

Preparing a Request for Scheduling

Form 39 Provincial Court Family Rules

Complete this form if you need a court appearance to be scheduled because any of the following circumstances apply and, with the exception of a review, less than a year has passed from the date the parties took any steps under these rules:

Was your matter adjourned by the court without setting a new date (adjourned generally)?

Your court file is still open, you were not ready to proceed. You are now ready and need a court appearance to be scheduled.

Was your matter struck from the court list by the court?

The parties did not attend the court appearance. The parties are now ready and need a court appearance to be scheduled.

Did the court direct you to a family justice counsellor, mediator or counsellor, to participate in a full section 211 report or views of the child report, or any other requirement as directed by the court?

You have completed one or more of the above directions and need a court appearance to be scheduled.

Did the court direct you to correct a document or address how you served another party (a deficiency under the rules)?

You have corrected the deficiency and need a court appearance to be scheduled.

Did the court order a review of one or more terms of a court order on a specified date, after a specified amount of time, or after a specified event has happened (such as when the child turns 19 or a spouse is eligible to start receiving benefits under a pension)?

The date, time or event has happened and you need a court appearance to be scheduled.

Are you applying to change, suspend or cancel an interim order (temporary order for the time until the court can make a final decision) under section 216 (3) *[court may make interim orders]* of the *Family Law Act*?

Your family circumstances have changed and you have new information. You need a court appearance to be scheduled.

Have you attended a family management conference and now need an interim order under section 216 or 217 *[interim orders before changing, suspending or terminating orders]* of the *Family Law Act*?

Your family circumstances have changed and you have new information. You need a court appearance to be scheduled.

Note: If more than one year has passed since you last took a step in your case, except in the case of a review, you must instead file a [Notice of Intention to Proceed Form 2](#) and attend a family management conference to determine the next step in your case.

The ability to refresh the process following a time lapse is important as family dynamics and finances can change significantly in a year. The family management conference will allow a judge to determine if an application or other document needs to be updated and what the most appropriate next step is for the parties.

Note: If you were directed by the court to schedule your next appearance with the judicial case manager or together with the other party, you probably don't need to use this form. Check in with the judicial case manager or registry staff if you are not sure.

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, or contact the [Justice Access Centre](#)

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 Request for Scheduling 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 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
- 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 Request for Scheduling form at the Provincial Court Registry ☐

You must file at the [Provincial Court Registry](#) where your existing case 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 Request for Scheduling on each other party ☐

Service is the act of giving or leaving documents with the required person. It is important that each other party know that a case is going on, are aware of what step is being taken 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 document is served on the other party and the date and time of the court appearance.

A Request for Scheduling 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 party who does not have an address for service must be served by leaving a copy of the application document(s) 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.

Tips for Completing the Form:

Registry location and court file number –

Copy this information from the top right corner of the Notice to Resolve a Family Law Matter or other document filed with the court.

Your name –

Copy your full name from the first document filed in your case with the court.

Other party –

Copy the full name of each other party from the first document filed in your case with the court.

Reason for requesting a court appearance –

You will need to provide the date of the court appearance and select the option that applies to your situation. See the front page for a refresher on when you use each option.

If you are applying to change, suspend or cancel the interim order, you must explain why you are applying and what you are asking the court to order.

If you are applying for an interim order, select the family law matter(s) you need an interim order for. The Application for a Family Law Matter, Reply to an Application About a Family Law Matter and/or Counter Application must already include the details of the final order you are asking for an interim order about.

NOTE: If more than one year has passed since the date of the court appearance, except in the case of a review or if another step was taken in your case, you must instead file a [Notice of Intention to Proceed Form 2](#) and attend a family management conference to determine the next step in your case.

The application and appearance –

This form is used to schedule an application that has already been filed.

Include the date the application you are requesting to have scheduled was filed and the type of court appearance that needs to be scheduled. If you are not sure what type of court appearance needs to be scheduled, talk to the court registry staff, judicial case manager, or a lawyer.

Giving notice –

Remember that you must give each party or person at least 7 days' notice of the date and time of the court appearance.

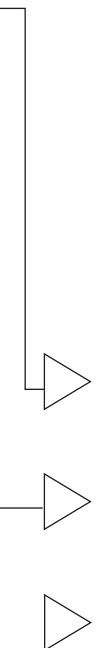
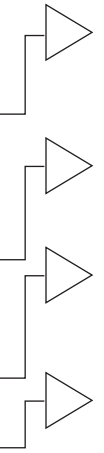
To give notice, they must be served with a copy of this document at least 7 days before the date set for the court appearance.

Scheduling –

The court prefers to schedule court appearances for a date that works for everyone. Check with the other party or person to see if there are dates that may work better for all of you. It is usually better for you if the court appearance is scheduled for a date when everyone can be there. Try to pick a few dates that may work for you and the other party or person.

The registry or judicial case manager will work with you to schedule a court date based on a date that works for all parties and the court's availability.

The registry will fill in the actual date on the form. Be prepared to tell them the dates you are considering.



Request for Scheduling

Form 39

Provincial Court Family Rules

Rule 156

Registry Location:

Court File Number:

1. My name is _____.
(full name of party)

2. The other party is _____.
(full name of other party/parties)

3. On _____ :
(mmm/dd/yyyy)

Select all options that apply

- ☐ this matter was adjourned by the court without setting a new date (adjourned generally)
- ☐ this matter was struck off the court list by the court without setting a new date
- ☐ an order or direction was made by the court referring or requiring the party/parties to attend, participate or complete a requirement before returning to court
- ☐ an order or direction was made by the court requiring that a deficiency under these rules be addressed by a party before returning to court
- ☐ an order was made by the court providing for the review of the order
- ☐ an interim order was made by the court and I am applying for the interim order to be changed, suspended or cancelled under section 216 (3) of the *Family Law Act* because:

I would like the interim order changed, suspended or cancelled as follows:

- ☐ I attended a family management conference regarding this matter.
I am applying for an interim order under section 216 or 217 of the *Family Law Act* for the following family law matter order(s) applied for in my application, reply or counter application:
 - ☐ parenting arrangements, including parental responsibilities and parenting time
 - ☐ child support
 - ☐ contact with a child
 - ☐ guardianship of a child
 - ☐ spousal support

4. I request that the application filed on _____ be scheduled for a:
(mmm/dd/yyyy)

- ☐ family management conference
- ☐ other court appearance as ordered or directed by the court (specify): _____

5. ☐ I understand I must give notice of this request for scheduling to each other party. To give notice, they must be served with the document at least 7 days before the date set for the court appearance.

For registry or judicial case manager use only

A _____ (type of appearance)	is scheduled for _____ (mmm/dd/yyyy)	at _____ (time)	a.m./p.m.
at _____ (court registry, street address, city)			

NOTICE TO THE OTHER PARTY: If you do not appear in court on the date and time above, the Court may make an order in your absence.