

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 429

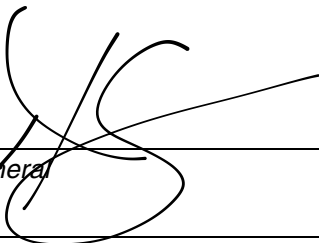
, Approved and Ordered July 8, 2024



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, effective August 1, 2024, the attached Provincial Court (Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws of the Cowichan People for Families and Children]) Rules are made.



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: _____

R10713202

**PROVINCIAL COURT (Snuw'uy'ulhtst tu Quw'utsun
Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem [LAWS OF
THE COWICHAN PEOPLE FOR FAMILIES AND
CHILDREN]) RULES**

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RULE 1 – PURPOSE

Purpose

- (1) The purpose of these Rules is to promote the safety and well-being of Cowichan Tribes Smun'eem [children] by enabling court decisions to be obtained in matters arising under Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws of the Cowichan People for Families and Children] in a way that recognizes and incorporates the Snuw'uy'ulh [laws and legal process] as reflected in those laws.

RULE 2 – INTERPRETATION

Definitions

- (1) In these Rules:
 - “**business day**” means a Monday, Tuesday, Wednesday, Thursday or Friday that is not a holiday;
 - “**clerk**” means a member of the registry staff;
 - “**Indigenous governing body**” has the same meaning as in *An Act respecting First Nations, Inuit and Métis children, youth and families* (Canada), as amended from time to time;

“lawyer of record”, in relation to a party, means a lawyer who has provided notification or advised the court in accordance with Rule 10 (20);

“method of attendance”, in relation to a case conference and hearing, includes

- (a) attending in person, and
- (b) attending by telephone, video conference or other means of electronic communication;

“party” means a person who, under the Snuw’uy’ulhtst u’ tu Shhw’a’luqwa’a’ i’ Smun’eem [Laws for Families and Children], is a party to a proceeding under that Law;

“registry” means a registry of the court;

“Snuw’uy’ulhtst u’ tu Shhw’a’luqwa’a’ i’ Smun’eem” [Laws for Families and Children] means Snuw’uy’ulhtst u’ tu Quw’utsun Mustimuhw u’ tu Shhw’a’luqwa’a’ i’ Smun’eem [Laws of the Cowichan People for Families and Children] as amended or replaced from time to time.

Interpretation

(2) The following apply respecting these Rules:

- (a) words and expressions not defined in these Rules have the meaning given to them in the Snuw’uy’ulhtst u’ tu Shhw’a’luqwa’a’ i’ Smun’eem [Laws for Families and Children], unless the context indicates otherwise;
- (b) sections 1.4 to 1.8 in Part 1 of the Snuw’uy’ulhtst u’ tu Shhw’a’luqwa’a’ i’ Smun’eem [Laws for Families and Children] apply to the interpretation of these Rules;
- (c) words in English in square brackets in these Rules are intended for convenience of reference only;
- (d) the words and expressions referred to in paragraph (a) may be capitalized in these Rules when capitalized in the defined terms in the Snuw’uy’ulhtst u’ tu Shhw’a’luqwa’a’ i’ Smun’eem [Laws for Families and Children];
- (e) these Rules are to be interpreted and administered in accordance with the Purpose and Guiding Principles in Part 2, and the Minimum Standards in Part 3, of the Snuw’uy’ulhtst u’ tu Shhw’a’luqwa’a’ i’ Smun’eem [Laws for Families and Children], including the provisions in Part 3 that relate to the best interests of the Smun’eem [child];
- (f) proceedings are to be conducted in accordance with the Purpose and Guiding Principles in Part 2, and the Minimum Standards in Part 3, of the Snuw’uy’ulhtst u’ tu Shhw’a’luqwa’a’ i’ Smun’eem [Laws for Families and Children], including the provisions in Part 3 that relate to the best interests of the Smun’eem [child];
- (g) orders and directions are to be made in accordance with the Purpose and Guiding Principles in Part 2, and the Minimum Standards in Part 3, of the Snuw’uy’ulhtst u’ tu Shhw’a’luqwa’a’ i’ Smun’eem [Laws for Families and Children], including the provisions in Part 3 that relate to the best interests of the Smun’eem [child].

RULE 3 – MAKING APPLICATIONS

Initiating a presentation hearing

- (1) To initiate a presentation hearing, a CEO must complete and file with the court an Application For a Presentation Hearing (Form 1).

Applications for orders

- (2) To apply for an order, other than an order made at a presentation hearing, a person must complete and file with the court an Application Respecting Orders (Form 2) or an Application to Change Method of Attendance (Form 3), as applicable, unless a judge permits otherwise.

Applications to change or cancel orders

- (3) To apply for an order changing or cancelling another order under sections 8.37 to 8.39 of the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children], a person must complete and file with the court an Application Respecting Orders (Form 2), unless a judge permits otherwise.

Application may be made orally

- (4) At a hearing or a case conference, a judge may permit an application to be made orally in court without the filing of a form.

Where a presentation hearing must be initiated

- (5) An Application For a Presentation Hearing (Form 1) must be filed in the Duncan registry unless a judge permits otherwise.

Where an application must be filed

- (6) An application in Form 2 or Form 3 must be filed
 - (a) in the registry where the file is located, unless Rule 10 (12) or (13) applies, or
 - (b) if there is no file, in the Duncan registry unless a judge permits otherwise.

Conduct of hearings

- (7) A judge may conduct a hearing or part of a hearing with one or more persons attending by telephone, video conference or other means of electronic communication.

Some applications may be granted without a hearing

- (8) A judge may make the following orders without a hearing:
 - (a) an order under Rule 8 (12), permitting the use of another service method;
 - (b) an order under Rule 10 (3), shortening or extending a time period;
 - (c) an order under Rule 11 (5), changing the method of attendance unless the order is in relation to a hearing at which sworn oral evidence is given;
 - (d) an order under section 8.8 of the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children], shortening or extending the time for serving notice or dispensing with notice;

- (e) a consent order, or an order dispensing with consent, under section 8.13 of the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children].

How to apply for an order without a hearing

- (9) To apply for an order under subrule (8) (a), (b), (d) or (e) of this Rule, a person must file
 - (a) an affidavit setting out the facts on which the application is based, and
 - (b) the Application Respecting Orders (Form 2). (See Rule 3 (2))

How to apply for an order for changing method of attendance without a hearing

- (10) To apply for an order under subrule (8) (c) of this Rule, a person must file the Application to Change Method of Attendance (Form 3). (See Rule 11 (5))

RULE 4 – CASE CONFERENCES

When case conference may be directed

- (1) At any time,
 - (a) a party may request a case conference, or
 - (b) a judge may direct the parties and their lawyers and the Sul-hween Harmony Restoring Advisory established under section 8.9 of the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children] to attend a case conference.

When case conference must be directed

- (2) At the conclusion of a presentation hearing under the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children], if no consent order is made, the judge must direct the parties and their lawyers and the Sul-hween Harmony Restoring Advisory to attend a case conference.

Judge may adjourn case conference

- (3) If a member of the Sul-hween Harmony Restoring Advisory cannot attend a case conference on the date set for the case conference, a judge must adjourn the case conference to a date when a member of the Sul-hween Harmony Restoring Advisory can attend unless by or at the commencement of the case conference the parties have consented to the order that is being sought at the case conference.

Disclosure must be reviewed

- (4) When a case conference is directed, the judge must review the extent of disclosure made and requested under the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children] and may make any order for disclosure consistent with the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children].

Case conference notice

- (5) When a case conference is directed, the CEO must notify the other parties of the date, time and place of the conference, unless the conference was directed when the parties or their lawyers of record were present.

What happens at a case conference

- (6) At a case conference, a judge
- (a) must utilize the Sul-hween Harmony Restoring Advisory to resolve any issue involving a Smun'eem [child] who has been removed from their Parent or Care Provider in accordance with the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children], and
 - (b) may do one or more of the following:
 - (i) facilitate the resolution of any issue in dispute;
 - (ii) mediate any issue in dispute, other than the issue of whether the Smun'eem [child] needs protection;
 - (iii) with the consent of the parties, refer any issue, other than the issue of whether the Smun'eem [child] needs protection, to mediation or another alternative dispute resolution mechanism;
 - (iv) decide any issue that does not require evidence or that can be decided on the basis of facts agreed to by the parties;
 - (v) subject to section 8.13 of the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children], make any order in the terms the parties agree to;
 - (vi) review the adequacy of disclosure by the parties;
 - (vii) order that a party provide to another party, within a set time, a summary of the intended evidence of a potential witness;
 - (viii) order a party to allow another party to inspect and copy specific documents or records to the extent permitted by the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children];
 - (ix) order that those applications that cannot be made at the case conference be made within a set time;
 - (x) order that a statement of agreed facts be filed within a set time;
 - (xi) give directions about any evidence that will be required, how it will be received and the procedure that will be followed, if a hearing is necessary;
 - (xii) order a party to produce anything as evidence at a hearing;
 - (xiii) without hearing witnesses, give a non-binding opinion on the probable outcome of a hearing;
 - (xiv) set a date for a hearing;
 - (xv) direct that any further case conference be held before the same judge;
 - (xvi) make an order about the method of attendance of a person at a further case conference;

- (xvii) make any other order or give any other direction to further the achievement of the purpose of these Rules.

Privacy at case conference

- (7) The following persons may attend a case conference:
 - (a) the parties and their lawyers;
 - (b) the Smun'eem [child],
 - (i) if the Smun'eem [child] is 12 years of age or over, unless the judge orders otherwise, or
 - (ii) if the Smun'eem [child] is under 12 years of age, if the judge allows the Smun'eem [child] to attend;
 - (c) any other person the judge allows.

Direction where case conference to be conducted

- (8) The chief judge may direct that a case conference set at one place be conducted at another place.

RULE 5 – WITNESSES

How to subpoena a witness

- (1) To require a witness to attend court, a party must
 - (a) complete a Subpoena (Form 4), 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. (See Rule 8)

Travelling expenses

- (2) At the time a subpoena is served, the party subpoenaing the witness must offer the witness
 - (a) for a subpoena to appear in person, reasonable estimated travelling expenses, or
 - (b) for a subpoena to appear by another method of attendance, the reasonable estimated cost of the telephone call, video conference or other method of attendance.

How to change a witness's method of attendance

- (3) A witness may apply to a judge under Rule 11 (5) to change a witness's method of attendance.

Judge may change a witness's method of attendance

- (4) The judge may order a witness to attend court by any method of attendance that the judge considers appropriate in the circumstances.

If a judge changes a witness's method of attendance

- (5) If a judge changes a witness's method of attendance, the judge
 - (a) must direct the witness

- (i) how, and by what date, to submit and serve any records and other things, if the witness will not be attending in person, and
 - (ii) where or how to attend, including by providing a telephone number or video conferencing information, if applicable, and
- (b) may order
 - (i) the return of any money that was provided under subrule (2) of this Rule, or
 - (ii) that the party subpoenaing the witness pay for the witness's travelling expenses, telephone call, video conference or other reasonable estimated cost of the method of attendance.

What a witness served with a subpoena must do

- (6) A witness 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) if the witness attends court in person, bring to court any records and other things required by the subpoena.

Subpoena may be cancelled or varied

- (7) A person who is served with a subpoena may apply under Rule 3 (2) or 11 (5) to a judge, who may
 - (a) cancel the subpoena if
 - (i) the person is not needed as a witness,
 - (ii) it would be a hardship for the person to appear in court as required by the subpoena, or
 - (iii) in the case of a child witness, the judge considers that it would not be in the child's best interests to require the child to testify, or
 - (b) vary the subpoena to allow the witness to attend court by another method of attendance.

If a witness does not obey a subpoena

- (8) A judge may issue a Warrant (Form 5) 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.

How long a warrant for arrest of witness is in force

- (9) A warrant remains in force until
 - (a) the witness named in the warrant appears in court either voluntarily or under the warrant, or
 - (b) a judge cancels the warrant.

After witness is arrested

- (10) A witness who is arrested under a warrant must be brought before a judge or justice of the peace.

What the judge may do when the witness appears

- (11) If the witness's evidence is still required, the judge may
 - (a) release the witness on giving the witness a Release (Form 6) 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 peace officer to detain the witness in custody until the presence of the witness is no longer required.

Conditions of release

- (12) A judge may make the release of a witness under subrule (11) (a) of this Rule subject to any conditions respecting reporting or residency or entering into a recognizance that the judge considers necessary to make sure the witness attends.

RULE 6 – HEARINGS

How evidence is given

- (1) At a hearing, evidence may be given orally on oath or affirmation or, if the judge allows,
 - (a) by affidavit, subject to Rule 7,
 - (b) by statements of facts agreed to by the parties, or
 - (c) as permitted under section 8.6 of the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children].

If person does not appear

- (2) If a person who is served with an application does not appear in court on the date and at the time and place set for the hearing, the judge may hear the application and make the order applied for if the judge thinks it is fair to do so in the absence of that person.

Advance notice of experts' evidence required

- (3) A party may call an expert to give evidence of the expert's opinion only if
 - (a) the party provides a written summary of the expert's evidence to all other parties at least 30 days before the expert is called to give evidence, or
 - (b) a judge grants permission.

Experts' reports must be given in advance

- (4) Instead of calling an expert to give evidence, a party may introduce a report stating opinions of an expert, if
 - (a) the party provides a copy of the report to all other parties at least 30 days before the report is introduced, or
 - (b) a judge grants permission.

CEO not an expert

- (5) For the purposes of notice under subrule (3) or (4) of this Rule, a CEO, or a delegate of a CEO, is not an expert.

Experts' qualifications

- (6) A statement of qualifications in an expert's report is proof that the expert has those qualifications unless there is evidence to the contrary.

Proof of signature not required

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

Experts may be called for cross-examination

- (8) A party receiving another party's expert report may serve on the other party, at least 14 days before the hearing date, a notice requiring the expert to attend the hearing for cross-examination. (See Rule 8)

Cost of calling other party's expert

- (9) If a judge determines that calling another party's expert was unnecessary, the judge may order the party who required the expert to attend to pay the expert's expenses.

RULE 7 – AFFIDAVITS

What form to use

- (1) An affidavit permitted under these Rules must be in Form 7.

Exhibits

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

Permission to use defective affidavit

- (3) With the permission of the judge, an affidavit may be used in evidence even though it does not comply in form with this Rule.

Affidavit must be filed and served

- (4) Evidence may be given by affidavit at a hearing only if, at least 2 days before the date of the hearing,
- (a) copies of the affidavit are filed in the registry, and
 - (b) a copy of the affidavit is served on every person who is entitled to notice of the hearing. (See Rule 8)

RULE 8 – SERVICE AND PROVING SERVICE

Definition

- (1) In this Rule, “**Provincial director**” means a director as defined in section 1 (1) of the *Child, Family and Community Service Act*.

Address for service

- (2) An address for service may be any of the following:
- (a) a mailing address;
 - (b) an email address;
 - (c) a facsimile number.

Service requirements

- (3) Unless the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children] or these Rules provide otherwise, an application must be served at least 10 days before the date set for the hearing
- (a) on the other parties, and
 - (b) if an order is sought against some other person, on that person.

When service is not required

- (4) Service of an application is not required if
- (a) the application is for permission to use another service method,
 - (b) the application is for access to a Smun'eem [child] under section 6.12 of the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children],
 - (c) the application is for a consent order and each of the required consents has been obtained, or is for an order dispensing with consent, under section 8.13 of the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children],
 - (d) the application is for a protective intervention order or restraining order under section 8.14 of the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children], or
 - (e) a judge so orders.

Unfiled copy may be served

- (5) A copy of an application or other document served need not be a filed copy.

How documents may be served

- (6) Documents required by the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children] or these Rules to be served may be served as follows:
- (a) on an individual,
 - (i) by leaving a copy with the individual,
 - (ii) by registered mail, email or facsimile transmission to the last address, email address or facsimile number given as an address for service under subrule (2) or (7) of this Rule, or
 - (iii) if the individual is a party with a lawyer of record, by leaving a copy at that lawyer's office or by email or facsimile transmission to that lawyer's office;
 - (b) on a Speaker, by leaving a copy with the Speaker;

- (c) on a designated representative of a First Nation, of a Treaty First Nation or of the Nisga'a Lisims Government or on an Indigenous governing body,
 - (i) by email to the email address, or by sending a facsimile transmission to the facsimile number, if provided as an address for service, or
 - (ii) by leaving a copy with the designated representative or the Indigenous governing body at the main office of the designated representative or the Indigenous governing body, as applicable;
- (d) on a society within the meaning of the *Societies Act*,
 - (i) by registered mail to the mailing address of the society's registered office on file with the Registrar of Companies,
 - (ii) by leaving a copy at the delivery address of the society's registered office on file with the Registrar of Companies or with a director or officer of the society, or
 - (iii) if the society has provided an email address as an address for service, by email to the email address of the society;
- (e) on a company within the meaning of the *Business Corporations Act*,
 - (i) by registered mail to the mailing address of the company's registered office on file with the Registrar of Companies,
 - (ii) by leaving a copy of it at the delivery address of the company's registered office on file with the Registrar of Companies or with a director or officer of the company, or with a receptionist or a person at the company's place of business who appears to manage the company's business there, or
 - (iii) if the company provided an email address as an address for service, by email to the email address of the company;
- (f) on an unincorporated association,
 - (i) by registered mail to the registered office of the association,
 - (ii) by leaving a copy with an officer of the association, or
 - (iii) if the association provided an email address as an address for service, by email to the email address of the association;
- (g) on a Provincial director,
 - (i) by leaving a copy with, or by sending a facsimile transmission to, the Provincial director's lawyer of record,
 - (ii) by email to the Provincial director's lawyer of record, or
 - (iii) by leaving a copy at, or by sending a facsimile transmission to, the district office with conduct of the case;
- (h) on the CEO,
 - (i) by leaving a copy with, or by sending a facsimile transmission to, the CEO or the CEO's lawyer of record,
 - (ii) by email to the CEO or to the CEO's lawyer of record, or
 - (iii) by leaving a copy at, or by sending a facsimile transmission to, the main office of the Stsi'elh stuhw'ew't-hw tun Smun'eem [Cowichan Tribes' Child and Family Services Authority].

Party must give address

- (7) A party must give an address for service either
- (a) on the face of a document filed by the party, or
 - (b) by filing a Notice of Address for Service (Form 8).

Person may give address

- (8) A person entitled to notice under section 8.27 (b), (c), (d) or (e) of the *Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem* [Laws for Families and Children] may file a Notice of Address for Service (Form 8).

Party must notify of change of address

- (9) If a party's address for service changes, the party must notify the other parties of the new address either
- (a) on the face of a document filed by the party, or
 - (b) by filing a new Notice of Address for Service (Form 8).

Service on Smun'eem [child] 12 and over

- (10) A document may be served on a Smun'eem [child] who is 12 years of age or older by,
- (a) if the Smun'eem [child] has a Speaker, leaving a copy of it with the Speaker, or
 - (b) if the Smun'eem [child] does not have a Speaker, leaving a copy with the Smun'eem [child] unless a judge orders otherwise.

Service on Smun'eem [child] under 12

- (11) A document may be served on a Smun'eem [child] who is under 12 years of age by,
- (a) if the Smun'eem [child] has a Speaker, leaving a copy of it with the Speaker, or
 - (b) if the Smun'eem [child] does not have a Speaker and if a judge so orders, leaving a copy with the Smun'eem [child].

Permission to use other service methods

- (12) If a document cannot be served as provided in these Rules or if the person to be served is temporarily outside the Province, a person may apply to a judge who may
- (a) permit another method of service to be used, and
 - (b) direct how service is to be proved.

Proving service

- (13) Service of a document may be proved by filing the following at the registry:
- (a) for personal service of a document, a Certificate of Service (Form 9);
 - (b) for service by registered mail, a Certificate of Service (Form 9) that includes one of the following:
 - (i) a copy of the signature obtained by Canada Post at the time the document was delivered;

- (ii) a printout of the delivery confirmation made available on the internet by Canada Post;
- (c) for personal service on the lawyer of record, a copy of the document signed by the lawyer of record, an articulated student or a partner or employee of the firm;
- (d) for service by facsimile transmission, a Certificate of Service (Form 9) with a transmission report generated by the sending machine;
- (e) for service by email, a Certificate of Service (Form 9) with the following attached to the certificate:
 - (i) a printout of the first page of the email message that includes the sender's name, the recipient's email address, the date the email was sent and the time the email was sent;
 - (ii) if the printout of the first page of the email message does not list the name of the document as an attachment to the email, a copy of the document.

When service by email is deemed to be completed

- (14) A document transmitted for service by email under this Rule is deemed to be served as follows:
 - (a) if the document is transmitted before 4 p.m. on a business day, the document is deemed to be served on the day of transmission;
 - (b) if the document is transmitted on a day that is not a business day, or after 4 p.m. on a business day, the document is deemed to be served on the next business day.

If document does not reach person

- (15) A judge may make orders or give directions to serve a document in a specified manner or give any other order or direction that the judge considers appropriate if the document was served in accordance with this Rule, and a person shows on application that the document
 - (a) did not come to the person's notice,
 - (b) came to the person's notice later than when it was served or effectively served, or
 - (c) was incomplete or illegible.

Judge may require copy of served document

- (16) A judge may require that a copy of the served document be attached to the Certificate of Service (Form 9).

Oral proof of service

- (17) Instead of requiring proof of service under subrule (13) of this Rule, a judge may allow a person to prove by sworn oral evidence that the person has personally served a document.

RULE 9 – ORDERS

Effective date of order

- (1) Unless the judge orders otherwise, an order takes effect on the day it was made.

Who prepares order

- (2) Unless the judge orders otherwise, the CEO's lawyer of record will prepare the order.

Form of order

- (3) Orders must be prepared in Form 10, or, in the case of a protective intervention order or a restraining order under section 8.15 or 8.17 of the *Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem* [Laws for Families and Children], in Form 11.

Approving the order

- (4) An order must be signed as approved by the lawyer of record for each party who was represented, unless
 - (a) the judge orders otherwise, or
 - (b) the order, including a protective intervention order or restraining order, is made under section 8.15 or 8.17 of the *Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem* [Laws for Families and Children].

Settling the terms of an order

- (5) A party may apply to a judge to settle the terms of an order when there is a dispute about the terms. (See Rule 3 (2))

Delivering the order to the registry

- (6) After an order is signed as approved in accordance with subrule (4) of this Rule, it must be
 - (a) delivered to the registry to be signed by a judge,
 - (b) filed with the court, and
 - (c) date-stamped with the registry stamp.

Notice of order

- (7) Unless the judge orders otherwise, after an order is signed by the judge and filed with the court, a clerk must provide a copy
 - (a) to the lawyer of record for each party who was represented, and
 - (b) to every other party, on request.

Correcting an order

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

RULE 10 – GENERAL

Proceedings may be informal

- (1) Proceedings may be as informal as the judge permits.

Judge may adjourn hearing

- (2) Whether or not the parties consent, a judge may adjourn a hearing to a specific date.

Judge may shorten or extend time limits

- (3) A judge may shorten a period of time for doing anything required under these Rules or may extend the period even though it has expired.

Adjournment

- (4) A hearing may be adjourned only
- (a) with the permission of a judge, or
 - (b) in the case of a hearing at which sworn oral evidence will not be given, if the CEO's lawyer of record files with the court a Consent Adjournment (Form 12) after having obtained consent of all of the parties or their lawyer of record, as applicable.

Changing or cancelling orders

- (5) A judge may change or cancel an order made in the absence of a party who received notice of a hearing if
- (a) that party applies for the change or cancellation within a reasonable time,
 - (b) the party had a good reason for failing to attend when the order was made,
 - (c) there is a good reason for changing or cancelling the order, and
 - (d) the change or cancellation would be in the best interests of the Smun'eem [child] in accordance with the Minimum Standards in Part 3 of the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children].

Notice to others

- (6) At any time during a hearing, a judge may order that a person, whether or not a party, be given notice of the hearing.

Powers that any judge may exercise

- (7) Any judge may do any of the following without being seized of a matter:
- (a) receive the reports and information presented to the court at a presentation hearing;
 - (b) adjourn a hearing before evidence is heard;
 - (c) make orders or give directions on procedural matters;
 - (d) hold a case conference under Rule 4;
 - (e) make orders about a person's method of attendance at a case conference or hearing.

Judge who starts a hearing must continue

- (8) Subject to subrule (9) of this Rule, a judge who has heard any evidence at a hearing must finish the hearing.

If judge cannot finish the hearing

- (9) If a judge who has begun to hear evidence dies or is otherwise unable to act, another judge will hear the case and that judge may
 - (a) start the hearing again and rehear all the evidence, or
 - (b) with the consent of the parties, continue with the hearing where it left off, giving directions for hearing evidence as the judge considers necessary.

Judge may give directions

- (10) A judge may give
 - (a) a direction on any procedural matter that is not provided for in the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children] or these Rules, and
 - (b) any other direction the judge considers appropriate in relation to evidence received from a Smun'eem [child].

Judge may exclude Smun'eem [child]

- (11) A judge may exclude a Smun'eem [child] from the courtroom.

Judge may order transfer of file

- (12) A judge may order a file transferred to another registry in the Service Delivery Area, for the purposes of one application or for all purposes, after considering
 - (a) the balance of convenience,
 - (b) any special circumstances that exist, and
 - (c) the best interests of the Smun'eem [child] in accordance with the Minimum Standards in Part 3 of the Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem [Laws for Families and Children].

Transfer of file by consent

- (13) If the parties agree, a clerk may transfer a file to another registry in the Service Delivery Area, for the purposes of one application or for all purposes, if the parties
 - (a) complete a written and signed consent to the transfer, and
 - (b) file the consent in the registry where the file is located.

Copy permissible in some circumstances

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

Documents filed by facsimile transmission

- (15) Any document may be filed in a registry by facsimile transmission to that registry, but a judge may require that the original of a document be filed later.

Who may search files

- (16) Unless a judge orders otherwise, only the following persons may search a registry file respecting a matter under the *Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem* [Laws for Families and Children]:
- (a) a party;
 - (b) a party's lawyer of record;
 - (c) a person authorized in writing by a party;
 - (d) a person authorized in writing by a party's lawyer of record.

If a party does not comply with these Rules

- (17) If a party does not comply with these Rules, the judge may, after considering sections 2.4, 2.5 and 3.2 of the *Snuw'uy'ulhtst u' tu Shhw'a'luqwa'a' i' Smun'eem* [Laws for Families and Children],
- (a) cancel a step taken or an order made or disregard a document filed in the course of the application, or
 - (b) make any order or give any direction that the judge thinks is fair, including an order dismissing the application.

Appendix A forms

- (18) The forms in Appendix A are prescribed for the purposes of these Rules.

User-generated forms

- (19) Forms generated by the user must
- (a) be in substantial compliance with the prescribed forms, and
 - (b) show the applicable words of the prescribed form in regular type and the words supplied by the user in boldface type.

Lawyer of record

- (20) For the purposes of these Rules,
- (a) a lawyer must provide notification to the other parties that the lawyer is the lawyer of record for a party by
 - (i) completing and filing with the court a Notice of Lawyer of Record for Party (Form 13), and
 - (ii) serving on each party the form referred to in subparagraph (i), or
 - (b) a lawyer must advise the court, when appearing in court, that the lawyer is the lawyer of record for a party.

Ceasing to be lawyer of record

- (21) For the purposes of these Rules,
- (a) a lawyer must provide notification to the other parties that the lawyer is no longer the lawyer of record for a party by
 - (i) completing and filing with the court a Notice of Removal of Lawyer of Record for Party (Form 14), and
 - (ii) serving on each party the form referred to in subparagraph (i), or

- (b) a lawyer must advise the court, when appearing in court, that the lawyer is no longer the lawyer of record for a party.

Judge may waive or modify process in respect of notification of lawyer of record

- (22) A judge may, at any time, waive or modify the processes in subrules (20) and (21) of this Rule.

RULE 11 – METHOD OF ATTENDANCE

Default method of attendance

- (1) Case conferences and hearings must be attended in person.

Direction by chief judge for exception to default

- (2) Despite subrule (1) of this Rule, the chief judge may direct that a class of case conferences or hearings may or must be attended by telephone, video conference or other means of electronic communication.

Classes of case conferences and hearings

- (3) A direction under subrule (2) of this Rule may be different for different court locations, court registries, classes of case conferences or hearings or classes of persons or circumstances.

Direction on how to attend

- (4) If one or more of the following applies:
 - (a) the chief judge gives a direction under subrule (2) of this Rule that a case conference or hearing may or must be attended by telephone, video conference or other means of electronic communication;
 - (b) an application is granted under subrule (5) of this Rule that a person may attend a case conference or hearing by telephone, video conference or other means of electronic communication;
 - (c) a person attends a hearing that is required under subrule (6) (a) or (b) of this Rule by telephone, video conference or other means of electronic communication;
 - (d) a designated representative attends a case conference or hearing by telephone, video conference or other means of electronic communication, the court must direct the persons attending
 - (e) how, and by what date, to submit and serve any records and other things if the person will not be attending in person, and
 - (f) where or how to attend, including by providing a telephone number or video conferencing information, if applicable.

Application to change method of attendance

- (5) Despite subrules (1) and (2) of this Rule, a person may apply to change the person's own or another person's method of attendance at a case conference or hearing to the

court under Rule 3 (2) by completing and filing with the court an Application to Change Method of Attendance (Form 3).

Requirement for notice of hearing

- (6) An application under subrule (5) of this Rule does not require service of notice, or a hearing, unless
 - (a) the judge requires notice and a hearing, in which case the judge may require service in accordance with Rule 8 or in any other manner the judge considers appropriate, or
 - (b) the application is in respect of a court proceeding at which sworn oral evidence will be given, in which case the judge may require service in accordance with Rule 8.

Hearing on application to change method of attendance

- (7) Unless a judge orders otherwise, a person may attend a hearing that is required under subrule (6) (a) or (b) of this Rule by telephone, video conference or other means of electronic communication.

Attendance by designated representatives

- (8) A designated representative of a First Nation, of a Treaty First Nation, of the Nisga'a Lisims Government or of an Indigenous community
 - (a) may, despite subrules (1) and (2) of this Rule, attend a case conference or hearing by telephone, video conference or other means of electronic communication if the designated representative does not intend to give sworn oral evidence or to call another person to give sworn oral evidence, and
 - (b) must attend a case conference or hearing in person if the designated representative intends to give sworn oral evidence or to call another person to give sworn oral evidence unless
 - (i) a direction under subrule (2) of this Rule applies to the designated representative, or
 - (ii) the designated representative makes a successful application under subrule (5) of this Rule.

Requirement to appear in person

- (9) Despite subrules (1) and (2) of this Rule, a judge conducting a case conference or hearing at which persons are appearing by telephone, video conference or other means of electronic communication may
 - (a) adjourn the conference or hearing at any time, and
 - (b) require persons to attend the case conference or hearing, or any further case conferences or hearings, in person or by another method of attendance that the judge considers appropriate in the circumstances.

Physical presence not required

- (10) For the purposes of these Rules, other than subrules (1) and (8) (b) of this Rule, a reference to attending, appearing, conducting, giving, being present, being in court or being at a place or location is not to be interpreted as requiring in-person attendance.

Case conference or hearing has an associated physical location

- (11) If a case conference or hearing does not take place at a physical location because all persons attend the case conference or hearing by telephone, video conference or other means of electronic communication, the case conference or hearing is considered to take place at the court served by the registry where the court file is.

APPENDIX A

- Form 1 Application For a Presentation Hearing
- Form 2 Application Respecting Orders
- Form 3 Application to Change Method of Attendance
- Form 4 Subpoena
- Form 5 Warrant
- Form 6 Release
- Form 7 Affidavit
- Form 8 Notice of Address For Service
- Form 9 Certificate of Service
- Form 10 Order
- Form 11 Protective Intervention Order
- Form 12 Consent Adjournment
- Form 13 Notice of Lawyer of Record For Party
- Form 14 Notice of Removal of Lawyer of Record
- Form 15 Written Consent

Application For a Presentation Hearing Form 1

In the Provincial Court of British Columbia

Under the

Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem

[Laws of the Cowichan People for Families and Children]

REGISTRY FILE NUMBER

REGISTRY LOCATION

In the matter of the Smun'eem

Name

Date(s) of Birth (mm/dd/yyyy)

The parent(s)/care provider(s) of the Smun'eem is/are:

Name

This information is filed on behalf of the CEO by:

Name

Address

City

Province

Postal Code

Phone

Fax

Email Address

Notice to:

Name

Address (include tel., fax #, and email address if applicable)

- ☐ The Smun'eem remain(s) in the care of the parent(s)/care provider(s) and the CEO applies under s. 7.27 for an order that the CEO supervise that care, because the CEO has reasonable grounds to believe the Smun'eem needs protection, and a supervision order would be necessary to protect the Smun'eem.

The Smun'eem was/were removed under the authority of the *Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem* [Laws of the Cowichan People for Families and Children],

- ☐ s. 7.28 The CEO has clear and convincing evidence to believe the Smun'eem needs protection, AND
- ☐ s. 7.28 all Active Efforts to provide support and less disruptive Intervention Services have been exhausted, OR,
- ☐ s. 7.28 parent(s)/care provider(s) decline(s) to participate in the voluntary processes of this Law, and no other less disruptive measure that is available is adequate to protect the Smun'eem, OR,
- ☐ s. 7.28 the Smun'eem is under a Continuing Custody Order, in which case the Smun'eem will be deemed to be in need of protection and the provisions of ss. 12.3 to 12.6 of the Law will apply.

The Smun'eem ☐ has/have or ☐ has not/have not been returned to the parent(s)/care provider(s).

A hearing will take place on _____ at _____ ☐ am ☐ pm
Date Time

☐ in person at

court location

☐ by another method of
attendance, as specified

attendance details

When remote appearance is included in the "by" field, you may choose to attend in that method.

The report is either:

☐ attached to this form, OR

☐ will be available at the presentation hearing.

Previous proceeding(s) under the *Child, Family and
Community Service Act* involving the Smun'eem or the
Smun'eem's sibling(s) or the Stsi'elh stuhw'ew't-hw tun
Smun'eem:

☐ Yes ☐ No

Details _____

Previous proceeding(s) under *Snuw'uy'ulhtst tu Quw'utsun
Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem*

☐ Yes ☐ No

[Laws of the Cowichan People for Families and Children] involving the Smun'eem or
the Smun'eem's sibling(s) or the Stsi'elh stuhw'ew't-hw tun Smun'eem:

Details _____

Sign, type or print name

Dated

Lawyer of record for the CEO is: _____
Name

Contact information for the lawyer of record for the CEO:

Address

Phone

Email

APPLICATION RESPECTING ORDERS

Form 2

In the Provincial Court of British Columbia

Under the

Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem

[Laws of the Cowichan People for Families and Children]

REGISTRY FILE NUMBER

REGISTRY LOCATION

THE SMUN'EEM

This is the name and birthdate of each Smun'eem involved.

In the matter of the Smun'eem

Name

Date(s) of Birth (mm/dd/yyyy)

THE PARENT(S)/ CARE PROVIDER(S)

This is the name(s) of the parent(s)/care provider(s) of the Smun'eem listed above.

The parent(s)/care provider(s) of the Smun'eem is/are:

Name

FILED BY:

This is the name, address and email address of the one who is making this application.

This application is filed by:

Name

Address

City

B.C.

Postal Code

Phone

Fax

Email Address

NOTICE TO:

This is the name address (and phone, fax number, and email address if applicable) of everyone who is required to be notified of the application.

Notice to:

Name

Address (include tel., fax #, and email address if applicable)

COURT DATE:

This is the date, time and place of the hearing of the application.

I will apply to this court on

Date

at

Time

☐ am ☐ pm

☐ in person at

court location

☐ by another method of attendance, as specified

attendance details

When remote appearance is included in the "by" field, you may choose to attend in that method.

APPLYING FOR:

This is the order that the court will be asked to make, and the section of the Laws or Rule that allows it.

- ☐ an order for access to, information about or examination of a Smun'eem (s. 6.12)
- ☐ an ordering varying notice requirements (s. 8.8)
- ☐ a consent order (s. 8.13)
- ☐ an order dispensing with required consent (s. 8.13)
- ☐ a protective intervention or restraining order (s. 8.15 or 8.17)
- ☐ a supervision order (s. 8.21)
- ☐ an order that a person be a party at a hearing (s. 8.29(g))
- ☐ to cancel an order made at a presentation hearing (s. 8.31(c))
- ☐ a temporary custody order placing a Smun'eem in the care, custody and guardianship of a person other than a parent (s. 8.33(b))
- ☐ a temporary custody order placing a Smun'eem in the care, custody and guardianship of the CEO (s. 8.33(c))
- ☐ an ongoing custody order placing a Smun'eem in ongoing custody of the CEO (s. 8.33(d))
- ☐ an order for access to a Smun'eem (s. 8.35)
- ☐ an extension of an order (s. 8.38)
- ☐ a change to an order (s. 8.39(a))
- ☐ a cancellation of an order (s. 8.39(a))
- ☐ an order that a police officer take charge of a Smun'eem (s. 8.45)
- ☐ an order permitting use of another service method, as set out below (Rule 8(12))

This is more information about the order asked for, whether or not it is one of the listed orders.

☐ an order as set out below

Details of the order requested and the section of the Law or Rule relied upon:

Where an application is for an ongoing custody order under s. 8.33(d) the following under s. 8.42 are applicable (complete all that apply):

☐ all measures to maintain family unity have been exhausted

☐ the identity or location of a parent of the Smun’eem has not been found after a diligent search and is not likely to be found

☐ the parent is unable or unwilling to resume custody of the Smun’eem

☐ no other family members are able or willing to assume custody of the Smun’eem

☐ due to the nature and extent of the harm suffered by the Smun’eem, or likelihood that the Smun’eem will suffer harm, there is little prospect that it is in the best interests of the Smun’eem to be returned to the parent

Complete this section if you are asking the court to CHANGE or CANCEL AN ORDER

FOR AN ORDER THAT:

☐ the attached order be cancelled; OR

☐ the attached order be changed to do the following:

☐ Since the order was made, circumstances have changed significantly as follows:

REASONS:
This is more information about the reasons why the court should change or cancel the order.

The change or cancellation of the order would be in the best interest of the Smun’eem because:

I make this application under

☐ s. 8.31

☐ s. 8.33

☐ s. 8.37

☐ s. 8.38

☐ s. 8.39

☐ Rule 10(5)

Sign, type or print name

Dated

ADDRESS FOR SERVICE:
This is the address where documents can be mailed, emailed, or faxed to the person making this application.

Address for service if different from Applicant’s:			
Address		City	B.C.
Postal Code	Phone	Fax	
Email Address			

APPLICATION TO CHANGE METHOD OF ATTENDANCE

Form 3

In the Provincial Court of British Columbia

Under the

Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem

[Laws of the Cowichan People for Families and Children]

REGISTRY FILE NUMBER

REGISTRY LOCATION

In the matter of the Smun'eem:

Name(s)

Date(s) of Birth (mm/dd/yyyy)

The parent(s)/care provider(s) of the Smun'eem is/are:

Name(s)

Applicant name

Address

City

Province

Postal Code

Phone

Email

Fax

I am Choose one of the following options

- ☐ CEO or delegate ☐ Lawyer/Lawyer of Record for Name
- ☐ Parent / Care Provider ☐ Designated Representative
- ☐ Other Name

1. I am applying for an order to allow:

Select all options that apply

- ☐ Me
- ☐ Parent(s) / Care Provider(s) Include name(s)
- ☐ Witness(es) Include name(s)
- ☐ Other Specify
- (the "Participant")

Choose one of the following options. If Hearing, Trial, Continuation, or Other, please also complete section 2 below.

to attend at the:

- ☐ Case Conference ☐ Hearing ☐ Trial ☐ Continuation
- ☐ Other Specify

Scheduled for mm/dd/yyyy at Time ☐ am ☐ pm by Method of attendance

By another method of attendance as follows: Choose one of the following options

- ☐ Audioconference (telephone)
- ☐ Videoconference (MS Teams)
- ☐ I confirm the Participant has the means to appear by videoconference (computer/tablet/mobile, reliable internet connection)
- ☐ In person

For the following reasons: Must complete this section

☐ Check box if you have attached a page with further information

☐ I understand I must promptly advise the other parties and other persons entitled to notice of this application of the outcome of this application, see Rule 8 Service and Proving Service.

2. The Participant intends to present oral evidence (for example, the Participant intends to testify or call witnesses to testify) at the appearance noted above? ☐ Yes ☐ No

If yes, this application must be served on all other parties and other persons entitled to notice of this application, see Rule 8 Service and Proving Service.

Additional information about oral evidence:

☐ The Participant intends on ☐ testifying and/or ☐ calling witnesses to testify

Insert total number of witnesses ____ and brief description of nature of their evidence

☐ Check box if you have attached a page with further information

Registry to complete:

This application will be made to the court on _____ at _____ ☐ am ☐ pm
Date Time

You may attend the court appearance by another method as specified.

☐ in person at

court location

☐ by another method
of attendance, as
specified

attendance details

3. Select the following additional information that applies:

☐ The Participant requires and has requested or will request an interpreter

☐ The Participant intends on presenting written evidence

brief description of document(s) or materials

☐ Check box if you have attached a page with further information

FOR COURT USE ONLY

Presiding Judge:

Hearing: ☐ required ☐ not required
Application: ☐ granted ☐ denied

Terms if granted/Reasons if denied: _____

Further court directions:

☐ Check box if you have attached a page with further information

Signature

Date _____

FOR REGISTRY USE ONLY

Advised _____ at _____ am/pm on _____
Name of applicant Time Date

(Clerk initials)

SUBPOENA

Form 4

In the Provincial Court of British Columbia
Under the

Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem
[Laws of the Cowichan People for Families and Children]

REGISTRY FILE NUMBER
REGISTRY LOCATION

THE SMUN'EEM:

This is the name and birthdate of each Smun'eem involved.

In the matter of the Smun'eem

Name(s)	Date(s) of Birth (mm/dd/yyyy)

THE PARENT(S)/ CARE PROVIDER(S):

This is the name(s) of the parent(s)/ care provider(s) of the Smun'eem listed above.

The parent(s)/care provider(s) of the Smun'eem is/are:

Name(s)

NOTICE TO:

This is the name, address (and phone, fax number and email address if applicable) of the witness you are requiring to attend court.

To:

Name				
Address		City	B.C.	
Postal Code	Phone	Fax	Email	

You have been subpoenaed as a witness by

--

and you must appear in court

On:

Date	at	Time	<input type="checkbox"/> am	<input type="checkbox"/> pm
at: Address	City	B.C.	Postal Code	

☐ in person at

--

court location

☐ by another method of attendance, as specified

--

attendance details

RECORDS TO BRING:

If you want the witness to bring or submit to court any records or other things, list them here.

If the court made an order that the witness attend in a way other than in person, include the terms of the order made by the judge.

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.

CANCELLING A SUBPOENA:

Rule 5(7) tells how a subpoena may be cancelled.

Can the subpoena be cancelled?

If you believe that you are not needed as a witness or it would be a hardship for you to attend court, you may ask a judge to cancel the subpoena. You may also apply to a judge to change your method of attendance from what is listed on the summons.

TRAVELLING EXPENSES:

You must provide the witness with expenses related to their method of attendance at court.

\$ _____ is attached for reasonable expenses related to the method of your attendance at court.

--

Signature of person issuing subpoena

--

Date

WARRANT

Form 5

In the Provincial Court of British Columbia
Under the

Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem
[Laws of the Cowichan People for Families and Children]

REGISTRY FILE NUMBER

REGISTRY LOCATION

In the matter of the Smun'eem

Name(s)

Date(s) of Birth (mm/dd/yyyy)

The parent(s)/care provider(s) of the Smun'eem is/are:

Name(s)

WARRANT TO ARREST

To all Peace Officers in British Columbia:

This Court orders you to arrest _____
and bring that person before any Judge or Justice of the Peace 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 subpoena;

OR

☐ the person did not comply with an order under section 6.12(a) to disclose the location of the Smun'eem;

OR

☐ the person did not comply with an order under section 6.12(b) to allow the CEO to interview or visually examine the Smun'eem;

☐ the person did not comply with an order under section 6.12(c) to allow a CEO to enter and remove the Smun'eem from the place where the Smun'eem is located for the purpose of transporting them to a place for an interview or medical examination;

☐ the person did not comply with an order under section 6.12(d) allowing a health care provider to examine the Smun'eem;

WARRANT TO ENTER DWELLING AND ARREST

To all Peace Officers in British Columbia:

This Court authorizes you to enter the dwelling located at _____

Address

City

and arrest _____
under the following terms (if any):

provided that:

- immediately before the entry, you have reasonable grounds to believe that the person is present in the dwelling; and
- the person is brought before any Judge or Justice of the Peace as soon as practicable.

The reason for the arrest is that there are reasonable grounds to believe that the person has contravened or is contravening

☐ a protective intervention order under section 8.15 of the Law.

Dated

A Judge of the Provincial Court of British Columbia or

Clerk on behalf of

RELEASE

Form 6

In the Provincial Court of British Columbia

Under the

Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem

[Laws of the Cowichan People for Families and Children]

REGISTRY FILE NUMBER

REGISTRY LOCATION

In the matter of the Smun'eem

Name(s)

Date(s) of Birth (mm/dd/yyyy)

The parent(s)/care provider(s) of the Smun'eem is/are:

Name(s)

Name

B.C.

Address

City

Postal Code

Email Address (if available)

Phone

I promise to attend the Provincial Court on: _____ at _____ ☐ am ☐ pm

Date

Time

☐ in person at

court location

☐ by another method
of attendance, as
specified

attendance details

When remote appearance is included in the "by" field, you may choose to attend in that method.

I am released on these conditions, imposed under Rule 5(12):

My name, address, telephone number, and email address as shown on this Release are correct.

I understand that if I do not attend court on the date and time shown, a judge may issue a warrant for my arrest.

--

Signature of person being released:

--

Dated _____

A Judge of the Provincial Court of British Columbia or
A Justice of the Peace for British Columbia

AFFIDAVIT

Form 7

In the Provincial Court of British Columbia

Under the

Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem

[Laws of the Cowichan People for Families and Children]

REGISTRY FILE NUMBER

REGISTRY LOCATION

THE SMUN'EEM:

This is the name and birthdate of each Smun'eem involved.

In the matter of the Smun'eem

Name(s)

Date(s) of Birth (mm/dd/yyyy)

THE PARENT(S)/ CARE PROVIDER(S):

This is the name(s) of the parent(s)/care provider(s) of the Smun'eem listed above.

YOUR NAME:

This is the name and address of the person swearing the affidavit.

The parent(s)/care provider(s) of the Smun'eem is/are:

Name(s)

I, Name

of, Address

City

Prov.

swear that:

1. I know or firmly believe the following facts to be true. Where these facts are based on information from others, I have stated the source of that information and I firmly believe that information to be true.

2. I make this affidavit in relation to an application by ☐ me or by Name

3.

4.

5.

6.

Sworn before me

on Date

at British Columbia

Signature

SWORN BEFORE:

The affidavit must be sworn before a qualified person. You may do this at the registry.

FILED BY:

The name and address of the person filing the affidavit goes here.

(This may or may not be the person who swears the affidavit.)

This affidavit is filed by: Name

of: Address

City

Prov.

Postal Code

Phone

Fax

NOTICE OF ADDRESS FOR SERVICE

Form 8

In the Provincial Court of British Columbia

Under the

Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem

[Laws of the Cowichan People for Families and Children]

REGISTRY FILE NUMBER

REGISTRY LOCATION

THE SMUN'EEM:

This is the name and birthdate of each Smun'eem involved.

In the matter of the Smun'eem:

Name(s)

Date(s) of Birth (mm/dd/yyyy)

THE PARENT(S)/ CARE PROVIDER(S):

This is the name(s) of the parent(s)/care provider(s) of the Smun'eem listed above.

The parent(s)/care provider(s) of the Smun'eem is/are:

Name(s)

ADDRESS FOR SERVICE:

This is important because it is the address where the registry and other parties will send any further notices or information to you. It may or may not be the same as your home address. If your address changes, fill out another Notice of Address for Service and file it.

This is my address for service in this matter:

Name

Address

City

B.C.

Postal Code

Personal service Address ☐ same as above

☐

Service by email

Email address

☐

Service by facsimile transmission to this number:

Fax no.

☐

Change of information. My address has changed, and the new address(es) are effective on

Date

Check the appropriate box.

By submitting this form, I acknowledge that I will receive notice of court proceedings from the court and the other parties by one of the methods selected above.

Type, print or sign name

Date

CERTIFICATE OF SERVICE

Form 9

In the Provincial Court of British Columbia

Under the

Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem

[Laws of the Cowichan People for Families and Children]

REGISTRY FILE NUMBER

REGISTRY LOCATION

In the matter of the Smun'eem:

Name(s)

Date(s) of Birth (mm/dd/yyyy)

The parent(s)/care provider(s) of the Smun'eem is/are:

Name(s)

I certify that I, Name

of Address

City

Province

served Name of person served

on Date

at Address/facsimile number/email address

with a copy of: (List each document served)

☐ by leaving with them personally;

☐ by mailing to them by registered mail. Attached and marked as an exhibit to this certificate is:

☐ confirmation of delivery or a printout of their signature from Canada Post, marked Exhibit "____", or

☐ the unopened envelope returned by Canada Post, marked Exhibit "____",

☐ by sending by email to the email address confirmed on Date. Attached and marked as Exhibit

"____" to this certificate is a copy of the email sent, including the time delivered and confirming it was sent to

Email address which is the email address of Name;

☐ by sending the copy by facsimile transmission. Attached and marked as Exhibit "____" to this certificate is

a transmission report generated by the sending machine, confirming transmission to Number

which is the facsimile number of Name

Signature

Dated

ORDER

Form 10

In the Provincial Court of British Columbia

Under the

Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem

[Laws of the Cowichan People for Families and Children]

REGISTRY FILE NUMBER

REGISTRY LOCATION

In the matter of the Smun'eem:

Name(s)

Date(s) of birth (mm/dd/yyyy)

The parent(s)/care provider(s) of the Smun'eem is/are:

Name(s)

Before the Honourable Judge _____ on _____.
name of judge mm/dd/yyyy

After a hearing at _____ on _____ where
court location mm/dd/yyyy

_____ appeared as lawyer/lawyer of record for _____.

And

☐ on the Court determining that a court appearance is not required (and notice is not required)

☐ after attendance in court at a _____ at _____ on _____ by:
appearance type court location mm/dd/yyyy

Persons appearing: _____ lawyer/lawyer of record _____
_____ lawyer/lawyer of record _____

THIS COURT ORDERS:

Approved as to form:

(A signature line in the following form must be completed and signed by or for each approving party)

(signature)

Signature of _____,
(type or print name)

☐ party ☐ lawyer/lawyer of record for _____
(name of party/parties)

(signature)

Signature of _____,
(type or print name)

☐ party ☐ lawyer/lawyer of record for _____
(name of party/parties)

By the Court

PROTECTIVE INTERVENTION ORDER

Form 11

In the Provincial Court of British Columbia

Under the

Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem

[Laws of the Cowichan People for Families and Children]

REGISTRY FILE NUMBER

REGISTRY LOCATION

In the matter of the Smun'eem:

Name(s)

Date(s) of Birth (mm/dd/yyyy)

The parent(s)/care provider(s) of the Smun'eem is/are:

Name(s)

Before the Honourable Judge _____ on _____
Name mm/dd/yyyy

After a hearing at _____ on _____ where the following
people appeared: add additional lines as required court location mm/dd/yyyy

Name _____ appeared as lawyer/lawyer of record for _____
Name _____ appeared as lawyer/lawyer of record for _____

(if applicable) ☐ By consent ☐ Without notice to others

(if applicable) ☐ After a hearing at _____ the order dated _____ is
changed as stated below. court location mm/dd/yyyy

Select one or more of the following provisions, as applicable, complete the selected provision(s) and remove the provision(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 8.17 of the Laws, that _____
full name and date of birth of person prohibited
is prohibited for a period of _____ from directly or indirectly contacting or interfering with or
trying to contact or interfere with _____ or from entering any place where
Smun'eem full name(s)
the Smun'eem _____ is located.
Smun'eem full name(s)

☐ under section 8.17 of the Laws, that _____
full name and date of birth of person restrained
enter into a recognizance, with or without sureties, in an amount of \$ _____

☐ under section 8.17 of the Laws, that _____
full name and date of birth of person restrained
must report to the court, or to _____ for the following period of time and
specify person(s)
at the following times and places the Court directs, as follows: specify

THIS COURT ORDERS

☐ under section 8.17 of the Laws, that _____
full name and date of birth of person restrained
produce relevant specific documents, _____
specify documents

By the Court _____ Dated _____

**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 a warrant in accordance with section 495 of the Criminal Code.

CONSENT ADJOURNMENT

Form 12

In the Provincial Court of British Columbia

Under the

Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem

[Laws of the Cowichan People for Families and Children]

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the matter of the Smun'eem:

Name(s)	Date(s) of birth (mm/dd/yyyy)
_____	_____
_____	_____
_____	_____

The parent(s)/care provider(s) of the Smun'eem is/are:

Name(s)

Anyone who is entitled to notice of the appearance and has party status if they appeared at the application being adjourned, consent that the application(s) filed on _____

Date(s) application(s) filed

for _____ is adjourned to _____ at _____ ☐ am ☐ pm

Type of court appearance

mm/dd/yyyy

Time

(Time estimate: _____)

☐ in person at

☐ by another method
of attendance, as
specified

Court location

Attendance details

This date has been obtained from the (*select one*) ☐ Registry ☐ JCM (judicial case manager)

☐ Lawyer of record for the CEO or delegate filing this form confirms they have obtained the consent of all parties or their lawyer of record and shall provide all other parties or their lawyer of record with a copy of the filed form with the new court date and appearance details obtained from the court registry or the judicial case manager.

Name of person(s): _____	Lawyer of Record: _____
Name of person(s): _____	Lawyer of Record: _____
Name of person(s): _____	Lawyer of Record: _____
Name of person(s): _____	Lawyer of Record: _____

Filed by: _____ Date: _____

Type or print name of lawyer of record for the CEO or delegate

mm/dd/yyyy

Contact information for the lawyer of record for the CEO or delegate:

Address	Phone	Email
---------	-------	-------

Important information

Lawyer of record for the CEO or delegate shall use one form for each court file and may only use the form where the lawyer of record is adjourning a file from one date to another with the same time estimate (or less).

This form **cannot** be used to adjourn hearings at which sworn oral evidence will be given.

NOTICE OF LAWYER OF RECORD FOR PARTY

Form 13

In the Provincial Court of British Columbia

Under the

Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem

[Laws of the Cowichan People for Families and Children]

REGISTRY FILE NUMBER

REGISTRY LOCATION

I, _____
Full name of lawyer of record

of _____
Firm name, if applicable

am the lawyer of record for the following party / parties:

Provide the full name of each party the lawyer of record is representing

I will be representing the party / parties identified above as follows:

Select all options that apply

☐ on all issues until further notice to the court

☐ other (specify):

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

Firm name (if applicable) _____

Address _____

City _____ Province _____ Postal Code _____

Email _____ Telephone _____ Fax _____

I understand I need to serve each other party with a filed copy of this notice.

Sign, print or type name

Dated _____
mm/dd/yyyy

NOTICE OF REMOVAL OF LAWYER OF RECORD FOR PARTY

Form 14

In the Provincial Court of British Columbia

Under the

Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem

[Laws of the Cowichan People for Families and Children]

REGISTRY FILE NUMBER

REGISTRY LOCATION

I, _____
Full name of lawyer of record
am no longer representing _____
Full name of party/parties
on this case effective _____.
mm/dd/yyyy

The contact information and address for service of court documents are now changed to:

☐ Lawyer name (if applicable): _____

☐ Party: _____ at

Address of Party _____

City _____ Province _____ Postal Code _____

Email _____ Telephone _____ Fax _____

I understand I need to serve each other party with a filed copy of this notice.

Sign, print or type name

Dated _____
mm/dd/yyyy

WRITTEN CONSENT

Form 15

In the Provincial Court of British Columbia

Under the

Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem

[Laws of the Cowichan People for Families and Children]

REGISTRY FILE NUMBER

REGISTRY LOCATION

In the matter of the Smun'eem:

Name

Date(s) of Birth (mm/dd/yyyy)

The parent(s)/care provider(s) of the Smun'eem is/are:

Name

I, Name

of Address

City

Prov.

consent to the making of a Consent Order under section 8.13 of the Law with reference to section _____.

Details of the consent order including any terms or conditions: _____

I am:

- ☐ the CEO or the CEO's delegate.
- ☐ the Smun'eem, 12 years of age and older.
- ☐ the Smun'eem's parent/care provider.
- ☐ a person who has custody of the Smun'eem under section 8.33 or 8.42 of the Law.
- ☐ a person to whom the court has been requested to grant custody of the Smun'eem under section 8.33 or 8.42 of the Law.
- ☐ the Public Guardian and Trustee.

- ☐ I understand the nature and the consequences of this consent.
- ☐ My consent to the order is voluntary.

Signature

Dated

Witness Name

Dated

Witness Signature