

Application About Priority Parenting Matter

Form 15

Provincial Court Family Rules

Rule 76

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 all parents and guardians of the child(ren) this application is about. They are the other party/parties. To give notice, they must be served with the application and supporting documents 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.

Select only one of the options below

- ☐ I am giving at least 7 days' notice to the other party
- ☐ I am also filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement for notice of this application
- ☐ I am also filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to modify the requirement for at least 7 days' notice to the other party
- ☐ I have a court order that allows the application to be made without notice or with less than 7 days' notice

3. The other party is _____ . Their date of birth is _____ .
(full name of other party) (mmm/dd/yyyy)

Their contact information, as I know it, is:

Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

Additional party (complete only if applicable)

Full Name:	Date of Birth:	
Contact Information <small>(mmm/dd/yyyy)</small>		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

For registry use only

This application will be made to the court at _____
(court registry, street address, city)

on _____ at _____ am/pm.
date time

You must attend the court appearance _____ , unless other
(method of attendance)
wise allowed by the court. ☐ See attached for details.

NOTICE 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. You may also choose to file a written response in reply to the application in Form 19 Written Response to Application.

4. I am filing this form in the court registry:

Select only one of the options below

- ☐ where an existing case with the same party/parties is located
☐ closest to where the child lives most of the time, because the case involves a child-related issue
☐ closest to where I live because the case does not involve a child-related issue
☐ permitted by the court order

About the Priority Parenting Matter

5. ☐ I am applying for an order about the following priority parenting matter(s):

Select all options that apply

- ☐ giving, refusing or withdrawing consent, by a guardian, to medical, dental, or other health-related treatments for a child, because delay will result in risk to the child's health
☐ applying, by a guardian, for a passport, licence, permit, benefit, privilege or other thing for a child, because delay will result in risk of harm to the child's physical, psychological or emotional safety, security or well-being
☐ applying, by a guardian, for travel with a child or participation by a child in an activity because consent to the travel or activity is required and is alleged to have been wrongfully denied
☐ relating to change in location of a child's residence, or a guardian's plan to change the location of a child's residence because no written agreement or order respecting parenting arrangements applies in respect of the child, and the change of residence can reasonably be expected to have a significant impact on the child's relationship with another guardian
☐ relating to the removal of a child under section 64 of the *Family Law Act*
☐ determining matters relating to interjurisdictional issues under section 74(2)(c) of the *Family Law Act*
☐ relating to the alleged wrongful removal of a child under section 77(2) of the *Family Law Act*
☐ relating to the return of a child alleged to have been wrongfully removed or retained under the Convention on the Civil Aspect of International Child Abduction signed at the Hague on October 25, 1980
☐ apply for an order under section 45 [orders respecting parenting arrangements] or 51 [order respecting guardianship] of the *Family Law Act* in one of the following circumstances:
i. the child to whom the order relates has been removed under section 30 [removal of a child], 36 [interim supervision order no longer protects the child] or 42 [enforcement of supervision order after the protection hearing] of the *Child, Family and Community Service Act* and a director under the Act has advised that the order will allow for a child to be returned to the applicant;
ii. a director under the *Child, Family and Community Service Act* has advised that the child to whom the order relates will be removed under section 30, 36 or 42 of that Act unless the order is made;
[complete and attach schedule 1]
[if you are applying for guardianship of a child, also complete and attach schedule 2]

6. This application is about the following child(ren):

Child's full name	Child's date of birth (mmm/dd/yyyy)	My relationship to the child	The other party's relationship to the child

7. There is an existing written agreement or court order about the child(ren) concerning parenting arrangements, child support, contact with a child, or guardianship ☐ Yes ☐ No
If yes, attach a copy of the agreement(s) and/or order(s) to your application

- 8.** I know the following information about any court proceeding that is pending or that has been initiated about parenting arrangements, contact with a child, guardianship of a child, or protection of a child who is the subject of this application:

If there is no pending or ongoing court proceeding, that you know of, in this court or another court or jurisdiction, you may leave this section blank

- 9.** The details of the order I am applying for are as follows:

Tell the court and the other party the details of the order you are asking for

- 10.** The facts on which this application is based are as follows:

Provide the facts you want the court to consider. Include why you need the court to make the order and how your situation is a priority parenting matter.

SCHEDULE 1 – APPLICATION FOR ORDER RESPECTING PARENTING ARRANGEMENTS OR GUARDIANSHIP**This is Schedule 1 to the Application About a Priority Parenting Matter**

This schedule must be completed only if you are applying for a priority parenting matter order under section 45 [orders respecting parenting arrangements] or 51 [order respecting guardianship] of the Family Law Act because the order will allow the child to be returned or [placed with another person] in accordance with the Child, Family and Community Service Act, or the child will be removed under section 30, 36 or 42 of that Act unless the order is made.

To be completed by a director under the Child, Family and Community Service Act

1. In the matter of the child(ren):

Child's Full Name	Child's Date of Birth (mmm/dd/yyyy)

2. The parent(s) of the child(ren) is/are: _____
(full name of parent(s))

3. This information is provided on behalf of the director by:

Name:		
Address:		
City:	Province:	Postal code:
Email:	Telephone:	

4. This schedule is being completed on: _____
(date)

5. The director under the Child, Family and Community Service Act can be served with this application at:

Name:		
Address:		
City:	Province:	Postal code:
Email:	Telephone:	

6. ☐ I have been advised that _____
(full name of party/parties) is applying for a priority parenting matter order under section 45 [orders respecting parenting arrangements] or 51 [order respecting guardianship] of the Family Law Act about a child to whom I have been providing services under the Child, Family and Community Services Act.

7. There is a court proceeding under the Child, Family and Community Service Act concerning the child(ren).

☐ Yes - Court Location _____ File Number: _____
Date of next CFCSA proceeding: _____

☐ No

8. If granted, I believe the priority matter order respecting parenting arrangements and/or guardianship of a child that is being applied for would likely allow the child(ren) to be returned to the applicant or prevent the removal of the child(ren) under the Child, Family and Community Service Act.

☐ Yes ☐ No

9. I would like to share the following information with the court:

You may choose to complete this section or leave this section blank. Please only share information that is needed by the court to understand why it is in the best interest of the child under section 4 of the Child, Family and Community Service Act to address this matter as a priority. As per section 79 (a) of the Child, Family and Community Service Act, please only disclose information that is necessary to ensure the safety or well-being of a child.

SCHEDULE 2 – APPLICATION FOR ORDER RESPECTING GUARDIANSHIP OF A CHILD

This is Schedule 2 to the Application About a Priority Parenting Matter

This schedule must be completed only if you are applying for a priority parenting matter order respecting guardianship under section 51 [order respecting guardianship] of the Family Law Act because the order is needed to transfer a child from the care of the Director or to prevent the removal of a child under the Child, Family and Community Service Act.

Indigenous ancestry of child(ren)

These questions will help the court make a decision about guardianship of a child.

1. Is the child or children Indigenous? ☐ Yes ☐ No ☐ Unknown

If yes, please select the option(s) below that best describe(s) the child(ren)'s Indigenous ancestry

- ☐ First Nation
☐ Nisga'a
☐ Treaty First Nation
☐ the child is under 12 years of age and has a biological parent who is of Indigenous ancestry, including Métis and Inuit, and self identifies as Indigenous
☐ the child is 12 years of age or older, of Indigenous ancestry, including Métis and Inuit, and self identifies as Indigenous

2. *Complete the following statement only if the child is a Nisga'a child or a Treaty First Nation child*

- ☐ I acknowledge that I must serve the Nisga'a Lisims Government or the Treaty First Nation to which the child belongs with notice of this application as described in section 208 or 209 of the *Family Law Act*

Guardianship affidavit and supporting documents

Complete the following questions only if you are applying for guardianship of a child. If you are not applying for guardianship of a child, you may leave these questions blank.

3. ☐ I understand that I am required to file a Guardianship Affidavit in Form 5 as described in Rule 26 before the court can make a final order about guardianship.

4. ☐ I have initiated or completed a criminal record check as required for the Guardianship Affidavit in Form 5.

6. *Select only one of the options below*

- ☐ I am filing the following required documents along with this counter application:
☐ a Consent for Child Protection Record Check in Form 5 under the *Family Law Act Regulation*
☐ a request, in the form provided by the registry, to search the protection order registry
☐ I am not able to complete the required documents at this time. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement that this counter application be filed with the additional documents.