

Preparing an Application for Permission and Review of Family Justice Manager Order or Direction

Form 9

Provincial Court Family Rules

Complete this form if a family justice manager made an order or direction that you want reviewed.

The form is used:

1. To ask for permission to review the order or direction of a family justice manager
2. If permission is granted, to proceed with the review

Rule 58 (3) In granting permission for review of an order or direction, a judge may consider if

- a. the order or direction conflicts with any other order or direction in respect of the parties,
- b. the order or direction is correct, and
- c. the proposed review involves matters of sufficient importance.

Legal Assistance

Understanding the law and making sure you get correct information is important. Getting advice from a lawyer can help.

Lawyers – To find a lawyer or to have a free consultation with a lawyer for up to 30 minutes, contact the [Lawyer Referral Service](#) at 1-800-663-1919

Legal Aid, Duty Counsel and Family Advice Lawyers – To find out if you qualify for free legal advice or representation, contact [Legal Aid BC](#) at 1-866-577-2525

Legal Services and Resources – Visit [Clicklaw](#) at www.clicklaw.bc.ca/helpmap to find other free and low-cost legal services in your community

Step 1: Complete the Application for Permission and Review of Family Justice Manager Order or Direction form ☐

This form is available online at www.gov.bc.ca/court-forms or at any [Provincial Court Registry](#).

You can complete the form online and print it for filing. You can also complete it by hand. If you complete it by hand, be sure it's readable. Registry staff and staff at any [Justice Access Centre](#) or [Family Justice Centre](#) can help answer questions about the forms but they cannot help complete your forms or give advice about legal problems. If you need help filling in the forms and do not have a lawyer, ask the court registry staff or staff at the Justice Access Centre or Family Justice Centre to refer you to someone who can help.

Follow the instructions in the form and include all the information that is asked for.

To prepare the form for filing:

- print or make copies of the completed form: one set for you, one set for the Court, and one set for each other party
- staple each package of documents together
- bring all copies to the court registry for filing **or** send by mail or by fax filing using the [Fax Filing Cover Page Form 52](#)

Step 2: File the Application for Permission and Review of Family Justice Manager Order or Direction form at the Provincial Court Registry ☐

You must file at the [Provincial Court Registry](#) where the existing Provincial Court case with the same parties is filed.

The registry clerk will review your package to make sure it is complete before filing it. You will be given copy for your records.

There are no fees for filing Provincial Court family documents.

Step 3: Serve the Application for Permission and Review of Family Justice Manager Order or Direction on each other party ☐

Service is the act of giving or leaving documents with the required person. It is important that each other party is aware of what step is being taken in the case and are given a chance to tell their side of the story to the court.

You must serve each other party with at least 7 days' notice of the date and time of the court appearance, unless the court has ordered something else. This means there must be at least 7 days between the date the application is served on the other party or person and the date and time of the court appearance.

An Application for Permission and Review of Family Justice Manager Order or Direction must be served to the address of service of each other party in any of the following ways:

- by leaving the documents at the party's address for service
- by mailing the documents by ordinary mail to the party's address for service
- by mailing the documents by registered mail to the party's address for service
- if the party's address for service includes an email address, by emailing the documents to that email address
- if the party's address for service includes a fax number, by faxing the documents to that fax number

A party's address for service is the address they have provided to the court. If a party does not have an address for service, the application must be served by personal service. Personal service requires that an adult who is not a party hand-deliver the documents to the party to be served.

A person, who is not a party may be served by:

- mailing a copy of the application by ordinary mail or registered mail to the person's postal address; or
- leaving a copy of the application directly with the person (this is called personal service)

The court may need proof you had the documents served. The person serving the documents must complete a [Certificate of Service Form 7](#) so that you can prove service of the documents took place. You must attach a copy of the documents to the Certificate of Service. Remember to make a copy before the documents are served.

Step 4: Attend the Court Appearance ☐

At the court appearance, a judge will consider if the order or direction should be reviewed. If permission is granted to review the order or direction, the judge may:

- a. impose any appropriate terms for the review;
- b. give directions about notice of the hearing of the review.

Tips for Completing the Form:



Registry location and court file number –

Copy this information from top right corner of the Notice to Resolve a Family Law Matter or other document filed with the court. If you don't have an existing court file, registry staff will give your case a file number when you file this document.

Information about the parties –

Party names: Copy the full name of each party from the first document filed in your case with the court



Contact information: The court needs to know where to send documents to you and how to reach you. If your contact information and/or address for service has changed, you can give updated information here.

Who to give notice to: It is important that each other party know that you are making this application to the court and are given a chance to talk to the court. To give notice, you must serve a copy of this application on each other party at least 7 days before the date of the court appearance.



Scheduling –

The registry will work with you to schedule a date for the court appearance and will fill in the actual date on the form. Be prepared to talk about your availability.



Order or direction of a family justice manager –

Indicate the date of the order or direction of the family justice manager that you want reviewed in the field provided.



Your reason(s) –

What is the reason or reasons why you believe the order or direction should be reviewed?



You do not need to use any special wording. The key is to be clear about what you mean and what the reason for the review of the order or direction is if a review is allowed. Consider the following:

Rule 58 (3) *[Review of orders or directions made by family justice manager]* states that in granting permission for review of an order or direction, a judge may consider if

- a. the order or direction conflicts with any other order or direction in respect of the parties,
- b. the order or direction is correct, and
- c. the proposed review involves matters of sufficient importance.

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Provincial Court Family Rules

Rule 58

Registry Location:

Court File Number:

1. My name is _____ . My date of birth is _____ .
(full name of party) (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. To give notice, they must be served with the application and supporting materials at least 7 days before the date set for 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)

For registry use only

This application will be made to the court at _____ (court registry, street address, city)		
on _____ (mmm/dd/yyyy)	at _____ (time)	am/pm.

NOTE TO THE OTHER PARTY: 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.

4. I am applying for permission of a judge to seek review of the attached order or direction of a family justice manager dated

(mmm/dd/yyyy)

5. My application for review is based on the following reason(s):

Tell the Court and the other party why the order or direction should be reviewed