

Preparing a Notice of Intention to Proceed

Form 2

Provincial Court Family Rules

Complete this form if there has been a delay of more than one year on your existing case and you want to start it up again. Use it when the last step completed in the case by any party was more than a year ago and no final order has been made. The form lets the court and each other party know that you plan to continue with your case.

If the last step taken in your case was the filing of an Application About a Family Law Matter or another step under the rules, and no final order has been made on the application, your case will be re-started by attending a family management conference. At the family management conference, the judge will help to determine the next steps that are right for your case.

Early Resolution Registry

Your case will be re-started by participating in a needs assessment **if** it was filed in an early resolution registry **and** the last step taken was any of the following:

- filing the Notice to Resolve a Family Law Matter
- participating in a needs assessment
- completing a parenting education program
- participating in a consensual dispute resolution session

The needs assessment will help to identify the next steps that are right for you and what requirements need to be met for you to continue your case.

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 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 Notice of Intention to Proceed 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.

Follow the instructions provided 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](#)

Step 2: File the Notice of Intention to Proceed form at the Provincial Court Registry ☐

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

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

There are no fees for filing Provincial Court family documents.

Step 3: Give a filed copy of the Notice of Intention to Proceed form to each other party ☐

Depending on the last step that was taken, there are different ways you must give a copy to each other party.

If the last step taken was the filing of the Application About a Family Law Matter or any other step following the filing the Application, including the filing of an Application to Obtain an Order, Application Respecting Existing Orders or Agreements or Notice of Motion and no final order has been made, you must serve each other party with a copy of the Notice of Intention to Proceed, and previously filed and served application, 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

If the filed application has not been previously served, it must be served by personal service. In this case, the Notice of Intention to Proceed may also be served personally together with the previously filed application.

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 (at least 19 years old) who is not a party hand-deliver the documents to the party to be served.

The court will 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.

If your case is filed in an early resolution registry and the last step taken was the filing of the Notice to Resolve a Family Law Matter, participation in a needs assessment, completion of a parenting education program or participation in consensual dispute resolution, you can give each other party a copy of the Notice of Intention to Proceed, and Notice to Resolve a Family Law Matter if not already provided, using any way you believe will get it to them, including:

- giving them a copy in person
- sending a copy by email, text message, instant message, or mail
- getting a friend or someone else to give them a copy

Step 4: Complete the required steps outlined in the "What You Must Do" section of this form ☐

Before proceeding any further with your court case, you must either:

- participate in a needs assessment, or
- attend a family management conference

The next step you must take to proceed with your case will depend on what the last step taken in your case was. At the needs assessment or family management conference, the needs assessor or judge will be able to determine where your case is at and what the most appropriate next step.

To schedule a family management conference, you must also meet the requirements for scheduling set out in Rules 37, 38, 39 and 40, as applicable, including:

1. A reply has been filed by the other party, or a reply has not been filed and, based on the filed certificate of service, 30 days has passed since the application was served **and**, if at the time of filing the application,
2.
 - a) the application was filed in a family justice registry, a party has filed a referral request following the completion of a needs assessment, and a certificate of completion or notice of exemption for the parenting education program, or
 - b) the application was filed in a parenting education program registry, a party has filed a certificate of completion or notice of exemption for the parenting education program.

Tips for Completing the Form:

Court file number –

Registry staff will give your case a file number when you file this document. You do not have to fill this in now.

Information about the parties –

Party names: Copy your full name and the full names of each other 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 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.

You only need to fill in the contact information you know about the other party. You may leave any part of the contact information blank.

Last step –

Use this form **only** if one year or more has passed since the last step was taken by any party in the case.

Identify which step was taken last in your case and provide the date when it occurred.

Who to give notice to: You will need to give notice to each other party in your case.

To give notice, if the last step taken was the filing of the Notice to Resolve a Family Law Matter, participation in a needs assessment, completion of a parenting education program or participation in consensual dispute resolution, you must provide a copy of the document to each other party using any way you believe will get it to them.

To give notice, if the last step taken was the filing of the Application About a Family Law Matter or any other step under the rules and no final order has been made, you must serve each other party with a copy of the Notice of Intention to Proceed.

Notice of Intention to Proceed

Form 2

Provincial Court Family Rules
Rules 15 and 42

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. ☐ More than one year has passed since the parties have taken any step in my case

3. The last step completed in my case, by any party, was:

Select only one of the options below and complete the required information

- ☐ filing of the Notice to Resolve a Family Law Matter on _____
(mmm/dd/yyyy)
- ☐ completion of a needs assessment on _____
(mmm/dd/yyyy)
- ☐ completion of a parenting education program on _____
(mmm/dd/yyyy)
- ☐ completion of consensual dispute resolution on _____
(mmm/dd/yyyy)
- ☐ filing of the Application about a Family Law Matter on _____
(mmm/dd/yyyy)
- ☐ other (specify) _____ on _____
(mmm/dd/yyyy)

4. ☐ I understand I must give notice of my intention to proceed to each other party. To give notice, they must be served or provided with a copy of this document.

5. The other party is: _____ . Their date of birth is _____ .
(full name of other party) (mmm/dd/yyyy or unknown)

Their contact information and address for service, as I know it, are:

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

Additional party (Complete only if applicable. You may leave this section blank)

Full Name:	Date of Birth:	
Contact Information and/or address for service		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

NOTE TO OTHER PARTY:

If the above contact information and/or address for service is not correct, you must file a Notice of Address Change in Form 46 and serve a copy of the notice on each other party.

WHAT YOU MUST DO

If the last step identified in section 3 was any of the following, you must participate in a needs assessment before you may take any further steps in your family law matter:

- filing of the Notice to Resolve a Family Law Matter
- completion of a needs assessment
- completion of a parenting education program
- participation in consensual dispute resolution

☐ **Contact** Family Justice Services Division to **schedule** your individual **needs assessment**.

[FJSD contact information]

The Notice of Intention to Proceed must be provided to the other party.

Note: You may be contacted by a needs assessor if someone else has filed a Notice of Intention to Proceed and named you as the other party in that document.

If the last action identified in section 3 was any of the following, you must attend a family management conference before you may take any further steps in your family law matter:

- filing of the Application About a Family Law Matter
- any other step

☐ **Attend a family management conference**

The court registry will provide you information about how to schedule your family management conference after you have filed the Certificate of Service to prove service of the Notice of Intention to Proceed on each other party.

The Notice of Intention to Proceed must be served on the other party by ordinary service if there is an address for service on the court file for the party to be served, or by personal service if there is no address for service on the court file.

Note: To receive notice of the family management conference, the court registry requires your current contact information and address for delivery. To update this information, you must file a Notice of Address Change in Form 11 and serve a copy of the notice on each other party.