

TO APPLY TO CHANGE OR CANCEL AN ORDER

Rule 1 (3)

Step 1

COMPLETE the APPLICATION TO CHANGE OR CANCEL AN ORDER. Use a typewriter or print clearly. Be sure that all copies are readable. Attach a copy of the order you want changed or cancelled. You can get one from the Provincial Court Registry.



Step 2

FILE the APPLICATION by taking or mailing it to the Provincial Court Registry. There is no fee for filing an Application. The staff will give you a time and a date for the hearing. They will check the form and when it is accepted for filing, will apply the registry stamp. They keep a copy and give you the copies you need for your records and for serving on the other parties.



Step 3

SERVE everyone who is entitled to notice of your application. The *Child, Family and Community Service Act* lists those who must be served with each application. For example, if you are applying under s. 57 to change access, that section lists the people who must be given a copy of your application. The Rules of Court tell how to serve the form. (See a copy of Rule 6 at the Court Registry).

AND THEN you must appear in court at the time and place set out in your Application. If anyone who you were required to serve does not show up in court, you will have to prove that you did serve them with your application. To do this, you will need a Certificate of Service (Form 9). Then the judge will hear evidence from all parties and decide whether to grant your Application.

THE CHILD:

The names of the child or children in the case should appear here in the same way they appear on the order you are asking to change or cancel. These names and the Court File Number ensure that all documents that belong in the file stay together. Even if the previous order related to several children and your Application relates only to one of them, copy all the names and birthdates as they were on the earlier order.

THE PARENT(S)

The parent(s) name(s) will appear on the court list posted in the courthouse on the date when the application is heard.

FILED BY:

Your name and address go here.

NOTICE TO:

List the names and addresses of everyone who must be served with a copy of the Application. Look at the section of the Act that authorizes the application to see who they are. Be sure to use the correct address. If you use registered mail, there are now two options to prove that notice has been served.

1. Canada Post has a 1-800 number that you may call to request written confirmation (there is a charge of \$4 for this service) – written confirmation will be sent within 3 business days.
2. You can print written confirmation from Canada Post’s website.

ABORIGINAL CHILD:

Section 1 of the *Child, Family and Community Service Act* defines an “aboriginal child”.

COURT DATE:

The court will assign a date and time.

APPLYING FOR:

Check the appropriate box. If you are asking to change an order, tell briefly what change you want. If you are asking to change an order because circumstances have changed, describe the changes. If you are asking to change or cancel an order because you were not in court when it was made, tell the reason for your absence.

ADDRESS FOR SERVICE:

This 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. For example, if you live in a rural area, your delivery address may be a postal box. If your address changes, get a Notice of Address for Service (Form 8) from the court registry, fill it out and file it there.



APPLICATION TO CHANGE OR CANCEL AN ORDER

Form 3

In the Provincial Court of British Columbia
Under the *Child, Family and Community Service Act*

Court File No.:
Court Location:

THE CHILD:

This is the name and birthdate of each child involved.

In the matter of the child(ren):

Name(s)	Date(s) of Birth (mo/day/yr)
_____	_____
_____	_____
_____	_____

THE PARENT(S):

This is the name(s) of the parent(s) of the children listed above.

The parent(s) of the child(ren) is/are:

Name(s)

FILED BY:

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

This application is filed by:

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

NOTICE TO:

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

Notice to:

Name(s)	Address(es) (include Tel. & Fax # if applicable)
_____	_____
_____	_____
_____	_____

ABORIGINAL CHILD:

Check one.

The child is aboriginal: Yes No

COURT DATE:

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

I will apply to this court on: _____ at _____ am pm
at _____ Court Location

APPLYING FOR:

This tells the order that the court will be asked to make.

FOR AN ORDER THAT:

- the attached order be cancelled; OR
 the attached order be changed to do the following:

REASONS:

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

- Since the order was made, circumstances have changed significantly as follows: OR
 (if the application is under Rule 8(6)) The reason for changing or cancelling the order is:

I make this application under s.28 s.54 s.57 s.98 Rule 8(6) s. _____

Signature of Applicant or Agent

Dated _____

ADDRESS FOR SERVICE:

This is the address where documents can be mailed to the person making this application.

Address for service if different from Applicant's

Address	_____ City _____ B.C.
Postal Code	_____ Phone _____ Fax _____