

TO APPLY FOR AN APPLICATION DUE TO A SIGNIFICANT CHANGE IN CIRCUMSTANCE

Rule 1.1 (1) (b)

Step 1

COMPLETE the APPLICATION DUE TO A SIGNIFICANT CHANGE IN CIRCUMSTANCE form, type or print clearly and firmly as there are 4 copies and they must be readable. Forms and guides can be found at the Government of BC website www.gov.bc.ca/court-forms



Step 2

File the APPLICATION DUE TO A SIGNIFICANT CHANGE IN CIRCUMSTANCE by taking or mailing it to the Provincial Court Registry where the hearing in respect of the child is located, unless the file was transferred under Rule 8(12) or (13), to another a registry. There is no fee for filing an Application. If the form is accepted for filing, registry staff will set a date for you to attend before a judge. They keep a copy and give you the copies you need for your records and for serving on the other parties.



Step 3

SERVE the Director at the address for service provided by the director in their notice to you that an Indigenous law applies to the child(ren). Service must be given with 12 days notice of the court date noted on the application. The Director will serve everyone else who is entitled to notice of your application with 10 days notice. The Child, Family and Community Service Act lists those who must be served with each application. The Rules of Court tell how to serve the form. (See a copy of Rule 6 at the Court Registry.)

AND THEN you must appear in court at the date, time, and by the method of attendance set out in your Application. You may have to prove that you served who you were required to serve if they do not show up in court for your Application. To do this, you will need a Certificate of Service (Form 9). Then the judge will hear evidence from all parties and decide whether to grant your Application.

THE CHILD(REN)

The names of the child or children the Indigenous authority has given notice about should appear here.



THE PARENT(S)/GUARDIAN(S)

The parent(s)/guardian(s) name(s) will appear on the court list posted in the courthouse on the date when the application is heard.



INDIGENOUS CHILD(REN)

Section 1 of the Child, Family & Community Service Act defines an “Indigenous child”.



FILED BY

The name, address and email for the Indigenous authority goes here. This is the address the Court and other parties will send any further notices or information to you. If your address changes after filing this application, get a [Notice of Address for Service \(Form 8\)](#) from the Court Registry, fill it out and file it there.



NOTICE TO:

List the name, address and email address of the director who provided notice that an Indigenous law applies to the child(ren). Review section H of the notice you received that informs you where the director can be served. Be sure to use the correct address. There are rules related to service.

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/533_95



APPLYING FOR

If the order you are applying for is one of those listed on the form, you must check the space before the section of the Act, that authorizes the application.



Applications for an extension to make an application for an order respecting Indigenous law must include the number of days you are requesting.

COURT DATE

The court will assign a date, time and method of attendance.



Application Due to a Significant Change in Circumstance

Form 3.2

In the Provincial Court of British Columbia Under the *Child, Family and Community Service Act*

REGISTRY FILE NUMBER

REGISTRY LOCATION

THE CHILD(REN):

This is the name and birthdate of each child involved.

In the matter of the child(ren):

Name

Date of Birth (mm/dd/yyyy)

THE PARENT(S)/ GUARDIAN(S):

This is the name(s) of the parent(s)/ guardian(s) of the child(ren) listed above.

The parent(s)/guardian(s) of the child(ren) is/are:

Name

INDIGENOUS CHILD(REN):

Check one and provide the community(ies), if applicable.

The child(ren) is/are Indigenous: ☐ Yes ☐ No

If the child(ren) is/are Indigenous, the following is/are the name(s) of the child(ren) and the names of the/each child's Indigenous community or communities:

Child(ren)'s Name

Name(s) of First Nation, Nisga'a Nation, Treaty First Nation, Métis, Inuit or another Indigenous community

FILED BY:

This is the name, address, and email address of the Indigenous authority who is making this application.

This application is filed by an Indigenous authority:

Name

Address

City

B.C.

Postal Code

Phone

Fax

Email Address

NOTICE TO DIRECTOR:

This is the name, address (and phone, fax number, and email address if applicable) of the director who is required to be notified of the application.

Notice to Director:

Name

Address (include tel., fax #, and email address if applicable)

FOR AN ORDER:

☐ the Indigenous law applies and the director is to withdraw (s. 48.5(5)(b))

☐ the Indigenous law applies and the continuing custody order is to be canceled (s. 50.05(5)(b))

☐ since the attached order was made, circumstances have changed significantly as follows:

Check the appropriate box.

If a hearing is required, the registry staff will tell you the date, time and method of attendance for the hearing.

I will apply to this court on _____ at _____ ☐ am ☐ pm

Date

Time

☐ in person at

☐ by another method of attendance, as specified

court location

The registry will send within 24 hours before the hearing date noted above the link to connect by MS Teams, including a dial in conferencing number to be used by any party that is unable to use MS Teams or has problems with their video connection. If you have not provided your email address or telephone number to the registry on your Notice / Address for Service ([Form 8](#)), you must contact the registry to obtain the telephone conference or MS Teams conference information.

When remote appearance is included in the "by" field, you may choose to attend in that method.

FACTS

These are the facts on which the application is requested. If you require additional space tick the box and note the number of additional pages you have attached.



How to complete this form

Set out the facts you are relying on for the order(s) you are asking for.

[illegible]

____ additional pages are attached. Mark the additional pages as "Page 2 of the Application, Page 3, etc." A copy of the attached pages must accompany each copy of the Application.

Dated _____

IMPORTANT INFORMATION ABOUT YOUR HEARING

What do parties need to know about attending by another method of attendance?

If your notice indicates that you are to attend by another method of attendance, parties, including the judge, will attend using the Microsoft Teams audio- and video-conferencing (video) platform. **Do not attend the courthouse in person.** Parties will receive remote appearance details within 24 hours prior to the appearance, this notification is sent to you by email. If you are unsure if your email address is current contact your local registry or complete and file Form 8, Notice of Address for Service including your most recent information.

Microsoft Teams allows participants to join the conference using video or audio from a desktop, laptop, tablet, or smartphone, or to dial-in to a proceeding from a telephone. **If you are appearing by video**, please ensure that you have downloaded Microsoft Teams or have the latest version of Google Chrome or Microsoft Edge.

If you received this Notice by mail and intend to appear using video or audio from a desktop, laptop, tablet, or smartphone, and you did not provide an email address for service, please file an Notice of Address for Service (CFCSA Form 8), with the court registry that includes your email address and the court registry will send you the MS Teams meeting invite within 24 hours prior to your appearance.

The link and dial up information may be shared with your lawyer if you have retained counsel; and with your client if you are counsel.

Please do not forward or share the MS Teams link or dial up information to any unauthorized parties.

Legal Aid BC - Family Law Legal Advice

If you do not have a lawyer for your family law matter, visit legalaid.bc.ca/family-court-notice to find out about **free in person and remote legal advice services** that you may be eligible for that can help you prepare for your court date. Contact the advice services at least three weeks before your court date or as soon as you receive this notice. If you are unable to access the internet, contact the Family Law LINE at 604-408-2172 in Greater Vancouver or 1-866-577-2525 elsewhere in BC.

Interpreter

The court provides interpreters for family proceedings in provincial court. If you require an interpreter, please advise the registry as soon as possible. This link includes all court locations (address and phone numbers): <https://www2.gov.bc.ca/gov/content/justice/courthouse-services/courthouse-locations>

Before the scheduled hearing date, please visit the Provincial Court website at <https://www.provincialcourt.bc.ca> and review:

- *Policy on Use of Electronic Devices in Courtrooms and Access to Court Proceedings Policy* (there is a general prohibition on the recording or broadcasting of court proceedings unless authorized by the Court and there are penalties for breach)
- *NP 21 Remote Attendance in the Provincial Court* (for etiquette and directions on connecting by another method of attendance) (counsel attendance requirements when attending Family matters remotely)
- *NP 24 Form of Address for Parties and Lawyers* (provide the judge or justice with each person's name, title (e.g. "Mr./ Ms./Mx./Counsel Jones") and pronouns to be used in the proceeding)
- *eNews - What to expect at a family management conference?*

If you are unable to dial-in or are dropped from the appearance immediately call the court registry.

Application Due to a Significant Change in Circumstance

Form 3.2

In the Provincial Court of British Columbia Under the *Child, Family and Community Service Act*

REGISTRY FILE NUMBER

REGISTRY LOCATION

THE CHILD(REN):

This is the name and birthdate of each child involved.

In the matter of the child(ren):

Name

Date of Birth (mm/dd/yyyy)

THE PARENT(S)/ GUARDIAN(S):

This is the name(s) of the parent(s)/ guardian(s) of the child(ren) listed above.

The parent(s)/guardian(s) of the child(ren) is/are:

Name

INDIGENOUS CHILD(REN):

Check one and provide the community(ies), if applicable.

The child(ren) is/are Indigenous: ☐ Yes ☐ No

If the child(ren) is/are Indigenous, the following is/are the name(s) of the child(ren) and the names of the/each child's Indigenous community or communities:

Child(ren)'s Name

Name(s) of First Nation, Nisga'a Nation, Treaty First Nation, Métis, Inuit or another Indigenous community

FILED BY:

This is the name, address and email address of the Indigenous authority who is making this application.

This application is filed by an Indigenous authority:

Name

Address

City

B.C.

Postal Code

Phone

Fax

Email Address

NOTICE TO DIRECTOR:

This is the name address (and phone, fax number, and email address if applicable) of the director who is required to be notified of the application.

Notice to Director:

Name

Address (include tel., fax #, and email address if applicable)

FOR AN ORDER:

☐ the Indigenous law applies and the director is to withdraw (s. 48.5(5)(b))

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Check the appropriate box.

If a hearing is required, the registry staff will tell you the date, time and method of attendance for the hearing.

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Date

Time

☐ in person at

court location

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Set out the facts you are relying on for the order(s) you are asking for.

[illegible]

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Name

Address

City

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Postal Code

Phone

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Set out the facts you are relying on for the order(s) you are asking for.

[illegible]

____ additional pages are attached. Mark the additional pages as "Page 2 of the Application, Page 3, etc." A copy of the attached pages must accompany each copy of the Application.

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Dated _____

CERTIFICATE OF SERVICE

Form 9

In the Provincial Court of British Columbia
Under the *Child, Family and Community Service Act*

REGISTRY FILE NUMBER

REGISTRY LOCATION

In the matter of the child(ren):

Name(s)

Date(s) of Birth (mm/dd/yyyy)

The parent(s)/guardian(s) of the child(ren) is/are:

Name(s)

I certify that I, Name

of Address

City

Province

Served Name of person served

on Date

at Address/facsimile number/email address

with a copy of: (List each document served)

☐ by leaving with them personally;

☐ by mailing to them by registered mail. Attached and marked as an exhibit to this certificate is:

☐ confirmation of delivery or a printout of their signature from Canada Post, marked Exhibit "____"; or

☐ the unopened envelope returned by Canada Post, marked Exhibit "____".

☐ by sending by email to the email address confirmed on Date. Attached and marked as Exhibit

"____" to this certificate is a copy of the email sent, including the time delivered and confirming it was sent to

Email address which is the email address of Name,

☐ by sending the copy by facsimile transmission. Attached and marked as Exhibit "____" to this certificate is

a transmission report generated by the sending machine, confirming transmission to Number

which is the facsimile number of Name

Signature

Dated _____