was made

2. I do not agree with the requested changes to the parenting order or written agreement because:

3. *Select only one of the options below*

- ☐ I am asking for the existing parenting order or written agreement to continue to be in place
☐ I am asking to change the parenting order or written agreement as follows:

4. I believe the parenting arrangements I am asking for are in the child(ren)'s best interests because:

SCHEDULE 3 – REPLY TO A COUNTERCLAIM ABOUT CHILD SUPPORT – NEW

This is Schedule 3 to the Reply to a Counterclaim

This schedule must be completed only if you are disagreeing with a new counterclaim by the other party about child support. The orders they asked for about child support can be found in Schedule 13 of their Reply to a Family Law Matter with Counterclaim.

1. I am:

- ☐ a parent to the child(ren)
- ☐ a person standing in the place of a parent to the child(ren) [for example, a step-parent]
- ☐ not a parent of the child(ren)
 - ☐ I request a parentage test (Check only if applicable)
- ☐ not a person standing in the place of a parent to the child(ren)

2. I do not agree with the amount of child support requested by the other party because:

Select all options that apply and complete the required information

- ☐ my income is not what the other party claims it is
- ☐ the other party's income is not what they claim it is

Explain below.

- ☐ I believe the special and extraordinary expenses are not what the other party claims they are.
- Explain below.*

- ☐ the children do not live with the other party at all
- ☐ the living arrangements for the child(ren) are not as described and the child(ren) live with me at least 40% of the time

Describe the child(ren)'s living arrangements below

- ☐ the amount would cause me undue hardship if I try to pay it because:

Note: If this option applies to your situation, you will need to complete the undue hardship portion of the Financial Statement, Part 4 and Part 5, in addition to any other required parts

- ☐ I have an unusual or excessive amount of debt I incurred to support the family prior to separation or to earn a living
- ☐ I have high costs to be able to spend time with the child(ren)
- ☐ I have a legal duty to support another person, such as a former spouse or a new spouse who is too ill or disabled to support themselves
- ☐ I have a legal duty to support a dependent child from another relationship

PROVINCIAL COURT (FAMILY) RULES

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- ☐ other undue hardship circumstances (*specify*):

- ☐ other reasons (*specify*):

3. *Select only one of the options below*

- ☐ I have completed a Financial Statement in Form D
- ☐ I am not able to complete a financial statement at this time and I have completed an Application for Case Management Order Without Notice or Appearance requesting this reply be filed without a complete financial statement

4. *Select only one of the options below*

- ☐ I am attaching calculations showing how much I believe should be paid for child support according to the child support guidelines
- ☐ I am not attaching calculations

IMPORTANT NOTE:

This family law case includes a counterclaim for support. You must provide your financial information with your reply to this counterclaim by completing and filing a Financial Statement in Form D.

SCHEDULE 4 – REPLY TO A COUNTERCLAIM ABOUT CHILD SUPPORT – EXISTING**This is Schedule 4 to the Reply to a Counterclaim**

This schedule must be completed only if you are disagreeing with a counterclaim by the other party to change or cancel an existing child support order or filed agreement, or to set aside or replace an existing written agreement about child support. The orders they asked for about child support can be found in Schedule 14 of their Reply to a Family Law Matter with Counterclaim.

1. *Select only one of the options below*

- ☐ I agree that circumstances have changed since the child support order or written agreement was made
- ☐ There has been no change in circumstances since the child support order or written agreement was made

2. I do not agree with the requested changes to the child support order or written agreement because:

3. *Select only one of the options below*

- ☐ I am asking for the existing child support order or written agreement to continue to be in place
- ☐ I am asking to change the child support order or written agreement as follows:

4. *Select only one of the options below*

- ☐ I am attaching calculations showing how much child support I believe should be paid according to the child support guidelines
- ☐ I am not attaching calculations

5. *Select only one of the options below*

- ☐ I agree that the amount of arrears in the claim is correct
- ☐ The amount of arrears in the claim is not correct. As of [date], the amount of unpaid child support arrears was \$

IMPORTANT NOTE:

This family law case includes a counterclaim to change an existing order or written agreement for support. You must provide updated financial information with your reply to this counterclaim by completing and filing a Financial Statement in Form D.

PROVINCIAL COURT (FAMILY) RULES

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SCHEDULE 5 – REPLY TO A COUNTERCLAIM ABOUT CONTACT WITH A CHILD – NEW

This is Schedule 5 to the Reply to a Counterclaim

This schedule must be completed only if you are disagreeing with a new counterclaim by the other party about contact with a child or children. The orders they asked for about contact can be found in Schedule 15 of their Reply to a Family Law Matter with Counterclaim.

1. I do not agree that the other party should have contact with the child(ren) the other party requested.

Instead, I ask that the other party's contact be as follows:

Select all options that apply and complete the required information

☐ no contact of any type

☐ visits:

(Provide specific dates requested, or dates and times that would be most suitable)

☐ oral communication

☐ written communication

☐ other method of communication (*specify*):

Complete if applicable

I am asking to have the following conditions placed on the contact with the child(ren):

2. I believe the contact I am applying for is in the child(ren)'s best interests because:

SCHEDULE 6 – REPLY TO A COUNTERCLAIM ABOUT CONTACT WITH A CHILD – EXISTING**This is Schedule 6 to the Reply to a Counterclaim**

This schedule must be completed only if you are disagreeing with a counterclaim by the other party to change or cancel an existing contact order or filed agreement or to set aside or replace an existing written agreement about contact with a child or children. The orders they asked for about contact can be found in Schedule 16 of their Reply to a Family Law Matter with Counterclaim.

1. *Select only one of the options below*

- ☐ I agree that circumstances have changed since the contact order or written agreement was made
☐ There has been no change in circumstances since the contact order or written agreement was made

2. I do not agree with the requested changes to the contact order or written agreement because:

3. *Select only one of the options below*

- ☐ I am asking for the existing contact order or written agreement to continue to be in place
☐ I am asking to change the contact order or written agreement as follows:

4. I believe the contact I am requesting is in the child(ren)'s best interests because:

SCHEDULE 7 – REPLY TO A COUNTERCLAIM ABOUT BECOMING A GUARDIAN**This is Schedule 7 to the Reply to a Counterclaim**

This schedule must be completed only if you are disagreeing with a counterclaim by the other party to become a guardian. The orders they asked for about guardianship can be found in Schedule 17 of their Reply to a Family Law Matter with Counterclaim.

1. I do not believe it is in the best interests of the child(ren) for the other party to become a guardian because:
Select all options that apply and complete the required information

☐ the other party is not able to be a guardian

☐ the other party is not suitable to be a guardian

☐ other reason(s) (specify):

SCHEDULE 8 – REPLY TO A COUNTERCLAIM ABOUT TERMINATING GUARDIANSHIP**This is Schedule 8 to the Reply to a Counterclaim**

This schedule must be completed only if you are disagreeing with a counterclaim by the other party to cancel guardianship. The orders they asked for about cancelling guardianship can be found in Schedule 18 of their Reply to a Family Law Matter with Counterclaim.

1. Do not cancel guardianship of the child(ren) as requested because:

Select all options that apply and complete the required information

☐ the guardian is able and willing to be a guardian

☐ the guardian is suitable to be a guardian

☐ the guardian does not consent to cancellation of their guardianship

☐ other reason(s) (specify):

2. I believe it is not in the best interests of the child(ren) to cancel guardianship as requested by the other party because:

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form G

SCHEDULE 9 – REPLY TO A COUNTERCLAIM ABOUT SPOUSAL SUPPORT – NEW

This is Schedule 9 to the Reply to a Counterclaim

This schedule must be completed only if you are disagreeing with a new counterclaim by the other party about spousal support. The orders they asked for about spousal support can be found in Schedule 19 of their Reply to a Family Law Matter with Counterclaim.

1. Select only one of the options below

- ☐ I am (or was) the other party's spouse
☐ I have never been the other party's spouse

2. I do not agree with the spousal support order requested by the other party because:

Select all options that apply and complete the required information

- ☐ I do not believe the other party is entitled to spousal support

Explain below

- ☐ my income is not what the other party claims it is
☐ my employment, training, health and ability to work is not what the other party claims it is

Explain below

- ☐ the other party's financial situation is not what they claim it is

Explain below

- ☐ I believe the other party's employment, training, health and ability to work is not what the other party claims it is

Explain below

- ☐ the other party's expenses are not what they claim them to be

Explain below

- ☐ other reasons (specify):

3. The amount of spousal support that I believe should be paid is:

Check any applicable box(es) and complete the required information

- ☐ in the amount of \$ per month to commence on *[date]* until *[date]*
☐ in a lump sum of \$
☐ other (*specify*):

4. *Select only one of the options below*

- ☐ I am attaching calculations showing how much spousal support I believe should be paid
☐ I am not attaching calculations

5. *Select only one of the options below*

- ☐ I have completed a Financial Statement in Form D
☐ I am not able to complete a financial statement at this time and I have completed an Application for Case Management Order Without Notice or Appearance requesting this reply be filed without a complete financial statement

IMPORTANT NOTE:

This family law case includes a counterclaim for support. You must provide your financial information with your reply to this counterclaim by completing and filing a Financial Statement in Form D.

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form G

SCHEDULE 10 – REPLY TO A COUNTERCLAIM ABOUT SPOUSAL SUPPORT – EXISTING

This is Schedule 10 to the Reply to a Counterclaim

This schedule must be completed only if you are disagreeing with a counterclaim by the other party to change or cancel an existing spousal support order or filed agreement or to set aside or replace an existing written agreement. The orders they asked for about spousal support can be found in Schedule 20 of their Reply to a Family Law Matter with Counterclaim.

1. *Select only one of the options below*

- ☐ I agree that circumstances have changed since the spousal support order or agreement was made
☐ There has been no change in circumstances since the spousal support order or agreement was made

2. *Select only one of the options below*

- ☐ I agree that the amount of arrears in the claim is correct
☐ The amount of arrears in the claim is not correct. As of [date], the amount of unpaid spousal support arrears was \$

3. I do not agree with the requested changes to the spousal support order or agreement because:

4. *Select only one of the options below*

- ☐ I am asking for the existing spousal support order or agreement to continue to be in place
☐ I am asking to change the spousal support order or agreement as follows:

5. *Select only one of the options below*

- ☐ I am attaching calculations showing how much spousal support I believe should be paid
☐ I am not attaching calculations

6. *Select only one of the options below*

- ☐ I have completed a Financial Statement in Form D
☐ I am not able to complete a financial statement at this time and I have completed an Application for Case Management Order Without Notice or Appearance requesting this reply be filed without a complete financial statement

IMPORTANT NOTE:

This family law case includes a counterclaim to change an order or agreement for support. You must provide updated financial information with your reply to this counterclaim by completing and filing a Financial Statement in Form D.

FORM H

Application for
Case Management OrderProvincial Court (Family) Rules
Early Resolution and Case Management Registry

Registry location:	
Court File Number:	

1. My name is
- [full name of party]*
- . My contact information and address for delivery of court documents are:

Full Name:	Date of Birth:	
Contact Information and Address for Delivery		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

- 2.
- ☐
- I understand I need to give notice of this application to all other parties, including any third party who may be affected by the order. To give notice, each other party must be served with the application and supporting materials at least 7 days before the date and time of the court appearance.

3. The other party is
- [full name of other party/parties]*

- 4.
- Complete only if applicable. You may leave this section blank.*

The following other person(s) (third party) who may be directly affected by the order is/are:

[full name of other person(s)]

- 5.
- Complete only if applicable. You may leave this section blank.*

- ☐
- Each party has consented to the case management order and:

Select only one of the following options

- ☐
- A
- draft Consent Order**
- in Form 20 signed by all parties is submitted with this application for review without attending before the court
-
- ☐
- A court appearance is requested

6. I have contacted the other party to discuss available dates and times for the court appearance and they have agreed to the date and time for the court appearance
- ☐
- Yes
- ☐
- No

For registry use only

This application will be made to the court at *[court registry, street address, city]* on *[date]* at *[time]* am/pm.

NOTICE TO PARTIES: If you do not appear in court on the date and time scheduled for the court appearance, the court may make an order in your absence.

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form H

7. I am applying for the following case management order(s):

- ☐ transferring the court file to another registry for all purposes or specific purposes
- ☐ adding or removing a party to the case, including leave to intervene under section 204(2) of the *Family Law Act*
- ☐ settling or correcting the terms of an order made under the rules
- ☐ setting a specified period for the filing and exchanging of information or evidence, including a financial statement in Form 4 [*Financial Statement*]
- ☐ correcting or amending a filed document, including the correction of a name or date of birth
- ☐ requiring that a parentage test be taken under section 33 [*parentage tests*] of the *Family Law Act*
- ☐ specifying or requiring information that must be disclosed by a person who is not a party to the case
- ☐ adjourning a court appearance
- ☐ relating to a report under section 211 [*orders respecting reports*] of the *Family Law Act*, including requiring that a person who prepared the report attend a trial as a witness
- ☐ respecting the conduct of a party or management of a case
- ☐ respecting the appointment of a lawyer to represent
 - i) the interests of a child, or
 - ii) a party
- ☐ allowing a person to attend a conference or hearing using electronic communication, including by telephone or video
- ☐ waiving or modifying any requirement related to service or giving notice to a person, including allowing an alternative method for the service of a document
- ☐ waiving or modifying any other requirement under these rules, including a time limit set under these rules or a time limit set by an order or direction, even after the time limit has expired
- ☐ requiring access to information in accordance with section 242 [*orders respecting searchable information*] of the *Family Law Act*
- ☐ recognizing an extraprovincial order other than a support order
- ☐ relating to the management of a court record, file or document, including access to a court file
- ☐ cancelling a subpoena
- ☐ changing, suspending or cancelling an order made in my absence

8. The details of the order(s) I am applying for are as follows:

Tell the court and the other party the details of the order(s) you are asking for

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

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

Child's full name	Child's date of birth (mmm/dd/yyyy)

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

Provide the facts you want the court to consider. If you are applying to change, suspend or cancel an order made in your absence, you must explain why you did not file a reply or attend court when required, why the order should be made and the reason(s) for any delay in making this application.

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form I

FORM I

Application for Case Management Order Without Notice or Appearance

Provincial Court (Family) Rules

Early Resolution and Case Management Registry

Registry location:	
Court File Number:	

1. My name is *[full name of party]*. My contact information and address for delivery of court documents are:

Full Name:	Date of Birth:	
Contact Information and Address for Delivery		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

2. The other party is *[full name of other party/parties]*

3. ☐ I am making my application without notice to any other party and I understand that I will be required to give a copy of any order I receive to each party.

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

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

Child's full name	Child's date of birth (mmm/dd/yyyy)

ABOUT THE ORDER

5. I am applying for the following case management order(s):

Select all that apply and complete the required schedule(s)

- ☐ allowing a person to attend a conference or hearing using electronic communication, including by telephone or video *[complete and attach Schedule 1]*
☐ waiving or modifying any requirement related to service or giving notice to a person, including allowing an alternative method for the service of a document *[complete and attach Schedule 2]*
☐ waiving or modifying any other requirement under the rules *[complete and attach Schedule 3]*
☐ requiring access to information in accordance with section 242 *[orders respecting searchable information]* of the *Family Law Act* *[complete and attach Schedule 4]*
☐ recognizing an extraprovincial order other than a support order *[complete and attach Schedule 5]*

SCHEDULE 1 – ATTENDANCE USING ELECTRONIC COMMUNICATION**This is Schedule 1 to the Application for Case Management Order Without Notice or Attendance**

This schedule must be completed only if you are applying for an order allowing a person to attend a conference or hearing using electronic communication, including by telephone or video.

1. I am applying for an order to allow:

Select all options that apply

- ☐ me
☐ my lawyer, [full name of lawyer]

to attend at the:

Select only one of the options below

- ☐ family management conference
☐ family case conference
☐ trial preparation conference
☐ hearing
☐ other (specify):

Scheduled for [mmm/dd/yyyy] at [time]

By electronic communication as follows:

- ☐ telephone at [requested telephone number]

Is this a direct phone line? ☐ Yes ☐ No

If no, the person answering the phone must know the call will be coming and put it through immediately

- ☐ other electronic communication method (specify):

2. I understand the following requirements and I will comply with them ☐ Yes ☐ No

- a speaker phone must not be used
- I must remain near the phone at all times prior to the call from the Clerk of the Court
- the call must be taken in a quiet and private location
- no other person may be in the room during the appearance
- I may speak only when the Judge indicates I may speak
- recording of the call is strictly prohibited

3. The documents I may want to refer to in court have been submitted to the court registry and received by the other party ☐ Yes ☐ No

4. I (and/or my lawyer) am unable to attend in person because:

**SCHEDULE 2 – WAIVING OR MODIFYING ANY REQUIREMENT RELATED TO SERVICE OR GIVING NOTICE,
INCLUDING ALLOWING AN ALTERNATIVE METHOD OF SERVICE**

This is Schedule 2 to the Application for Case Management Order Without Notice or Attendance

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

1. I am applying for an order to:

Select all applicable options and complete the required part(s)

- ☐ waive or modify a requirement related to service or giving notice *(complete Part 1 of this schedule)*
- ☐ allow service of a document using an alternative method *(complete Part 2 of this schedule)*

PART 1 – WAIVE OR MODIFY A REQUIREMENT RELATED TO SERVICE OR GIVING NOTICE

Complete this part only if you are applying for an order to waive or modify a requirement related to service or giving notice.

Judges normally hear from all parties before making decisions. Where there is urgency or danger for example, the court could hear from only one party. If obtaining an order from the court is time sensitive, the court may allow less than the required amount of notice. The court may also allow more than the required amount of notice if there are special circumstances that would require more time to prepare to attend court.

1. I am applying to the court to waive or modify the requirement for service or giving notice to a person under the rules of the following document(s):

Select all options that apply

- ☐ Application about a Protection Order
- ☐ Application about Extraordinary Parenting Matter
- ☐ Family Law Matter Claim
- ☐ Subpoena
- ☐ Order
- ☐ other (*specify*):

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

Tell the court the specifics of the order you are applying for, including if you want the court to waive (cancel) the requirement for service or giving notice and what the requirement for service or giving notice should be changed to

[illegible]

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

Provide the facts you want the court to consider, including:

- *why the other party should not be served or given notice of the application or other document before you attend court or why the service or notice requirement should be modified (changed)*
- *why the application or your situation is urgent or what special circumstances exist*
- *if applicable, what you believe will happen if the other party is served or given notice of your application or other document and a chance to attend court so that you can both be heard at the same time*

[illegible]

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form I

PART 2 – ALLOW SERVICE OF A DOCUMENT USING AN ALTERNATIVE METHOD

Complete this part only if you are applying for an order to allow service of a document using an alternative method. Service of a document must be done according to the rules unless the court makes an order allowing another method to be used.

1. I need to serve [name of person who must be served] with the following document(s):
List each document you need an order from the court to serve using an alternative method

2. I am applying for an order to be allowed to serve the document(s) in the following manner:
Tell the court the specifics of how you believe the documents should be served so that they come to the attention of the person indicated above. Include the name of any other person, mailing address, email or other information that would be required to serve the documents.

3. The facts on which this application is based are as follows:
Provide the facts you want the court to consider. Include the following:
- *efforts to try to serve the other party*
 - *efforts to locate the other party*
 - *why you believe the method of service you outlined above will bring the documents to the attention of the party to be served*

SCHEDULE 3 – WAIVING OR MODIFYING ANY OTHER REQUIREMENT UNDER THE RULES
This is Schedule 3 to the Application for Case Management Order Without Notice or Attendance

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

1. I am applying for an order to waive or modify the following requirement(s) under the rules:

Select all options that apply

- ☐ filing at a court registry other than the court registry required by Rule 5.01(4)
- ☐ attending a needs assessment
- ☐ completing a parenting education program
- ☐ participating in consensual dispute resolution
- ☐ filing a completed financial statement with my claim, counterclaim or reply
- ☐ filing a completed guardianship affidavit with my claim, counterclaim or reply
- ☐ time to file a reply, including permission to file a reply after the time to reply has passed
- ☐ time to provide/exchange document(s)
- ☐ time limit set by an order or direction made on [mmm/dd/yyyy] by [name of judge]
- ☐ other (specify):

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

Tell the court the specifics of the order you are applying for. Include if you are applying for the court to waive (cancel) the requirement or to modify (change) the requirement. If you are applying to modify the requirement, specify how you want the requirement changed, for example, additional time to meet the requirement or completing the requirement after taking some other step.

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

Provide the facts you want the court to consider, including:

- *why you are making the application to waive (cancel) or modify (change) a requirement*
- *why you need the court to make the order*
- *whether you are able to complete the requirement at a later date and when you expect to be able to complete the requirement*
- *if you are applying to waive (cancel) or modify (change) any early resolution requirements, what your family law matter is about and who is involved (names of any other party and children the application would be about)*
- *how waiving (cancelling) or modifying (changing) the requirement will benefit the case proceeding*

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SCHEDULE 4 – ACCESS TO INFORMATION SECTION 242 OF FAMILY LAW ACT

This is Schedule 4 to the Application for Case Management Order Without Notice or Attendance

This schedule must be completed only if you are applying for access to information in accordance with section 242 [orders respecting searchable information] of the Family Law Act.

1. The details of the order I am applying for are as follows:
Tell the court the specifics of the order you are applying for

2. The facts on which this application is based are as follows:
Provide the facts you want the court to consider

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form I

SCHEDULE 5 – RECOGNIZING AN EXTRAPROVINCIAL ORDER OTHER THAN A SUPPORT ORDER
This is Schedule 5 to the Application for Case Management Order Without Notice or Attendance

This schedule must be completed only if you are applying for recognition of an extraprovincial order other than a support order.

1. I am applying for recognition of an extraprovincial order made on [mmm/dd/yyyy] at [court location][city][province] about parenting arrangements, contact with a child, guardianship, or an order that is similar in nature
2. A certified copy of the order is attached
3. The contact information, as I know it, for the other party is:

Full name:	Date of birth: [mmm/dd/yyyy]
Contact information	
Lawyer (if applicable):	
Address:	
City:	Postal code:
Email:	Telephone:

FORM J

Registry location:	
Court File Number:	

Order

- ☐ Without Notice
- ☐ Without an Appearance

In the Provincial Court of British Columbia

In the Case Between:

[full name of party]

And:

[full name of other party]

Before the Honourable Judge *[name of judge]*

on *[date]*

On the application of *[full name of party making the application]*;

And on the Court determining that a hearing is not required and notice is not required;

This Court orders that:

Date

By the Court

Form J

1

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form K

FORM K

Application about a Protection Order

Provincial Court (Family) Rules

Early Resolution and Case Management Registry

Registry location:	
Court File Number:	

1. My name is *[full name of person]*. My contact information and address for delivery of court documents by the other party and the Court is:

Full Name:		Date of Birth:
Contact Information and Address for Delivery		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

2. ☐ I understand I need to give notice to the person I want protection from, or who has made an application for protection from me. This person is the other party. To give notice, they must be served with the application and supporting materials at least 7 days before the date and time of the hearing unless the application is made without notice or with less than 7 days notice.

Select only one of the options below

- ☐ I am making this application with at least 7 days notice to the other party.
- ☐ I am making this application without notice to the other party and I have completed an Application for Case Management Order Without Notice or Appearance requesting this application be heard without notice to the other party.
- ☐ I am making this application with less than 7 days notice to the other party and I have completed an Application for Case Management Order Without Notice or Appearance requesting this application be heard with less than 7 days notice to the other party.

3. The other party's name is *[full name of other party]*. Their contact information, as I know it, is:

Full Name:		Date of Birth:
Contact Information		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

4. I am applying for the following order:

Select only one of the options below and complete the required schedule

- ☐ Protection order *[Complete and attach Schedule 1]*
- ☐ Order to change an existing protection order *[Complete and attach Schedule 2]*
- ☐ Order to terminate an existing protection order *[Complete and attach Schedule 3]*

For registry use only

This application will be made to the court at *[court registry, street address, city]* on *[date]* at *[time]* am/pm.

NOTICE TO THE OTHER PARTY: If you do not appear in court on the date and time above, the Court may make an order in your absence.

Schedule 1 – Protection Order**This is Schedule 1 to the Application about a Protection Order***This schedule must be completed if you are applying for a protection order.*

I, [full name of party], [occupation] of [address of party, city, province],

SWEAR OR AFFIRM THAT:

1. I am making this affidavit in support of an application for a protection order.
2. I am applying for a protection order for the following person(s) to be protected:
Select and complete only those options that apply to your situation.

- ☐ Me
- ☐ the following child(ren) I am parent or guardian to:

Child's Full Name	Child's Date of Birth	Child's Relationship to Other Party

Complete only if applicable. You may leave this section blank.

- ☐ the following adult(s) sharing the residence with the other protected person(s):

Full Name	Date of Birth	Relationship to other protected person

Complete only if applicable. You may leave this section blank.

- ☐ Other (specify): [full name of other person to be protected]
Describe why you are applying for the other person

The person(s) identified in the section above are referred to as the protected party/parties. The other party is the person they need protection from.

3. There are existing written agreements or court orders about the children concerning parenting arrangements, child support, contact with a child, or guardianship ☐ Yes ☐ No
If yes, attach a copy of the order(s) and list them here:

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form K

ABOUT THE PROTECTION ORDER

4. *Complete only if applicable. You may leave this section blank.*

I do not want the other party to be able to attend at, enter or be found at the following places:

Select all options that apply

- ☐ Residence
☐ School
☐ Place of Employment
☐ Child care facility
☐ Other (*specify*):
☐ None of the above. I don't need an order restricting where the other party can go.

5. *Complete only if applicable. You may leave this section blank.*

The protected party may need to communicate with the other party for the following reasons:

Select all options that apply

- ☐ Consensual dispute resolution
☐ Parenting arrangements
☐ Ongoing court action
☐ Other (*specify*):

6. I have concerns the other party would cause harm with or threaten to use guns, explosives or another kind of firearm ☐ Yes ☐ No

If yes, explain the reasons for your concerns

7. I believe the other party owns or has access to guns, explosives or another kind of firearm

☐ Yes ☐ No

If yes, explain the reasons for your belief

8. I have concerns the other party would cause harm with or threaten to use a weapon that is not a gun or explosive ☐ Yes ☐ No

If yes, explain the reasons for your concerns

9. I believe the other party owns a weapon that is not a gun or explosive ☐ Yes ☐ No

Examples of weapons someone may own include swords, hunting knives, and nunchucks.

If yes, explain the reasons for your belief

10. The protected party currently shares a home with the other party ☐ Yes ☐ No

11. *Complete only if applicable. You may leave this section blank.*

I believe police assistance may be required for the following purposes:

Select all options that apply

- ☐ To remove the other party from the shared residence
- ☐ To supervise the removal of the protected party's personal belongings from the shared residence
- ☐ To supervise the removal of the other party's personal belongings from the shared residence
- ☐ To supervise the removal of the child(ren)'s personal belongings from a residence
- ☐ Other (*specify*):

BACKGROUND

12. The protected party and the other party are:

Describe how the protected party/parties and the other party are related for the purposes of application

If the protection order is only for the protection of a child(ren), please answer the following question for the parents or guardians of the child(ren).

13. The parties are or have been spouses (married or lived in a marriage-like relationship for at least 2 years)

☐ Yes ☐ No

If yes, please complete all options below that apply to the parties

Date on which the parties began to live together in a marriage-like relationship: *[Date]*

Date of marriage: *[Date of marriage]*

Are the protected party and the other party currently separated ☐ Yes ☐ No ☐ Unknown

Spouses may be separated while continuing to live in the same residence

If yes, the parties separated on *[Date of separation]*

If no, are the protected party and the other party planning to separate ☐ Yes ☐ No ☐ Unknown

14. I have concerns about the mental health of the protected party and/or the other party ☐ Yes ☐ No

If yes, explain the reasons for your concerns

15. Are there circumstances that may increase the risk of family violence ☐ Yes ☐ No

If yes, describe the circumstances such as: substance abuse, employment or financial difficulties, relationship status, criminal history, pregnancy, threats to you/another person/child/animal, stalking, forced sex, controlling behaviour, release from prison, strangling/choking/biting, threats or attempts to commit suicide, cultural religious beliefs or any other circumstances

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form K

16. There are existing court orders protecting one of the parties or restraining contact between the parties, including protection orders, peace bonds, restraining orders, bail conditions or other criminal orders

☐ Yes ☐ No

If yes, attach a copy of the order(s) and list them here:

17. Has the other party ever failed to obey a court order ☐ Yes ☐ No

If yes, describe the circumstances

18. I have concerns the other party may not obey a court order ☐ Yes ☐ No

If yes, explain the reason for your concerns

19. I have reported my safety concerns to the police ☐ Yes ☐ No

If yes, describe what action they have taken

20. I have reported my safety concerns to a social worker (Ministry of Children and Family Development)

☐ Yes ☐ No

If yes, describe what action they have taken

YOUR STORY

A judge can make decisions based only on the information presented by the parties as evidence. Evidence must be relevant to the issue.

Please complete the following questions to help you explain to the court why you need an order for protection. In some cases, if you have provided evidence in this affidavit, a Judge may not need you to provide additional information in court.

In the following section you will be asked to describe what the other party has done to make you feel you need to get a protection order.

21. What family violence do you fear?

22. Why do you fear family violence is likely to happen?

23. What behaviour or threats concern you?

24. Describe any recent incidents of Family Violence against the protected party and any child(ren). Include:

- *How the other party made you and/or your children feel unsafe (describe examples of the other party's behaviour that made you afraid)*
- *A description of the incident(s) (write as much detail as possible)*
- *Who was involved (include the police if they were involved at any time)*
- *Who witnessed it*
- *Any exposure your children have had to violence or abuse*
- *Any injuries or trauma from the incident*
- *Any doctor's notes, police reports or photographs (you must refer to them here as exhibits and make photocopies of them for the court)*

This image shows a full page of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page, providing a template for handwriting practice or general writing. There are no margins, text, or other markings on the page.

Sworn or affirmed before me
at [city] British Columbia
on [date]

A Commissioner for taking Affidavits in British Columbia
[print name or affix stamp of commissioner]

Signature

Schedule 2 – Change an Existing Protection Order**This is Schedule 2 to the Application about a Protection Order**

This schedule must be completed if you are applying to change an existing protection order.

1. ☐ I am attaching a copy of the existing protection order made on [date].

2. *Select only one of the options below*

☐ I was in court when the protection order was made.

☐ I was not in court when the protection order was made because:

Explain why you were not in court when the protection order was made.

3. I am the:

Select all options that apply

☐ protected party

☐ parent or guardian of the protected party

☐ person who the protection order is against

4. I am asking for the existing protection order to be changed as follows:

YOUR STORY

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

Describe why the order needs to be changed and what facts the court should consider to make their decision.

Schedule 3 – Terminate an Existing Protection Order

This is Schedule 3 to the Application about a Protection Order

This schedule must be completed if you are applying to terminate an existing protection order.

1. ☐ I am attaching a copy of the existing protection order made on [date] that I am asking to have terminated

2. *Select only one of the options below*

- ☐ I was in court when the protection order was made
- ☐ I was not in court when the protection order was made because:

Explain why you were not in court when the protection order was made.

3. I am the:

Select all options that apply

- ☐ protected party
- ☐ parent or guardian of the protected party
- ☐ person who the protection order is against

YOUR STORY

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

Describe why the order should be terminated and what facts the court should consider to make their decision.

[illegible]

FORM L

Registry location:	
Court File Number:	

**Order Terminating a
Protection Order**

In the Provincial Court of British Columbia

In the Case Between:*[full name of party]*

And:

*[full name of other party]*Before the Honourable Judge *[name of judge]*On *[date]*THIS MATTER coming on for hearing at *[court location]* on *[date]*

Persons Appearing: _____ Lawyer: _____
 _____ Lawyer: _____

☐ By Consent ☐ Without notice to others

This Court orders that:

1. The Protection Order made by Judge *[name of judge]* on *[date]*, shall be terminated, effective *[date]*.

Date_____
By the Court

Note: This order will be sent to the Protection Order Registry to advise them to remove the terminated protection order from their registry.

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form M

FORM M

Application about
Extraordinary Parenting Matter

Provincial Court (Family) Rules

Early Resolution and Case Management Registry

Registry location:	
Court File Number:	

1. My name is
- [full name of party]*
- . My contact information and address for delivery are:

Full Name:	Date of Birth:	
Contact Information and Address for Delivery		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

- 2.
- ☐
- I understand I need to give notice to any and all parents or guardians of the child(ren) this application is about. To give notice, they must be served with the application and supporting materials at least 7 days before the date and time of the court appearance unless the application is made without notice or with less than 7 days' notice.

Select only one of the options below

- ☐ I am giving at least 7 days' notice to the other party
- ☐ I have completed an Application for Case Management Order Without Notice or Appearance requesting this application be heard without notice to the other party
- ☐ I have completed an Application for Case Management Order Without Notice or Appearance requesting this application be heard with less than 7 days' notice to the other party
- ☐ I have a court order that allows this application to be made without notice or with less than 7 days' notice

3. The other party is
- [name of other party/parties]*
- . Their contact information, as I know it, is:

Full Name:	Date of Birth:	
Contact Information		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

Additional party (complete only if applicable)

Full Name:	Date of Birth:	
Contact Information		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

For registry use only

This application will be made to the court at *[court registry, street address, city]* on *[date]* at *[time]* am/pm.

NOTICE TO THE OTHER PARTY: If you do not appear in court on the date and time above, the court may make an order in your absence.

ABOUT THE EXTRAORDINARY PARENTING MATTER

- 4.
- ☐
- I am applying for an order about the following extraordinary parenting matter(s):

Select all options that apply

- ☐ giving, refusing or withdrawing consent, by a guardian, to medical, dental, or other health-related treatments for a child, because delay will result in risk to the child's health
- ☐ applying, by a guardian, for a passport, licence, permit, benefit, privilege or other thing for a child, because delay will result in risk of harm to the child's physical, psychological or emotional safety, security or well-being
- ☐ applying, by a guardian, for travel with a child or participation by a child in an activity because consent to the travel or activity is required and is alleged to have been wrongfully denied
- ☐ relating to change in location of a child's residence, or a guardian's plan to change the location of a child's residence because no written agreement or order respecting parenting arrangements applies in respect of the child, and the change of residence can reasonably be expected to have a significant impact on the child's relationship with another guardian
- ☐ relating to the removal of a child under section 64 of the *Family Law Act*
- ☐ determining matters relating to interjurisdictional issues under section 74(2)(c) of the *Family Law Act*
- ☐ relating to the alleged wrongful removal of a child under section 77(2) of the *Family Law Act*
- ☐ relating to the return of a child alleged to have been wrongfully removed or retained under the Convention on the Civil Aspects of International Child Abduction signed at the Hague on October 25, 1980

5. This application is about the following child(ren):

Child's full name	Child's date of birth (mmm/dd/yyyy)	My relationship to the child	The other party's relationship to the child

6. There is an existing written agreement or court order about the child(ren) concerning parenting arrangements, child support, contact with a child, or guardianship
- ☐
- Yes
- ☐
- No

If yes, attach a copy of the agreement(s) and/or order(s) to your application

7. I know the following information about any court proceeding that is pending or that has been initiated about parenting arrangements, contact with a child or guardianship of a child who is the subject of this application:

If there is no pending or ongoing court proceeding, that you know of, in this court or another court or jurisdiction, you may leave this section blank

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form M

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

Tell the court and the other party the details of the order you are asking for

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

Provide the facts you want the court to consider. Include why you need the court to make the order and how your situation is an extraordinary parenting matter.

FORM N

Application for a
Family Law Matter
Consent Order

Provincial Court (Family) Rules

Early Resolution and Case Management Registry

Registry location:	
Court File Number:	

Party 1:

Lawyer:

Party 2:

Lawyer:

1. Party 1's contact information is as follows:

Full Name:	Date of Birth:	
Contact Information		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

2. Party 2's contact information is as follows:

Full Name:	Date of Birth:	
Contact Information		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

- 3.
- ☐
- We are requesting the following type of family law matter order BY CONSENT:

- ☐ parenting arrangements
☐ child support
☐ contact with a child
☐ guardianship of a child
☐ spousal support

4. The following supporting material is being provided along with this application:

Select all that apply, complete and file along with your application, if not already filed

- ☐
- A
- draft Consent Order**
- signed by all parties

For an application for parenting arrangements:*Your consent order application must be supported by one of the following*

- ☐ a Family Law Matter Claim for parenting arrangement and Reply with Agreement
☐ Schedule 1 of this Application for Family Law Matter Consent Order *(Complete and attach Schedule 1)*

For an application for child support:*Your consent order application must be supported by one of the following*

- ☐ a Family Law Matter Claim for child support and Reply with Agreement
☐ Schedule 2 of this Application for Family Law Matter Consent Order *(Complete and attach Schedule 2)*

and:

- ☐
- a Financial Statement in Form D for each party as required by the instructions on the financial statement

Form N

1

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form N

For an application for contact with a child:*Your consent order application must be supported by one of the following*

- ☐ a Family Law Matter Claim for contact with a child and Reply with Agreement
- ☐ Schedule 3 of this Application for Family Law Matter Consent Order *(Complete and attach Schedule 3)*

For an application for guardianship of a child:*Your consent order application must be supported by one of the following*

- ☐ a Family Law Matter Claim for guardianship and Reply with Agreement
- ☐ Schedule 4 of this Application for Family Law Matter Consent Order *(Complete and attach Schedule 4)*

and:

- ☐ an Affidavit in Form 34 for each party applying to become a guardian of a child with the following exhibits attached:
- a copy of a record check from the Ministry of Children and Development
 - a protection order record check from the protection order registry
 - a criminal record check

For an application for spousal support:*Your consent order application must be supported by one of the following*

- ☐ a Family Law Matter Claim for spousal support and Reply with Agreement
- ☐ Schedule 4 of this Application for Family Law Matter Consent Order *(Complete and attach)*

and:

- ☐ a Financial Statement in Form D or agreement as to income for each party

Identification of child(ren)5. *Select only one of the options below and complete the required information*

- ☐ Our consent order does not ask for any order(s) about a child or children. *(Skip next section)*
- ☐ Our consent order is asking for an order(s) about the following child or children:

Child's Full Legal Name	Child's Date of Birth	Child's Relationship to Party 1	Child's Relationship to Party 2	Child is currently living with

6. ☐ We understand that we must consider the child(ren)'s best interests with respect to each order about the child(ren) we are asking the court to make. An agreement or order is not in the best interests of a child unless it protects, to the greatest extent possible, the child's physical, psychological and emotional safety, security and well-being.

SCHEDULE 1 – PARENTING ARRANGEMENTS

This is Schedule 1 to the Application for a Family Law Matter Consent Order

Complete this schedule only if you are guardians filing a consent order about parenting arrangements for a child or children identified in Section 5 of this application.

Parenting arrangements include how each guardian will parent their child(ren) together, including each guardians' responsibilities for decision making about a child, and the time each guardian spends with a child.

1. Party 1 is:

- ☐ a guardian of the child(ren)

A child's parents are most often the child's guardians, but other people can be guardians too.

A parent who has never lived with their child is a guardian if they have regularly taken care of the child, there is an agreement or court order that says they are a guardian, or under a will if the other parent dies.

- ☐ applying to become a guardian of the child(ren)

A person who is not a parent can become a guardian by a court order or under a will.

2. Party 2 is:

- ☐ a guardian of the child(ren)

A child's parents are most often the child's guardians, but other people can be guardians too.

A parent who has never lived with their child is a guardian if they have regularly taken care of the child, there is an agreement or court order that says they are a guardian, or under a will if the other parent dies.

- ☐ applying to become a guardian of the child(ren)

A person who is not a parent can become a guardian by a court order or under a will.

3. We consent to the child(ren) spending time with us as follows:

4. Complete only if applicable. You may leave this section blank.

We consent to have the following conditions placed on the parenting time with the children:

5. We consent to the parenting responsibilities being exercised by us as follows:

6. We believe the parenting arrangements we consent to are in the child(ren)'s best interests because:

SCHEDULE 2 – CHILD SUPPORT**This is Schedule 2 to the Application for a Family Law Matter Consent Order**

Complete this schedule only if you are filing a consent order for child support and/or special and extraordinary expenses for the child or children identified in Section 5 of this application.

1. Party 1 is:

- ☐ a parent or guardian of the child(ren)
- ☐ applying to become a guardian of the child(ren)
- ☐ a person standing in the place of a parent to the child(ren) *[for example, a step-parent]*
- ☐ other *(specify)*:

2. Party 2 is:

- ☐ a parent or guardian of the child(ren)
- ☐ applying to become a guardian of the child(ren)
- ☐ a person standing in the place of a parent to the child(ren) *[for example, a step-parent]*
- ☐ other *(specify)*:

3. The child(ren):

- ☐ live with Party 1 all the time
- ☐ live with Party 2 all the time
- ☐ live with Party 1 and Party 2 as follows:

- ☐ other *(specify)*:

4. The current support arrangements are as follows:

5. ☐ We consent to support to be paid by *[name of paying party]* in the amount set out in the child support guidelines table for the following child(ren) identified in Section 5 of this application:
List the name(s) of each child you asking for support for

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form N

6. Select only one of the options below

- ☐ We are attaching calculations showing how much child support we believe should be paid according to the child support guidelines
- ☐ We are not attaching calculations

7. Child support payments in this amount should start on *[date]* because:

8. Select only one of the options below

- ☐ The child(ren) are all under 19 years of age
- ☐ The following child(ren) are 19 years of age or older and need child support because of illness, disability or because they are full-time students:

Full Legal Name of Child	Child's date of birth	Reason for child support (illness, disability, student)

9. Select only one of the options below

- ☐ We are not asking for an order for special and extraordinary expenses for the child(ren).
- ☐ We consent to an order for special and extraordinary expenses in accordance with section 7 of the child support guidelines. The following special or extraordinary expenses are included in our order for child support:

Name of Child:				
Special and Extraordinary Expenses	Annual Amount	Annual Amount	Annual Amount	Annual Amount
Child care expenses	\$	\$	\$	\$
Portion of medical/dental premiums attributable to child	\$	\$	\$	\$
Health related expenses that exceed insurance reimbursement by at least \$100	\$	\$	\$	\$
Extraordinary expenses for primary or secondary school	\$	\$	\$	\$
Post-secondary school expenses	\$	\$	\$	\$
Extraordinary extracurricular activities expenses	\$	\$	\$	\$
Total	\$	\$	\$	\$

IMPORTANT NOTE:

This consent order includes a request for an order for support. Each party, as applicable, must provide financial information with the application by completing and filing a Financial Statement in Form D or an agreement as to income.

SCHEDULE 3 – CONTACT WITH A CHILD**This is Schedule 3 to the Application for Family Law Matter Consent Order**

Complete this schedule only if you are filing a consent order for a person who is not a guardian of the child or children to have contact with the child or children identified in Section 5 of this application.

Contact with a child is the time a child spends with a person who is not their guardian.

1. We consent to contact with the child or children as follows:

Complete if applicable

We consent to the following conditions being placed on the contact with the child(ren):

2. We believe the contact we consent to is in the child(ren)'s best interests because:

SCHEDULE 4 – GUARDIANSHIP

This is Schedule 4 to the Application for Family Law Matter Consent Order

Complete this schedule only if you are filing a consent order for guardianship of a child or children identified in Section 5 of this application.

Full Legal Name of Person	Name of child(ren)	Relationship to the child

1. ☐ We consent to the following person(s) to become a guardian of the child or children:
2. *Select only one of the options below*
 - ☐ Each person we are making an application to have become a guardian has completed an Affidavit in Form 34 and we are filing it along with this consent order application.
 - ☐ A person we are making an application to have become a guardian is not able to complete an Affidavit in Form 34 at this time and we have completed an Application for Case Management Order Without Notice or Appearance requesting this consent order application be filed without a complete affidavit.
3. We believe the consent guardianship order respecting the child(ren) is in their best interests because:

[illegible]

SCHEDULE 5 – SPOUSAL SUPPORT

This is Schedule 5 to the Application for a Family Law Matter Consent Order

Complete this schedule only if you are applying for a consent order about spousal support.

1. The current support arrangements are as follows:

2. We believe there is entitlement to spousal support for the following reason(s):

Select all options that apply

- ☐ there are economic advantages or disadvantages to the spouses arising from the relationship or breakdown of the relationship
- ☐ to share the financial consequences to caring for the children during the relationship, beyond the duty to provide support for the child
- ☐ to relieve economic hardship of the spouses arising from the breakdown of the relationship
- ☐ to help each spouse become financially independent within a reasonable period of time

3. Spousal support is to be paid by *[full name of payor]* to *[full name of recipient]*

4. We consent to spousal support as follows:

Select all that apply and complete the required information

- ☐ in the amount of \$ _____ per month to commence on *[date]* until *[date]*
- ☐ in a lump sum of \$ _____
- ☐ other *(specify)*: _____

5. *Select only one of the options below*

- ☐ We are attaching calculations showing how much spousal support we believe should be paid
- ☐ We are not attaching calculations

6. *Select only one of the options below*

- ☐ We have both completed a Financial Statement in Form D or agreement as to income
- ☐ One or both of us is not able to complete a financial statement at this time and we have completed an Application for Case Management Order Without Notice or Appearance requesting this consent order application be filed without a completed financial statement or agreement as to income

IMPORTANT NOTE:

This consent order includes a request for an order for support. Each party, as applicable, must provide financial information with the application by completing and filing a Financial Statement in Form D or by filing an agreement as to income.

PROVINCIAL COURT (FAMILY) RULES

Appendix C – Form O

FORM O

Application for Order

Prohibiting the Relocation of a Child

Provincial Court (Family) Rules

Early Resolution and Case Management Registry

Registry location:	
Court File Number:	

1. My name is
- [full name of party]*
- . My contact information and address for delivery is:

Full Name:	Date of Birth:	
Contact Information and Address for Delivery		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

- 2.
- ☐
- I understand I need to give notice to the relocating guardian(s). To give notice, they must be served with the application and supporting materials at least 7 days before the date and time of the hearing unless the application is made without notice or with less than 7 days notice.

- 3.
- ☐
- I will be providing notice to
- [name of other party/parties]*
- . Their contact information, as I know it, is:

Full Name:	Date of Birth:	
Contact Information		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

Additional party (complete only if applicable)

Full Name:	Date of Birth:	
Contact Information		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

For registry use only

This application will be made to the court at *[court registry, street address, city]* **on**
[date] **at** *[time]* **am/pm.**

NOTICE TO THE OTHER PARTY: If you do not appear in court on the date and time above, the Court may make an order in your absence.

The relocating guardian must satisfy the court that

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

ABOUT THE ORDER

4. ☐ I am applying for an order to prohibit the relocation of a child or children.

Child's Full Name	Child's Date of Birth	My relationship to the Child	The other party's relationship to the Child

5. The application is about the following child(ren):

6. ☐ I understand that I must consider the child(ren)'s best interests with respect to each order I am asking the court to make. An agreement or order is not in the best interests of a child unless it protects, to the greatest extent possible, the child's physical, psychological and emotional safety, security and well-being.

7. ☐ I am attaching a copy of the written agreement or order respecting parenting arrangements and/or contact with the child(ren) made on [date] that applies to the child(ren) that are the subject of this application.

8. ☐ I am attaching a copy of the notice of relocation given to me on [date].

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

FORM P

Application for
Enforcement

Provincial Court (Family) Rules

Early Resolution and Case Management Registry

Registry location:	
Court File Number:	

1. My name is
- [full name of party]*
- . My contact information and address for delivery is:

Full Name:	Date of Birth:
Contact Information and Address for Delivery	
Lawyer (if applicable):	
Address:	
City:	Postal Code:
Email:	Telephone:

- 2.
- ☐
- I understand I need to give notice to any and all parents, step-parents, or guardians of the child(ren) this application is about. To give notice, they must be served with the application and supporting materials at least 7 days before the date and time of the hearing unless the application is made without notice or with less than 7 days notice.

- 3.
- ☐
- I will be providing notice to
- [name of other party/parties]*
- . Their contact information, as I know it, is:

Full Name:	Date of Birth:
Contact Information	
Lawyer (if applicable):	
Address:	
City:	Postal Code:
Email:	Telephone:

Additional party (complete only if applicable)

Full Name:	Date of Birth:
Contact Information	
Lawyer (if applicable):	
Address:	
City:	Postal Code:
Email:	Telephone:

For registry use only

This application will be made to the court at *[court registry, street address, city]* on *[date]* at *[time]* am/pm.

NOTICE TO THE OTHER PARTY: If you do not appear in court on the date and time above, the Court may make an order in your absence.

ABOUT THE ORDER

- 4.
- ☐
- I am applying:

Select all options that apply

- ☐ to enforce
 - ☐ the order made on *[date]*
 - ☐ the written agreement dated *[date]*
- ☐ to review, enforce, change or set aside the determination of a parenting coordinator dated *[date]*
- ☐ to have reasonable and necessarily incurred expenses set under any of the following sections of the *Family Law Act*:
 - a) section 61 [denial of parenting time or contact];
 - b) section 212 [orders respecting disclosure]
 - c) section 213 [enforcing orders respecting disclosure];
 - d) section 228 [enforcing orders respecting conduct];
 - e) section 230 [enforcing orders generally];
- ☐ for an order in respect of extraordinary remedies under section 231 of the Family Law Act;
- ☐ to determine whether or not arrears are owing under the support order dated *[date]* made under the *Family Law Act*, and if so, the amount of those arrears

- 5.
- ☐
- I am attaching a copy of the order, written agreement or determination this application is about.

6. The details of the order I am asking for are as follows:

Tell the Court and the other party the specifics of the order you are asking for.

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

Give the facts you want the court to consider. Include why you are making this application and why you need the court to make the order.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.