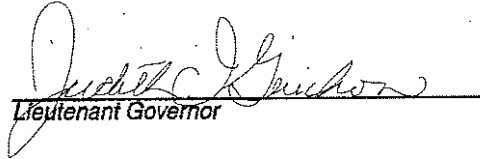


PROVINCE OF BRITISH COLUMBIA  
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

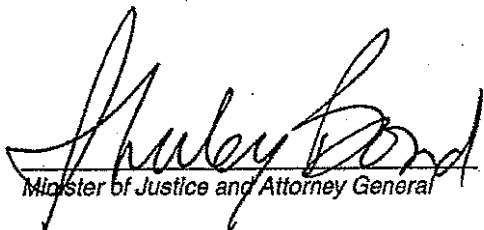
Order in Council No. 068 , Approved and Ordered FEB - 4 2013

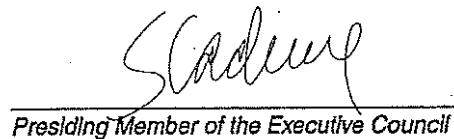
  
Lieutenant Governor

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 March 18, 2013, the Family Law Act Regulation, B.C. Reg. 347/2012, is amended as set out in the attached Schedule.

DEPOSITED  
February 5, 2013  
B.C. REG. 42/2013

  
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: Family Law Act, S.B.C. 2011, c. 25, ss. 51 and 248

Other:

## SCHEDULE

### 1 *The Family Law Act Regulation, B.C. Reg. 347/2012, is amended*

(a) *by adding the following section:*

#### **Guardianship application consent**

**26.1** To request the child protection record check required for an application for guardianship under the Rules of Court, the applicant must complete and swear a Consent for Child Protection Record Check in Form 5 of Appendix A. , **and**

(b) *by adding the following form to Appendix A:*

#### **Form 5 (Family Law Act Regulation, section 26.1)**

#### **CONSENT FOR CHILD PROTECTION RECORD CHECK**

**NOTE: This form must be completed by any person applying for guardianship of one or more children, and must be provided to the court registry at which the materials in support of that guardianship application have been filed.**

#### **SECTION 1 IDENTIFICATION OF PERSON SEEKING CHILD PROTECTION RECORD CHECK**

Name: .....

[first name]

[middle name(s)]

[last name]

Other names used (include maiden name): .....

Address: ..... City: .....

Province: ..... Postal Code: ..... Phone No.: .....

Date of Birth: ..... Gender: M [ ] F [ ]

Primary ID (Type and No.): ..... Second ID (Type and No.): .....

#### **SECTION 2 CHILD PROTECTION RECORD CHECK**

A Child Protection Record Check (CPRC) is a report of prior contact entries in the records collected under the *Child, Family and Community Service Act* (CFCSA) or its predecessor legislation regarding child protection concerns, if any, relating to a person (the "applicant") who is applying for guardianship of a child under the *Family Law Act* (FLA). A CPRC is prepared by a delegated child welfare worker at the Provincial After Hours Programs of the Ministry of Children and Family Development (MCFD). The CPRC reflects a search of records pertaining to the applicant as an adult or parent and does not reflect a search of records pertaining to the applicant as a child and non-parent. A CPRC documents only those child protection reports that required an investigation or an assessment and does not reflect services that may have been provided to the applicant on a voluntary basis under the CFCSA or its predecessor legislation.

[Check whichever of the following statements is correct and provide any required information.]

[ ] I have not been involved at any time in the past, as an adult or parent, with child protection services.

I have been involved in the past, as an adult or parent, with child protection services, with my first involvement occurring in .....[year]..... .

**SECTION 3 REASON FOR REQUESTING A CPRC**

Section 51 (2) of the FLA requires an applicant to provide evidence to the court, in accordance with the Supreme Court Family Rules or the Provincial Court (Family) Rules, respecting the best interests of the child. An applicant must submit a CPRC to the court to assist the court in determining the best interests of the child.

I am applying in the ..... Registry of the  Supreme Court  Provincial Court under Action No.: ..... for guardianship of:

[Complete one line for each child for which guardianship is sought. Add additional lines if required.]

Name of child	Child's date of birth	Child's place of residence [Check the correct box.]
		<input type="checkbox"/> this child currently resides with me <input type="checkbox"/> this child does not currently reside with me but will be coming to live with me
		<input type="checkbox"/> this child currently resides with me <input type="checkbox"/> this child does not currently reside with me but will be coming to live with me
		<input type="checkbox"/> this child currently resides with me <input type="checkbox"/> this child does not currently reside with me but will be coming to live with me

**SECTION 4 POSSIBLE CONSEQUENCES OF A CPRC**

A CPRC may result in any of the following:

- 1 If a CPRC indicates that there is reason to believe that a child who is currently in, or about to come into, the applicant's care may need protection under section 13 of the CFCSA, the delegated child welfare worker conducting the CPRC will make a report to a local child welfare worker for further assessment under the CFCSA.
- 2 If a CPRC indicates that the applicant currently has an open child protection file, the delegated child welfare worker conducting the CPRC will notify the child welfare worker with conduct of the open file that the applicant is seeking guardianship under the FLA.
- 3 In response to a CPRC, a judge may order that records under the CFCSA or predecessor legislation be provided to the court.
- 4 In response to a CPRC, a judge may order an assessment of the applicant's ability and willingness to satisfy the needs of the child under section 211 of the FLA.
- 5 The director of the CFCSA may apply for leave to intervene in the guardianship proceedings under the FLA if the director considers it in the best interests of a child to do so.

SECTION 5 CONSENT

I have read and completed sections 1 to 4 and understand what a CPRC will entail, why a CPRC is required for my guardianship application and the possible consequences of a CPRC. I consent to a delegated child welfare worker from MCFD conducting and completing a CPRC for me to submit to the court as evidence in my guardianship application. This consent is valid for one year from the date of signature.

Date: .....[mmm/dd/yyyy] .....  
Signature

[The applicant signing this consent must also swear the following declaration if this form is provided to the court registry by a person other than the applicant. The applicant need not swear the following declaration if the applicant personally presents this consent to the court registry and provides the evidence of identity required by the registry staff.]

I SWEAR (OR AFFIRM) THAT I am the person referred to in section 1 of this consent, that the information in sections 1 and 3 of this consent is true and complete and that I have signed section 5 of this consent.

SWORN (OR AFFIRMED) BEFORE )  
ME at ....., British Columbia )  
on .....[dd/mmm/yyyy]..... )  
 )  
..... )  
A commissioner for taking )  
affidavits for British Columbia )  
....[print name or affix stamp of commissioner]....