

# TO APPLY FOR AN ORDER RESPECTING INDIGENOUS LAW

## Rule 1.1 (1) (a)

### Step 1

COMPLETE the APPLICATION FOR AN ORDER RESPECTING INDIGENOUS LAW 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](http://www.gov.bc.ca/court-forms)



### Step 2

File the APPLICATION FOR AN ORDER RESPECTING INDIGENOUS LAW by taking or mailing it to the Provincial Court Registry listed in section H of the Director's Notice of Indigenous Authority Confirmation (Withdrawal) or Director's Notice of Indigenous Authority intent to have Custody. 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.) *When applying to extend the time to apply, notice to the director is shortened to 4 days notice, and directors notice to other is shortened to 2 days notice.*

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

Your name, address and email go here. This is the address the Court and other parties will send any further notices or information to you. It may or may not be the same as your home address. For example, if you live in a rural area, your delivery address may be a postal box. If your address changes, 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](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.

# APPLICATION FOR AN ORDER RESPECTING INDIGENOUS LAW

## Form 3.1

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 one who is making this application.

### This application is filed by:

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, unless the applicant is the director.

### Notice to Director:

(Unless the application is made by the director)

Name

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

**INDIGENOUS  
AUTHORITY:**  
This is the name, address (and phone, fax number, and email address if applicable) of the Indigenous authority indicated on the director's notice of Indigenous Authority confirmation.

### Indigenous authority:

Name

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

### For an order:

- ☐ the proceeding continue and any interim orders in effect continue to apply (s. 33.04(8)(a))  
☐ the proceeding continue and any interim orders in effect continue to apply (s. 48.3(8)(a))  
☐ the child remain in the custody of the director under the continuing custody order (s. 50.03(8)(a))

For an extension of \_\_\_\_ days to make an application for an order respecting Indigenous law, as applicable:

- ☐ an extension of the 7 day time period described in s. 33.03(1) (s. 33.04(4))  
☐ an extension of the 7 day time period described in s. 48.2(1) (s. 48.3(4))  
☐ an extension of the 10 day time period described in s. 50.03(3) (s. 50.03(4))

☐ Attached is a copy of the Director's Notification/Notice of Indigenous authority confirmation.

Attach a copy of the notice you received from the director.

court copy

## **COURT DATE**

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



## **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.



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 _____ <input type="checkbox"/> am <input type="checkbox"/> pm	
	<div style="display: flex; justify-content: space-between;"><div>Date</div><div>Time</div></div>
<input type="checkbox"/> in person at	<div style="border: 1px solid black; height: 25px; width: 100%;"></div> <div style="text-align: center; font-size: small;">court location</div>
<input type="checkbox"/> by another method of attendance, as specified	<div style="border: 1px solid black; padding: 5px;"><p>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 (<a href="#">Form 8</a>), you must contact the registry to obtain the telephone conference or MS Teams conference information.</p><p>When remote appearance is included in the "by" field, you may choose to attend in that method.</p></div>

**The facts on which the application is based are as follows** Set out why you are asking for the order and the facts you are relying on.

☐ If you need more space to set out the orders you are asking for or the relevant facts, attach additional pages.  
\_\_\_\_\_ 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.

Sign, type or print name and the date filed.

Sign, type or print name

Dated \_\_\_\_\_

court copy

## 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](https://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)
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- *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)
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REGISTRY FILE NUMBER

REGISTRY LOCATION

**THE CHILD(REN):**  
This is the name and  
birthdate of each child  
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### 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 one  
who is making this  
application.

### This application is filed by:

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, unless the  
applicant is the  
director.

### Notice to Director:

(Unless the application is made by the director)

Name

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

**INDIGENOUS  
AUTHORITY:**  
This is the name  
address (and phone,  
fax number, and email  
address if applicable)  
of the Indigenous  
authority indicated on  
the director's notice of  
Indigenous Authority  
confirmation.

### Indigenous authority:

Name

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

### For an order:

- ☐ the proceeding continue and any interim orders in effect continue to apply (s. 33.04(8)(a))
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applicant copy

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I will apply to this court on _____ at _____ <input type="checkbox"/> am <input type="checkbox"/> pm	
	<div style="display: flex; justify-content: space-between;"><div>Date</div><div>Time</div></div>
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Sign, type or print name and the date filed.

Sign, type or print name

Dated \_\_\_\_\_

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REGISTRY LOCATION

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This is the name and  
birthdate of each child  
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### In the matter of the child(ren):

Name

Date of Birth (mm/dd/yyyy)

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This is the name(s)  
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Name

**INDIGENOUS  
CHILD(REN):**  
Check one and  
provide the  
community(ies), if  
applicable.

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Indigenous community or communities:

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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 one  
who is making this  
application.

### This application is filed by:

Name

Address

City

B.C.

Postal Code

Phone

Fax

Email Address

**NOTICE TO  
DIRECTOR:**  
This is the name  
address (and phone,  
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be notified of the  
application, unless the  
applicant is the  
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### Notice to Director:

(Unless the application is made by the director)

Name

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

**INDIGENOUS  
AUTHORITY:**  
This is the name  
address (and phone,  
fax number, and email  
address if applicable)  
of the Indigenous  
authority indicated on  
the director's notice of  
Indigenous Authority  
confirmation.

### Indigenous authority:

Name

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

### For an order:

- ☐ the proceeding continue and any interim orders in effect continue to apply (s. 33.04(8)(a))
- ☐ the proceeding continue and any interim orders in effect continue to apply (s. 48.3(8)(a))
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from the director.

director copy

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I will apply to this court on _____ at _____ <input type="checkbox"/> am <input type="checkbox"/> pm	
<div>Date</div>	<div>Time</div>
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Sign, type or print name

Dated \_\_\_\_\_

director copy

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Name

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CHILD(REN):**  
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**FILED BY:**  
This is the name,  
address and email  
address of the one  
who is making this  
application.

### This application is filed by:

Name

Address

City

B.C.

Postal Code

Phone

Fax

Email Address

**NOTICE TO  
DIRECTOR:**  
This is the name  
address (and phone,  
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(Unless the application is made by the director)

Name

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**INDIGENOUS  
AUTHORITY:**  
This is the name  
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fax number, and email  
address if applicable)  
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authority indicated on  
the director's notice of  
Indigenous Authority  
confirmation.

### Indigenous authority:

Name

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

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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 _____ <input type="checkbox"/> am <input type="checkbox"/> pm	
	<div style="display: flex; justify-content: space-between;"><div>Date</div><div>Time</div></div>
<input type="checkbox"/> in person at	<div style="border: 1px solid black; height: 25px; width: 100%;"></div> <div style="text-align: center; font-size: small;">court location</div>
<input type="checkbox"/> by another method of attendance, as specified	<div style="border: 1px solid black; padding: 5px;"><p>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 (<a href="#">Form 8</a>), you must contact the registry to obtain the telephone conference or MS Teams conference information.</p><p>When remote appearance is included in the "by" field, you may choose to attend in that method.</p></div>

**The facts on which the application is based are as follows** Set out why you are asking for the order and the facts you are relying on.

☐ If you need more space to set out the orders you are asking for or the relevant facts, attach additional pages.  
\_\_\_\_ 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.

Sign, type or print name and the date filed.

Sign, type or print name

Dated \_\_\_\_\_

service copy

# 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 \_\_\_\_\_