

Preparing a Written Response to Application

Form 19

Provincial Court Family Rules

Complete this form if you want to file a written response in reply to any of the following applications that have been served to you:

- Application for Case Management Order
- Application About a Protection Order
- Application About Priority Parenting Matter
- Application for Order Prohibiting Relocation of a Child
- Application About Enforcement
- Application for Order under the *Family Maintenance Enforcement Act*

To reply to an application listed above **you must attend court** on the date and time referred to in the application for the court appearance and **you may also file** a written response using this form. A written response is used in addition to, not in place of, attending court.

The written response must be filed and served on each other party before the date referred to in the application for the court appearance.

Legal Assistance

Understanding the law and making sure you get correct information is important. If you get the wrong information or do not know how the law applies to your situation, it can be harder to resolve your family law case. 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 Written Response to Application 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 the [Justice Access Centre](#) or [Family Justice Centre](#) can answer questions about the forms but they cannot help complete your forms or give advice about legal problems. If you need help filing 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
- bring all the copies to the court registry for filing **or** send by mail or by fax filing using the [Fax Filing Cover Page Form 52](#)

If you choose to, you can also prepare an [Affidavit Form 45](#). If you do not wish to prepare an affidavit, be prepared to give evidence in court.

Step 2: File the Written Response to Application form at the Provincial Court Registry

You must go to the [Provincial Court Registry](#) where the application you were served is filed.

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

There are no fees for filing Provincial Court family matters.

Step 3: Serve the filed Written Response to Application 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 and are given a chance to prepare for court.

You must serve the other party with a filed copy of the written response before the date of the court appearance, unless the court has ordered something else. This means you cannot serve the other party on the date of the court appearance, it must be before.

A Written Response to Application 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.

A person, who is not a party or who does not have an address for service, must be served by:

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

Personal service requires that an adult (at least 19 years old) who is not a party hand-deliver the documents to the party to be served.

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. 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

A judge can make decisions based only on the information presented by the parties as evidence. Your evidence includes your application, any additional affidavit(s), and spoken evidence provided in court.

NOTE: A written response is used in addition to, not in place of, attending court.

If you can't attend court using the method of attendance set out in your application for the court appearance, you can request the court's permission to attend using a different method of attendance by filing an Application for Case Management Order without Notice or Attendance Form 11.

Tips for Completing the Form:

Registry location and court file number –

Copy this information from the top right corner of the application served on you.



Information about you –

Party name: Copy your full name from the first document filed in your case with the court or the application you were served and are filing this reply for.

Contact Information: The court needs to know where to send documents to you and the other party and how to reach each of you. If your contact information and/or address for service has changed, you can give updated information here. If this is the first document you are filing, see the instructions for the Application About a Family Law Matter for more information about how to complete this section.



Type of application –

Identify what type of application this written response is in reply to (for example, case management, protection, priority parenting matter, relocation, enforcement) and who made the application (name of the person/party) in the space provided



Other party –

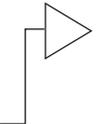
Copy the full name of each other party from the first document filed in your case with the court or the application you were served and are filing this reply for.



Replying to the application –

Remember your options for replying to an application. You may:

- agree to one or more of the orders requested in the application
- disagree with any order requested in the application, stating your reason(s) for disagreement, and proposing a different order



The next three sections help to identify what you agree with, what you disagree with and what order you believe should be made instead.

Look at the application you were served. For each order identified, consider if you agree or disagree with it. If you disagree with the order the person is asking for, consider what order you would agree to instead.

To reply to an application for a protection order, review the information presented in the application. The court will consider the evidence presented and will determine if a protection order should be made, and if so, what terms or conditions (list of things a person must or must not do) should be included in the order. The terms or conditions may include who you cannot contact, places you cannot go, restrictions on possession of weapons or firearms, directions to a police officer, and other terms or conditions the court considers necessary to protect the safety and security of the at-risk family member or to implement the order.



Agree or disagree –

Try to be specific about what terms or conditions you may agree to, and which ones you do not. If you do not agree, are there changes that could be made to the order that you would agree to.



Written Response to Application

- for case management order
- about a protection order
- about a priority parenting matter
- about prohibiting relocation of a child
- for Order under the *Family Maintenance Enforcement Act*
- about enforcement

Registry Location:
Court File Number:

Form 19

Provincial Court Family Rules
Rules 86, 137 and 142.1

1. My name is _____ . My date of birth is _____ .
(full name of party/person) (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 to reply to the application I must attend court on the date and time for the court appearance referred to in the application and I may file and serve this written response on each other party before that date.

3. I have been given notice of the application about _____ made by _____ and I and completing this written response to reply to the application.
(briefly describe the type of application) (name of person who made the application)

4. The other party is _____ .
(full name of party/person)

5. Complete this section as applicable. You may leave a portion blank.

I agree to the following order(s):
Provide details

I do not agree with the following order(s):
Provide details of what you do not agree with and explain why you do not agree

Propose a different order –

If you disagree with the order the other party is asking for, but there is a different order about the same thing that you would agree to the court making, you can provide details here. Remember the order you are asking for in this response needs to be about the same thing the other party has filed an application for. If the order you want is about a different matter, including a family law matter, you will need to file your own application.

The facts –

What are the facts that support what you are asking the court to order?

If you disagree with the order the other person/party is asking for, what facts support the court not making the order, or making a different order instead.

Give a short summary of the facts. You do not need to use any special wording. The key is to be clear about what you mean and why you are asking the court to make the order you want.

A judge can make decisions based only on the information presented by the parties as evidence. Evidence is presented in writing in an affidavit or as spoken evidence provided in court.

If you choose to, you can prepare an [Affidavit Form 45](#) If you do not wish to prepare an affidavit, be prepared to give evidence in court.



6. *Complete only if applicable. You may leave this section blank.*

Instead, I am asking for the order(s) about this matter to be made as follows:

Write the order(s) or change(s) to the order that you want the court to make instead of what the other party has asked for. If you want an order about a different matter, including a family law matter, you must file your own application.

7. The facts on which this written response is based are as follows:

Provide the facts you want the court to consider when they are making a decision about the application. If you are asking for a different order to be made, you should tell the court why it should be made instead of the order the other party has asked for.