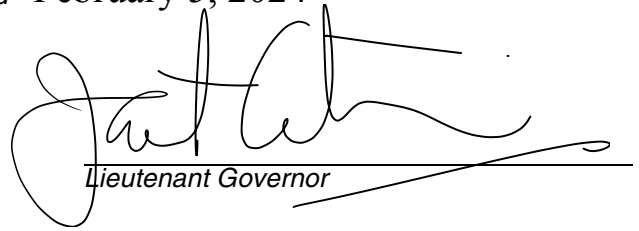


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

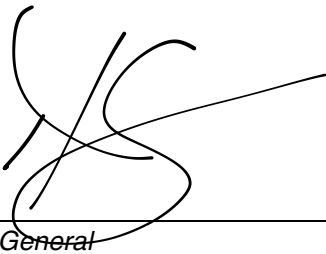
Order in Council No. 32

, Approved and Ordered February 5, 2024


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Provincial Court Family Rules, B.C. Reg. 120/2020, are amended as set out in the attached Schedule.


Attorney General
Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Court Rules Act, R.S.B.C. 1996, c. 80, s. 1*

Other:

R10749618

SCHEDULE

- 1 Forms 10 and 11 in the Appendix of the Provincial Court Family Rules, B.C. Reg. 120/2020, are repealed and the following substituted:***

FORM 10

Application for Case Management Order

FORM 10

Provincial Court Family Rules

Rules 54, 55, 64, 83 and 159

Registry location:	
Court File Number:	

1. My name is *[full name of party/person]*. My date of birth is *[mmm/dd/yyyy]*.

My contact information and address for service of court documents are:

Lawyer (if applicable):		
Address:		
City:	Province:	Postal code:
Email:	Telephone:	

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

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) who may be directly affected by the order is/are:

[full name of other person(s)]

5. *Complete only if everyone consents to the order you are asking for. You may leave this section blank.*

- ☐ Each party, including any person directly affected by the order, has consented to the case management order and:

Select only one of the following options

- ☐ a **draft Consent Order** in Form 18 signed by each party, and any other person directly affected by the order, or their lawyer, is submitted with this application and supporting documents for review without attending before the court
- ☐ a court appearance is requested

6. I have contacted each other party to discuss available dates and times for the court appearance ☐ Yes ☐ No

If yes, have they agreed to a date and time for the court appearance? ☐ Yes ☐ No

For registry use only – if applicable

This application will be made to the court at *[court registry, street address, city]*

on *[date]* **at** *[time]* **a.m./p.m.**

You must attend the court appearance *[method of attendance]*, **unless otherwise allowed by the court.** ☐ See attached for details

NOTE TO PARTIES: 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.

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

Select only one of the options below

- ☐ where my existing case with the same party/parties is located
- ☐ closest to where the child lives most of the time, because my case involves a child-related issue
- ☐ closest to where I live because my case does not involve a child-related issue
- ☐ permitted by court order

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

- ☐ transferring the court file to another registry for all purposes or specific purposes
- ☐ relating to the management of a court record, file or document, including access to a court file
- ☐ correcting or amending a filed document, including the correction of a name or date of birth
- ☐ setting a specified period for the filing and exchanging of information or evidence, including a financial statement in Form 4 *[Financial Statement]*
- ☐ specifying or requiring information that must be disclosed by a person who is not a party to the case
- ☐ requiring that a parentage test be taken under section 33 *[parentage tests]* of the *Family Law Act*
- ☐ requiring access to information in accordance with section 242 *[orders respecting searchable information]* of the *Family Law Act*
- ☐ authorizing an official of the court, in accordance with section 10 of the *Family Orders and Agreements Enforcement Assistance Act* (Canada), to make an application under section 12 of that Act for the release of information
- ☐ recognizing an extraprovincial order other than a support order
- ☐ 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
- ☐ allowing a person to attend a court appearance using a different method of attendance
- ☐ adjourning a court appearance
- ☐ respecting the conduct of a party or management of a case
- ☐ 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
- ☐ adding or removing a party to the case, including leave to intervene under section 204 (2) *[intervention by Attorney General or other person]* of the *Family Law Act*
- ☐ respecting the appointment of a lawyer to represent
 - i) the interests of a child, or
 - ii) a party
- ☐ settling or correcting the terms of an order made under the rules
- ☐ cancelling a subpoena
- ☐ changing, suspending or cancelling an order made in my absence

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

☐ 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)

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.

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FORM 11

Application for Case Management Order Without Notice or Attendance

FORM 11

Provincial Court Family Rules
Rules 65 and 78

Registry location:	
Court File Number:	

1. My name is *[full name of party/person]*. My date of birth is *[mmm/dd/yyyy]*.

My contact information and address for service of court documents are:

Lawyer (if applicable):		
Address:		
City:	Province:	Postal code:
Email:	Telephone:	

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

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

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)

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

Select only one of the options below

- ☐ where the existing case with the same party/parties is located
☐ closest to where the child lives most of the time, because the case involves a child-related issue
☐ closest to where I live because the case does not involve a child-related issue
☐ permitted by court order

ABOUT THE ORDER

6. 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 court appearance using another method of attendance *[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]*
- ☐ authorizing an official of the court, in accordance with section 10 of the *Family Orders and Agreements Enforcement Assistance Act* (Canada), to make an application under section 12 of that Act for the release of information *[file a criminal record check and completed affidavit that meets the requirements of sections 8 and 9 of the Family Orders and Agreements Enforcement Assistance Act (Canada)]*
- ☐ recognizing an extraprovincial order other than a support order *[complete and attach Schedule 5]*

SCHEDULE 1 – ATTENDANCE USING ANOTHER METHOD OF ATTENDANCE

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 court appearance using another method of attendance.

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 settlement conference
☐ trial preparation conference
☐ hearing
☐ other (specify):

Scheduled for [mmm/dd/yyyy] at [time] by [method of attendance]

By another method of attendance as follows:

- ☐ in person
☐ telephone
☐ video conference
☐ other means of electronic communication (specify):

2. 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

3. I (and/or my lawyer) need to attend the court appearance by another method of attendance 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 risk of harm, 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 Priority Parenting Matter
☐ Application About a Family Law Matter
☐ 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

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*

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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 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 7
- ☐ attending a needs assessment
- ☐ completing a parenting education program
- ☐ participating in consensual dispute resolution
- ☐ filing a completed financial statement with my application, counter application or reply
- ☐ filing the required documents for an application about guardianship of a child
- ☐ time to file a reply, including permission to file a reply after the time to reply has passed
- ☐ time to provide/exchange document(s)
- ☐ time limit set by an order or direction made on [mmm/dd/yyyy] by [name of judge or family justice manager]
- ☐ 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.

[illegible]

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 or modify 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 or modify 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 or modifying the requirement will benefit the case proceeding*

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SCHEDULE 4 – ACCESS TO INFORMATION SECTION 242

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

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 of party:		Date of birth: [mmm/dd/yyyy]
Lawyer (if applicable):		
Address:		
City:	Province:	Postal code:
Email:	Telephone:	