

## Kamloops Informal Trial Pilot Project

### How to Prepare for an Informal Trial

The most important thing about going to court is to be prepared. This guided checklist will help you stay organized and make sure you have everything you need at your trial. This checklist is just for you, not for the judge, so feel free to add your own notes.

#### File your consent form

- File your Consent to an Informal Trial.** The Informal Trial is a voluntary process. The trial judge must agree to this type of trial and each party must file their consent form at the court registry after the judge agrees to this type of trial (usually within 2 weeks). If either you or the other party has not filed the written consent, an informal trial process will not be used. Be prepared for this possibility. You can get the consent at [www.gov.bc.ca/courtforms/prov-family](http://www.gov.bc.ca/courtforms/prov-family).

#### Preparing for trial

The preparation for an Informal Trial is like a regular trial, but the rules of evidence and court procedure will be more relaxed. This section identifies parts of the trial process that will need preparation and organization. No matter what your case is about, prepare this information and bring it with you to your trial. If you need more help preparing for trial, see the resources section at the end. There is lots of help available.

- Organize and review the documents in your court case.** Familiarize yourself with all the documents you and the other party have filed in this case including the application, reply, any affidavits or financial statements, and any court orders that have been made. Bring a copy of the documents for you to look at during the trial. Organize them in a way that makes it easy for you to find each document.
- Write down points for your opening statement.** At the start of your trial, you will give an opening statement. It is a short summary of your case. Think of the issue to be resolved and the order you want. Outline the issues you can't agree on, the order you want the judge to make, why you want it, and the witnesses or information you would like to present to the court.
- Prepare your evidence.** Evidence is how you will prove your case. Your evidence may come from you, your documents, which are entered by the court as exhibits, or your witnesses.
  - Make a list of facts** that explain why you want what you want. Facts are things you saw, heard, did or said. You don't need to use any special words. Just explain everything clearly, in your own words. Try to tell the facts in the same order they happened in. At the trial, the judge may ask you questions to help understand your story and to make sure each issue has been covered. The judge will also ask the other party or their lawyer if there are other questions they think the judge should ask you. Be prepared to answer some questions. The list of facts is just for you, and it will help make sure you have told the judge everything that is important to your case.
  - Think about each document and why it's important.** You can ask the court to consider any document that supports your case, such as financial statements if there are financial issues. If you want the judge to consider emails or text messages, find the part that relates to your case and use only that part. Do not plan to give the whole chain or thread to the judge. The judge will decide which documents to accept. If you have lot of documents you may want to make a list of the documents, the date, and why you want the judge to consider each document.
  - Prepare your exhibits.** You will give the original to the court as an exhibit. You should also have at least three copies of each document. You will need a copy for the judge, one for each party, and one for you.

- Send another copy** of the documents to each other party before trial. They should also send you a copy of their documents.
- Make a list of the witnesses** you think would be helpful to your case and why. If there is something you don't know personally because you did not observe and were not involved in the event, but someone else does because they observed or were involved in the event, you may need them as a witness so they can tell the court those facts. Other witnesses are allowed if the trial judge agrees they are needed.
- Write out the questions you want each witness to answer.** You need to be prepared to tell the judge what questions you want the judge to ask each witness to get to the evidence you need.
- If applicable, ask the court to have an expert witness give evidence.** You can have an expert witness, such as a doctor or counsellor, or a report writer, give evidence if the judge agrees it would be helpful. This will need to be requested and decided as soon as possible before the trial as there are other requirements specific to expert reports. If the judge agrees before the trial that they are needed as a witness, you must arrange for them to come to the trial and be ready to give evidence.
- Write out the questions you want to ask the expert witness or report writer.** Usually, you will get to ask the expert witness or report writer questions instead of the judge.
- Prepare a list of things you think the judge needs to hear from the other party and their witnesses, including questions you would want them to answer.** At an informal trial, the other party and their witnesses will also get to tell their story without you interrupting. The judge may also ask them questions. After they are done, the judge will ask you if there are other questions you think the judge should ask them. You can check things off your list as they talk about them at the trial and will be ready when the judge asks you if there is anything else.
- Write down points for your closing argument.** When the evidence is finished, you will give your closing argument. In your own words, write some points for what you want to say. Include:
  - What decision you want the judge to make
  - How your evidence and the law supports that decision
  - Information about cases or other law which will help the judge decide the case in your favour. Talk to staff at the Courthouse Library for help finding cases and legislation.
 Remember that in making an order about a child, the parties and the court must consider the best interests of the child. The Family Law Act is the main family law in BC. You can find it here: [www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/11025\\_00](http://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/11025_00)
- Speak to the court registry as soon as possible before your trial date to book an interpreter or technology** if you or a witness needs an interpreter, or you want to use a video or audio recording for your trial.

**For more detailed information about how to prepare for a trial please see these helpful resources:**

- Provincial Court's [Guide to Preparing for a Family Court Trial](http://www.provincialcourt.bc.ca) at [www.provincialcourt.bc.ca](http://www.provincialcourt.bc.ca) – including lists of facts and documents that may be relevant to various family court issues
- Reference handbook for self-represented litigants including guides and worksheets: <https://cjc-ccm.ca/en/resources-center/publications/family-law-handbook-self-represented-litigants>
- Legal Aid BC | Preparing to attend a Provincial Court trial <https://family.legalaid.bc.ca/bc-legal-system/if-you-have-go-court/trials-provincial-court/preparing-attend-provincial-court>
- Justice Education Society | Online course Part II: Prepare to go to court [www.howtoseparate.ca](http://www.howtoseparate.ca)
- Clicklaw Wikibooks | Preparing for and Going to Trial in Provincial Court [https://wiki.clicklaw.bc.ca/index.php?title=Preparing\\_for\\_and\\_Going\\_to\\_Trial\\_in\\_Provincial\\_Court](https://wiki.clicklaw.bc.ca/index.php?title=Preparing_for_and_Going_to_Trial_in_Provincial_Court)

## At least a week before your trial

- Get your witnesses ready.** If you want a witness to give evidence at your trial, make sure they:
  - Can come to your trial – you must tell them when and where they need to attend.
  - Know what general information they will be asked about.
  - Understand that the trial judge may not agree they are needed – they will be allowed to leave if this happens.

You must arrange for your witness to attend court unless the judge has directed otherwise. You must also pay the witness reasonable estimated travel expenses, such as gas and parking. If you need an expert witness to attend, you will want to ask your expert about what fees you will have to pay for them to attend court. For information about costs see <https://family.legalaid.bc.ca/bc-legal-system/if-you-have-go-court/costs-and-expenses>.

If you think a witness might not show up, you must complete and personally serve them with a subpoena (Form 23) at least 7 days before trial. You can get the subpoena form at the court registry or at [www.gov.bc.ca/courtforms/prov-family](http://www.gov.bc.ca/courtforms/prov-family).

For more information about subpoenas, including how to serve them, see [Rule 118](#) of the Provincial Court Family Rules.

## Get ready for court

- Collect your paperwork.** Organize everything you prepared for your trial. Some people find it helpful to put everything in a binder with page numbers (and tabs if there are a lot) and a table of contents to help find the right document when you need it. Remember to bring the original and copies of all unfiled documents you want to use as evidence.
- Invite a support person.** If you don't have a lawyer, you may find it helpful to bring a trusted friend or family member to your trial. This person can provide emotional support, take notes and help organize documents. At the start of the trial, you must ask the judge's permission to have your support person sit beside you. For more information on having a support person, please visit: [www.provincialcourt.bc.ca/about-the-court/court-innovation/SupportPersonGuidelines](http://www.provincialcourt.bc.ca/about-the-court/court-innovation/SupportPersonGuidelines)
- Bring blank paper and a pen.** During the trial, you may want to take notes of things you want to say or have asked when it's your turn. If you have a support person, you can ask them to help take notes.
- Arrange childcare, if you need it.** You shouldn't bring your child to court unless a judge directs otherwise. Court also doesn't always end on time. Make sure your childcare is arranged and they can watch your kids for longer or someone else can pick them up if you can't.
- Plan ahead.** Before you go to court, you may find it helps to plan:
  - What you're going to wear. Ensure your outfit is clean and neat.
  - How you will get to and from court.
  - To arrive at the courthouse at least 15 minutes early.
  - What you will eat before court if you need a meal or snack. Food and drinks are not allowed in the courtroom, but the court does supply water for parties and witnesses.

### Things to know:

- Parties are not allowed to use electronic devices in the courtroom to record or text. Remember to turn your cell phone to silent.
- The trial is recorded by the court clerk. If you need to review something, talk to the court registry staff about how to listen to the recording.
- The courtroom is open to the public. There may be other cases or people in the courtroom.
- You can have friends or family come sit in the courtroom for your trial but only your support person can sit with you.

### Where to get more help:

- Talk to the staff at the Family Justice Centre at 250-828-4688 | 150 Victoria St, Kamloops, BC  
They can give legal information, answer questions about the trial process, and help with your preparations.
- Talk to the staff at the Courthouse Library at 250-828-4385 | 455 Columbia St, Kamloops, BC  
They can help research caselaw and help with printing, photocopying, and organizing materials.
- Talk to a free lawyer at Family Duty Counsel at 250-434-0669 or Family LawLINE at 1-866-577-2525
- Elizabeth Fry Legal Clinic – Family Law Advocate 250-374-2119 or [ally@kamloopsefry.com](mailto:ally@kamloopsefry.com)
- Visit [Clicklaw](https://www.clicklaw.bc.ca/helpmap) at [www.clicklaw.bc.ca/helpmap](https://www.clicklaw.bc.ca/helpmap) to find other free and low-cost legal services in your community