

Application About Priority Parenting Matter Form 15

Provincial Court Family Rules
Rules 2, 76, 77 and 78

COURT STAMP

Registry location:

Court file number:

Document number:

For registry use only

This Application About Priority Parenting Matter sets out the details of an order about a priority parenting matter that a person is applying for.

Please read before completing the form:

- You must complete the main part of this application and any applicable schedule for your application identified in Part 5 of the main application.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.



If you also need an order about long-term parenting arrangements, including parental responsibilities and parenting time, you must also complete an Application About a Family Law Matter Form 3.



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



If you need to add another party or need more space for any field on this form, you can attach a separate piece of paper to this application that includes the information.

Part 1 | About the parties

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

Part 2 | Information about children

3. This application is about the following child(ren):

Child's full name	Child's date of birth (dd/mmm/yyyy)	My relationship to the child	The other party's relationship to the child
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Part 3 | Notice of the application

4. ☐ I understand I must give notice of this application to all parents and guardians of the child(ren) this application is about. They are the other party/parties.
To give notice, the other party must be served with the application at least 7 days before the date set for the court appearance **unless** the court allows the application to be made without notice or with less than 7 days' notice.
5. *Select only one of the options below*
- ☐ I am applying with **at least 7 days' notice** to the other party.
- ☐ I would like to apply **without notice** to the other party. I am also filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement for notice of this application.
- ☐ I would like to apply **with less than 7 days notice** to the other party. I am also filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to modify the requirement for at least 7 days' notice to the other party.
- ☐ I have a **court order that allows** the application to be made **without notice or with less than 7 days' notice**.



For more information about serving court documents and making an application without notice or with short notice, see the guidebook.



If applicable, you must file an Application for Case Management Order Without Notice or Attendance Form 11.



If requested, the judge will decide if an application may be made without notice, if notice must be given, or if the notice period should be shortened.

Part 4 | About your court appearance

For registry or judicial case manager use only

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



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

NOTE TO THE OTHER PARTY:

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

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

Part 5 | About the priority parenting matter

6. ☐ I am **applying for an order about** the following priority 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
- ☐ applying for an order under section 45 [orders respecting parenting arrangements] or 51 [order respecting guardianship] of the *Family Law Act* in one of the following circumstances:
 - i. the child to whom the order relates has been removed under section 30 [removal of child], 36 [interim supervision order no longer protects the child] or 42 [enforcement of supervision order after the protection hearing] of the *Child, Family and Community Service Act* and a director under that Act has advised that the order will allow for a child to be returned to the applicant;
 - ii. a director under the *Child, Family and Community Service Act* has advised that the child to whom the order relates will be removed under section 30, 36 or 42 of that Act unless the order is made;

→ Complete **Schedule 1** and, if you are applying for guardianship, **Schedule 2**



A priority parenting matter is not the same as a family law matter that needs to go to court on an urgent basis [Rule 2].

For more information about priority parenting matters and how to apply for a family law matter on an urgent basis, see the guidebook.



If you are applying for a priority parenting matter order about:

- parenting arrangements or guardianship of a child because the child has been removed or is at risk of removal, you must get the Director to complete Schedule 1 before filing the application
- guardianship of a child, you must complete Schedule 2

Part 6 | Details of the order

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

List the specific details of the order(s) you are asking for

Part 7 | The facts

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

Provide a summary of the facts you want the court to consider. Include why you are making the application and why the order you are requesting should be made.

To add more, select the box below and attach a page with the additional information

☐ Additional page(s) (see attached)

If you choose to, you can prepare an Affidavit – General in Form 45 to provide evidence in writing to support your application.

You can also give spoken evidence in court.



If you need more space, select the box, and remember to include your additional page(s).

Part 8 | Existing orders and agreements

9. 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** (see attached copy) ☐ **No**

10. I know the following **information about any court proceeding** that is pending or that has been initiated about parenting arrangements, contact with a child, guardianship of a child, or protection 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



If yes, you must attach a copy of any order, agreement or plan to this application for filing.



Include any order (interim or final), agreement or plan from any level of court and any location.

Part 9 | Filing location

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

Select only one of the options below

- ☐ Where my **existing case** with the same party/parties is located. I already have a court file number.
- ☐ Closest to **where the child lives** most of the time, because my case involves a child-related issue
- ☐ Permitted by **court order**



A child protection case involving the director is different than a family law case.

If you have an existing child protection case, a different court file number will be assigned for this family law case.

Part 10 | Address for service

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

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

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		



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

Schedule 1 | Application for Order Respecting Parenting Arrangements or Guardianship

Complete this schedule only if you are applying for a priority parenting matter order under section 45 [orders respecting parenting arrangements] or 51 [order respecting guardianship] of the Family Law Act because the order will allow the child to be returned or placed with another person in accordance with the Child, Family and Community Service Act, or the child will be removed under section 30, 36 or 4 of that Act unless the order is made.

To be completed by a director under the Child, Family and Community Service Act

Part 1 | About the director and completion of the schedule

1. This information is provided on behalf of the director by:

Name:

Address:

City:

Province:

Postal Code:

Email:

Telephone:

2. This schedule is being completed on:
Date (dd/mmm/yyyy)

3. The director under the *Child, Family and Community Service Act* can be served with this application at:

Name:

Address:

City:

Province:

Postal Code:

Email:

Telephone:

Part 2 | About the children, parents, and child protection case

4. In the matter of the child(ren):

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

5. The parent(s) of the child(ren) is/are:
Full name of parent(s)

6. There is a court proceeding under the *Child, Family and Community Service Act* concerning the child(ren)

☐ Yes

Court Location:

File Number:

Date of next CFCSA proceeding:

☐ No

Part 3 | Priority parenting matter

7. ☐ I have been advised that
is applying for a priority parenting matter order under section 45 [orders respecting parenting arrangements] or 51 [order respecting guardianship] of the Family Law Act about a child to whom I have been providing services under the Child, Family and Community Service Act.



To get the schedule completed, contact the child welfare worker who is working with the child.

If you don't know how to reach the child welfare worker, contact the Provincial Centralized Screening team at any time for assistance at 1-800-663-9122 or 604-660-4927 (Lower Mainland and outside BC).

Provide the child welfare worker with a copy of the application so they can understand what you are applying for.



Insert the name of the party who is applying for an order about a priority parenting matter.

- ☐
- Yes
- ☐
- No

*You may choose to complete this section or leave this section blank.
Please only share information that is needed by the court to understand why it is in the
best interest of the child under section 4 of the Child, Family and Community Service Act to
address this matter as a priority.
As per section 79 (a) of the Child, Family and Community Service Act, please only disclose
information that is necessary to ensure the safety or well-being of a child.*

To apply for an order under section 45 or 51 of the Family Law Act as a priority parenting matter, the child must have been removed or be at risk of removal under s. 30, 36 or 42 of the CFCSA and if granted, the FLA order must, in your belief, enable the child to get out of care or keep them out of care.

☐ Additional page(s) (see attached)

If you need more space, select the box and remember to include your additional page(s).

Schedule 2 | Application for Order Respecting Guardianship of a Child

Complete this schedule only if you are applying for a priority parenting matter order for guardianship of a child under section 51 [order respecting guardianship] of the Family Law Act because the order is needed to transfer a child from the care of the Director or to prevent the removal of a child under the Child, Family and Community Service Act.

Part 1 | Indigenous ancestry of child(ren)

1. Is the child or children **Indigenous**?

- ☐ **Yes** → go to *next question*
- ☐ **No** → Skip ahead to **Part 4**
- ☐ **Unknown** → Skip ahead to **Part 4**

2. Complete this question only if a child is Indigenous.

If not, you may leave this question blank.

Please select the option below that best describes the **child(ren)'s Indigenous ancestry**:

- ☐ First Nation
- ☐ Nisga'a
- ☐ Treaty First Nation, including:
 - Tsawwassen First Nation
 - Maa-nulth First Nations:
 - Huu-ay-aht First Nations
 - Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations
 - Toquaht Nation
 - Uchucklesaht Tribe
 - Yuułu?it?at? Government
 - Tla'amin Nation
- ☐ the child is under 12 years of age and has a biological parent who is of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous
- ☐ the child is 12 years of age or older, of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous

IMPORTANT NOTE ABOUT A NISGA'A OR TREATY FIRST NATION CHILD:

If the child is a Nisga'a or Treaty First Nation child, you **must serve** the Nisga'a Lisims Government or the Treaty First Nation to which the child belongs with notice of this application as described in section 208 or 209 of the Family Law Act.

To serve them notice, they must receive a copy of this application.

Part 2 | Guardianship affidavit and supporting documents

A party applying to be appointed as a guardian of a child must provide the court with evidence using the Guardianship Affidavit in Form 5 respecting the best interests of the child [s. 51 Family Law Act and Rule 26].

If a child is 12 years of age or older, the court must not appoint a person other than a parent as the child's guardian without the child's written approval, unless satisfied it is in the child's best interests [s. 51 Family Law Act].

- 3. ☐ I understand that I am required to **file a Guardianship Affidavit** in Form 5 as described in Rule 26 **before the court can make a final order** about guardianship.
- 4. ☐ I have **initiated or completed a criminal record check** as required for the Guardianship Affidavit.



Anyone who wants to become a guardian can apply, including a parent who is not a guardian or anyone else (even if they are not related to the child) [s. 51 Family Law Act]. Only a guardian may have parental responsibilities and parenting time with respect to a child [s. 40].



A guardian's parental responsibilities include making decisions respecting the child's cultural, linguistic, religious and spiritual upbringing and heritage, including, if the child is an Indigenous child, the child's Indigenous identity [s. 41 Family Law Act].



For more information about serving Nisga'a Lisims Government or the Treaty First Nation to which the child belongs, see the guidebook.



To complete Form 5, you are required to attach the results from various record checks as exhibits.

The record checks must be initiated at the time of filing this application.



For more information about how to complete a record check, including where to find the forms, see the guidebook.

5. *Select only one of the options below*

- ☐ I am **filing the following required documents** along with this application:
- a Consent for Child Protection Record Check in Form 5 under the *Family Law Act Regulation*
 - a request, in the form provided by the registry, to search the protection order registry
- ☐ I am **not able to file the required documents** with this application.
I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that the documents be filed with this application. I understand I will still be required to file the documents at a later date.



You must file a consent and request for record check or an Application for Case Management Order Without Notice or Attendance Form 11.