

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **352**, Approved and Ordered **MAY 31 2012**


Lieutenant Governor

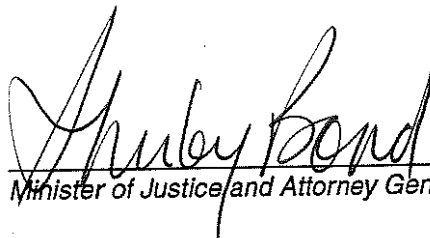
Executive Council Chambers, Victoria

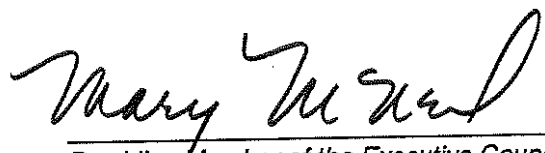
On the recommendation of the undersigned, made after consultation with the Chief Judge of the Provincial Court, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective July 1, 2012, the Provincial Court (Family) Rules, B.C. Reg. 417/98, are amended as set out in the Schedule.

DEPOSITED

May 31, 2012

B.C. REG. 111/2012


Minister of Justice and 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: OIC 1444/98

May 9, 2012

R/395/2012/7

SCHEDULE

1 Rule 21 of the Provincial Court (Family) Rules, B.C. Reg. 417/98, is amended

- (a) *in subrule (1) in the definition of "program" by striking out "the Parenting after Separation Program" and substituting "a Parenting after Separation Program",*
- (b) *in subrule (2) by striking out "of information, the Parenting after Separation Program,"*,
- (c) *in subrule (4) by striking out "the program if one of the parties files a request for the purpose of exemption" and substituting "a program if one of the parties files a parenting after separation exemption request",*
- (d) *by repealing subrules (5) and (6) and substituting the following:*

A party who has already attended

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

A party who is unable to attend the program

- (6) A program administrator may exempt a party from attending a program if the party provides to the program administrator a parenting after separation exemption request in Form 31 that states one of the following reasons:
 - (a) the party is not fluent in a language in which a program is offered;
 - (b) the party resides in a community where a program is not offered and the party has no electronic access to a program;
 - (c) the party is incapable of attending due to a serious medical condition. , *and*
- (e) *in subrule (9) by striking out "the program" and substituting "a program".*

2 Form 31 is amended

- (a) *by repealing sections 6, 7 and 8 and substituting the following:*

6 [] There is no PAS session in my community and I have no electronic access to PAS. I live in:
.....[Name of community].....

7 [] I am not fluent in English. I am fluent in this (or these) language(s):
.....

Note that the Program Administrator may require parties to complete online PAS if it is offered in a language in which the parties are fluent. Also note in some Lower Mainland communities, the Program Administrator may require parties to attend a PAS session which is offered in a language in which they are fluent.

8 [] I am incapable of attending due to a serious medical condition. Please explain:
.....
.....

, and

(b) by adding the following:

-[Name of person applying for exemption]..... is required to attend online PAS in English or[Name of language]..... and file a Certificate of Completion.

before the following:

- approved -[Name of person applying for exemption]..... is exempted from the requirement to attend a PAS session.

3 Form 32 is repealed and the attached Form 32 is substituted:

Fax Cover Sheet in the Provincial Court of British Columbia (Family)

This form must be used when transmitting documents to the court registry by fax for filing.

THIS FORM IS NOT TO BE EMAILED

This is a pilot project, not available at all Court locations, and is subject to limitations set out in Court Rules and Practice Directives which are found at the Court Services Branch, Ministry of Justice website at <http://www.ag.gov.bc.ca/courts/fax/index.htm>.

It is the responsibility of the person transmitting a document to ensure that the document is filed in the court registry within the required filing time. The registry takes no responsibility for difficulty experienced when transmitting a document by fax to the registry. The registry cannot guarantee that any document will be filed on the day it is received in the registry.

Documents transmitted to the court registry will be processed in the order they are received. Confirmation of acceptance or refusal will be forwarded to you as soon as possible at the return fax number set out below or by mail if indicated.

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Attached:

_____ file number or name (style of cause) e.g. - 013654 or "Steward vs. Parakeet"
 _____ comments

Type of document (e.g. Reply)	No. of pages in document
Total no. of pages in submission (Maximum 20 including the cover sheet)	

Court Services Branch may use your contact information for the purposes of conducting an evaluation of the fax service.