

Early Resolution and Case Management Model Explained (Surrey and Victoria Provincial Court Registries)

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INTRODUCTION

This document describes the Early Resolution and Case Management Model rules and process that have applied to matters under the *Family Law Act* (FLA) in the Victoria Provincial Court registry since May 13, 2019. Effective December 7, 2020, the Early Resolution and Case Management Model will be expanded to the Surrey Provincial Court registry.

The format of this document sets out the rule or section (effective December 7, 2020) in the left-hand column, with a short summary of the rule and how it will operate provided in the right-hand column. Aspects of the model that are described as “new” mean new as compared to the Provincial Court (Family) Rules as they existed before May 13, 2019. This document is intended to provide information on the new processes but is not intended to be legal advice. It is intended for both lawyers and non-lawyers and as a result there are explanations of some terms that are well understood by those practicing family law.

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The Victoria Early Resolution and Case Management Model came into force as of May 13, 2019 (Last amended June 1, 2020).
Expansion to include Surrey, along with additional amendments, come into force December 7, 2020.
This document was developed by the Ministry of Attorney General to support the transition to the new model.
It is not legal advice and should not be relied upon for those purposes.

The Early Resolution and Case Management Model supports early resolution for family law matters in Provincial Court through enhanced assessment and consensual dispute resolution (CDR) along with a court case management process. It has been designed to build knowledge and skills, support active resolution of issues where possible and help the parties prepare for next steps. The model emphasizes the importance of needs assessment and CDR, not as an alternative process, but as a first step in the resolution of any family law dispute.

RULE 5.01 – EARLY RESOLUTION AND CASE MANAGEMENT MODEL PROCEDURES

- This Rule introduces the Early Resolution and Case Management Model into the Provincial Court (Family) Rules however the bulk of the provisions are in Appendix B.

Subrule 1: Definitions

<p>In this rule and Appendix B [<i>Early Resolution and Case Management Model</i>]:</p>	<p>Rule 5.01 (1) sets out the definitions introducing new concepts in the Early Resolution and Case Management Model. The definitions in the existing Provincial Court (Family) Rules apply otherwise.</p>
<p>“certificate of service” means a certificate in Form E [<i>Certificate of Service</i>] of Appendix C that certifies service under the Early Resolution and Case Management Model;</p>	<p>The certificate of service replaces the affidavit of service in the existing rules. It is filled out by the person who served the document and filed it at the registry.</p> <p>The certificate of service is intended to make the proof of service easier for self-represented litigants who would otherwise be required to take an extra step to have an affidavit of service sworn or affirmed.</p>
<p>“consensual dispute resolution” means</p> <ul style="list-style-type: none"> (a) mediation with a family law mediator who is qualified as a family dispute resolution professional in accordance with section 4 [<i>family law mediators</i>] of the <i>Family Law Act Regulation</i>, (b) a collaborative family law process conducted in accordance with a collaborative participation agreement, or (c) facilitated negotiation of a child support or spousal support matter with a child support officer employed by the Family Justice Services Division of the Ministry of Attorney General; 	<p>The definition of consensual dispute resolution is new and describes the dispute resolution processes that qualify under the early resolution requirements.</p>

<p>“Early Resolution and Case Management Model” means the rules for early resolution and case management set out in the provisions of Appendix B [<i>Early Resolution and Case Management Model</i>];</p>	<p>This definition directs people to the appendix for the provisions of the Early Resolution and Case Management Model.</p>
<p>“early resolution and case management registry” means the Surrey or Victoria registry;</p>	<p>Surrey and Victoria are the early resolution and case management registries.</p>
<p>“family law matter” means any of the following matters:</p> <ul style="list-style-type: none"> (a) parenting arrangements, including parental responsibilities and parenting time; (b) child support; (c) contact with a child; (d) guardianship of a child; (e) spousal support. 	<p>The definition of “family law matter” is new and is used to refer collectively to those matters that go through the early resolution requirements.</p>
<p>“Family Law Act Regulation” means the Family Law Act Regulation, B.C. Reg. 347/2012</p>	<p>The Family Law Act Regulation, among other things, sets out the qualifications that a family law mediator must meet to be considered a family dispute resolution professional under the Family Law Act and to provide consensual dispute resolution under these rules.</p> <p>It also contains the consent form to request a child protection record check that is required for an application for guardianship of a child.</p>
<p>“priority parenting matter” means any of the following matters:</p> <ul style="list-style-type: none"> (a) giving, refusing or withdrawing consent, by a guardian, to medical, dental or other health-related treatments for a child, if delay will result in risk to the health of the child; (b) applying, by a guardian, for <ul style="list-style-type: none"> (i) a passport, licence, permit, benefit, privilege or other thing for a child, if delay will result in risk of harm to the child’s physical, psychological or emotional safety, security or well-being, or (ii) travel with a child or participation by a child in an activity if consent to the travel or activity is required and is alleged to have been wrongfully denied; 	<p>Priority parenting matters capture a distinct list of time sensitive matters that proceed directly to a court appearance with a judge. An application about a priority parenting matter can be made before parties complete any applicable initial requirements to apply for a related family law matter.</p> <p>Priority Parenting Matters replace the Notice of Motion process under the old rules in part. Instead of providing a blank motion to appear before a judge, the new rules provide for a closed list of matters that can be addressed as a priority, before or separate from other parenting issues.</p>

<p>(c) relating to change in location of a child’s residence, or a guardian’s plan to change the location of a child’s residence, if</p> <ul style="list-style-type: none"> (i) no written agreement or order respecting parenting arrangements applies in respect of the child, and (ii) the change of residence can reasonably be expected to have a significant impact on the child’s relationship with another guardian; <p>(d) relating to the removal of a child under section 64 [<i>orders to prevent removal of child</i>] of the <i>Family Law Act</i>;</p> <p>(e) determining matters relating to interjurisdictional issues under section 74 (2) (c) [<i>determining whether to act under Part 4 – Care of and Time with Children</i>] of the <i>Family Law Act</i>;</p> <p>(f) relating to the alleged wrongful removal of a child under section 77 (2) [<i>wrongful removal of child</i>] of the <i>Family Law Act</i>;</p> <p>(g) relating to the return of a child alleged to have been wrongfully removed or retained under the Convention on the Civil Aspects of International Child Abduction signed at the Hague on October 25, 1980.</p>	
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Subrule 2: In the event of conflict

<p>Unless the court otherwise orders, in the event of a conflict between this rule, including the Early Resolution and Case Management Model, and another rule, this rule, including the Early Resolution and Case Management Model, applies.</p>	<p>Rule 5.01 (2) ensures that where there are Early Resolution and Case Management Model rules and Provincial Court (Family) Rules, the Early Resolution and Case Management Model rules apply.</p>
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Subrule 3: Application of this rule and Early Resolution and Case Management Model

<p>This rule and the Early Resolution and Case Management Model apply to proceedings concerning the following, when initiated in an early resolution and case management registry:</p> <ul style="list-style-type: none"> (a) orders about family law matters that are to be made under Part 3 [<i>Applying for Orders about Family Law Matters</i>] of Appendix B; 	<p>Rule 5.01(3) establishes the situations in which the Early Resolution and Case Management Model rules will apply.</p> <p>While only family law matters are referred into the early resolution requirements, there are new forms for a number of applications and the</p>
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<p>(b) case management orders that are to be made under Part 5 [<i>Case Management Orders</i>] of Appendix B;</p> <p>(c) orders that are to be made under Part 6 [<i>Applying for Other Orders</i>] of Appendix B in relation to the following:</p> <ul style="list-style-type: none"> (i) protection orders; (ii) priority parenting matters; (iii) relocation; (iv) consent orders; (v) enforcement. 	<p>current notice of motion process is replaced by different processes for seeking court orders.</p>
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Subrule 4: When family law matter must be resolved in early resolution and case management registry

<p>Subject to subrule (5), a party seeking to resolve any matters in subrule (3) must do so in the early resolution and case management registry when</p> <ul style="list-style-type: none"> (a) there is an existing case filed in the early resolution and case management registry and the family law matter has the same parties as the existing case, (b) the family law matter involves a child related issue and the early resolution and case management registry is the closest registry to where the child lives most of the time, or (c) the family law matter does not involve a child related issue and the early resolution and case management registry is the closest registry to where the party seeking to resolve the family law matter lives most of the time. 	<p>Rule 5.01 (4) identifies when a party seeking to resolve their family law matter through the family justice system is required to use the Surrey or Victoria registry.</p>
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Subrule 5: Protection orders and priority parenting matters

<p>With permission of the court, a party seeking an order about a protection order or a priority parenting matter may do so in any registry.</p>	<p>Rule 5.01 (5) establishes that a party seeking a protection order or a time sensitive priority parenting matter can seek permission from the court to apply at any registry.</p>
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Subrule 6: When Early Resolution and Case Management Model does not apply

<p>The Early Resolution and Case Management Model does not apply</p>	<p>Rule 5.01 (6) is a transition rule which indicates the situations in which the Early Resolution and Case Management Model rules will not apply.</p>
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<p>(a) to matters in a court file, if the court file is transferred to a registry that is not an early resolution and case management registry,</p> <p>(b) to an application to obtain an order in an early resolution and case management registry, if the application was made before the registry became an early resolution and case management registry,</p> <p>(c) to an application respecting existing orders or agreements in an early resolution and case management registry, if the application was made before the registry became an early resolution and case management registry, or</p> <p>(d) to a notice of motion filed in an early resolution and case management registry, if the notice of motion was filed before the registry became an early resolution and case management registry.</p>	<p>Applications or notices of motion that are commenced before this rule comes into force will proceed under the rules that applied in the Victoria registry before May 13, 2019 or in the Surrey registry before December 7, 2020.</p> <p>If a new application is made on an existing case, including an application for a case management order, after these rules come into force in Surrey or Victoria, the new forms and processes must be used.</p>
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Subrule 7: Intention to proceed – court file started before Early Resolution and Case Management Model

<p>Despite subrule (6), if one year has passed from the date of an activity described in subrule (6) (b) or (c), before the parties may proceed, a party must</p> <ul style="list-style-type: none"> (a) file a notice of intention to proceed in Form B [<i>Notice of Intention to Proceed</i>] of Appendix C, (b) serve it on the other party, (c) file a Certificate of Service, and (d) participate in a family management conference. 	<p>Rule 5.01 (7) is also a transition rule which establishes that if a party is operating under the rules that applied prior to implementation of the Early Resolution and Case Management model in either Surrey or Victoria, but takes no action on the file for a year, that they then will file a notice of intention to proceed which will require them to participate in a family management conference. The judge at the family management conference will determine what the parties’ next steps will be.</p> <p>The Notice of Intention to Proceed form is new with these rules and is important as family dynamics and finances can change significantly in a year.</p> <p>Service, in this section, should be in accordance with the existing rule 9.</p>
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APPENDIX B- EARLY RESOLUTION AND CASE MANAGEMENT MODEL

- This Appendix contains most of the Early Resolution and Case Management provisions. Rule 5.01 introduces this Appendix into the Provincial Court (Family) Rules, but the Appendix contains the operative rules.

PART 1 – INTERPRETATION, APPLICATION AND PURPOSE

- Part 1 sets out miscellaneous provisions that specify how to cite this Appendix, how this Appendix interacts with the existing rules, additional definitions, and the purpose of this Appendix.

Section 1: Definitions

<p>(1) In this Appendix, the definitions in rule 5.01 (1) apply.</p> <p>(2) In this Appendix: “early resolution requirements” means the requirements described in section 5 [<i>early resolution requirements</i>]; “these rules” means the Provincial Court (Family) Rules.</p>	<p>The section reiterates that the definitions in 5.01 apply as well as those contained in the appendix.</p> <p>The section also establishes that the term “these rules” means the Provincial Court (Family) Rules.</p>
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Section 2: Citation

<p>This Appendix may be cited as the “Early Resolution and Case Management Model” and is included within any reference to the “Provincial Court (Family) Rules”.</p>	<p>This section establishes the citation for the Early Resolution and Case Management Model and that Appendix B is included in any reference to the Provincial Court (Family) Rules.</p>
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Section 3: Designation of early resolution and case management model registry

<p>This Early Resolution and Case Management Model applies in the [Surrey registry and] Victoria registry, which is designated as an early resolution and case management model registry.</p>	<p>This section explains that the Early Resolution and Case Management Model applies in an early resolution and case management model registry (defined as the Surrey registry and the Victoria registry).</p>
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Section 4: Purpose

<p>The purpose of the Early Resolution and Case Management Model is to encourage parties to resolve their cases by agreement or to help them obtain a just and timely decision in a way that</p>	<p>This section sets out the purpose of the Early Resolution and Case Management Model.</p> <p>The section signals to users that the Early Resolution and Case Management Model is designed to encourage parties to resolve their</p>
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<ul style="list-style-type: none"> (a) takes into account the impact that the conduct of a case may have on a child and family, (b) minimizes conflict, (c) promotes cooperation between the parties, and (d) provides processes for resolution that are efficient and consistent with the complexity of the cases to be resolved. 	<p>cases by agreement or to help them obtain just and timely decisions.</p>
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PART 2- EARLY RESOLUTION REQUIREMENTS

- This Part establishes and explains the Early Resolution Requirements which are necessary steps to take before filing an Application about a Family Law Matter (which replaces the current Application to Obtain an Order and Application Respecting Existing Orders or Agreements).
- This process emphasises the importance of CDR and facilitates access for self-represented litigants to legal information and services.

Division 1 – General

- This Division sets out the early resolution requirements and provides general information about their operation and exceptions to their operation.

Section 5: Early resolution requirements

<p>Before filing an application about a family law matter under Part 3 [<i>Application about Family Law Matters</i>], a person seeking resolution of a family law matter in an early resolution and case management registry must, unless otherwise provided in this Early Resolution and Case Management Model,</p> <ul style="list-style-type: none"> (a) file a notice to resolve in Form A [<i>Notice to Resolve a Family Law Matter</i>] of Appendix C, (b) provide a copy of the notice to resolve to the other person, (c) attend a needs assessment under section 10 [<i>participating in needs assessment</i>], (d) complete a parenting education program under section 12 [<i>completing parenting education program</i>], and (e) participate in at least one consensual dispute resolution session under section 	<p>This section sets out the requirements before a party is able to file an application about a family law matter (equivalent to an application under the existing rule) and directs parties to the sections that provide further details.</p> <p>The Notice to Resolve a Family Law Matter is a new form that is the initiating document for the new process. It differs from an Application to Obtain an Order as it identifies the parties but prompts the referral to the early needs assessment and CDR process. It does not ask parties to assert positions or arguments. This approach was taken in order to avoid setting the parties into an adversarial mindset from the beginning of the process.</p> <p>The normal rules of service do not apply to the Notice to Resolve a Family Matter. It can be</p>
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<p>13 [participating in consensual dispute resolution].</p>	<p>provided by almost any means of communication (including text, social media, email, etc.).</p> <p>The reason for not requiring service is that there are no legal consequences that rely on the document being served. Family Justice Services Division will also be contacting the second party to notify them of the next steps in the process.</p>
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Section 6: Exception to early resolution requirements

<p>The early resolution requirements described in section 5 are not required if a person is only applying for one or more orders that are to be made under Part 5 [Case Management Orders] or 6 [Applying for Other Orders].</p>	<p>This section sets out that parties do not have to comply with the early resolution requirements established in section 5 if they are only seeking the following orders:</p> <ul style="list-style-type: none"> • Case management orders • Protection orders • Orders about Priority Parenting Matters • Orders about Relocation • Consent Orders • Orders about Enforcement
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Section 7: Protection orders and orders about priority parenting matters take priority

<p>For certainty, if a party applies for an order about</p> <p>(a) a protection order under Part 9 [Protection from Family Violence] of the Family Law Act, or</p> <p>(b) a priority parenting matter</p> <p>in addition to an order about a family law matter, the party may apply for the order about the protection order or the priority parenting matter before complying with the early resolution requirements under this Part.</p>	<p>This section makes clear for parties that orders about protection orders and orders about priority parenting matters (defined term) are treated on an expedited basis if they are also applying for an order about a family law matter.</p>
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Section 8: Judge may waive or vary requirements

<p>(1) For certainty, rule 20 (2) [judge may waive or vary rules] of these rules applies to this Early Resolution and Case Management Model.</p> <p>(2) A party may make an application to waive or vary the early resolution requirements in accordance with Part 5 [Case Management</p>	<p>This section provides certainty that the existing rule in the Provincial Court (Family) Rules that provides judges with authority to vary or waive requirements applies in the Early Resolution and Case Management Model as well.</p>
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<i>Orders</i>] of this Early Resolution and Case Management Model.	
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Section 9: Intention to proceed in certain cases after one year

<p>(1) The parties must meet the requirements of subsection (2) if no application about a family law matter has been filed and more than one year has passed since the latest date on which one of the parties took any of the following steps in the case:</p> <p>(a) filed a notice to resolve a family law matter in Form A [<i>Notice to Resolve a Family Law Matter</i>] of Appendix C;</p> <p>(b) participated in a needs assessment;</p> <p>(c) completed a parenting education program;</p> <p>(d) participated in a consensual dispute resolution session.</p> <p>(2) Before the parties described in subsection (1) may proceed under this Early Resolution and Case Management Model,</p> <p>(a) a party must file a notice of intention to proceed in Form B [<i>Notice of Intention to Proceed</i>] of Appendix C and provide a copy of the notice to the other party, and</p> <p>(b) the parties must participate in a new needs assessment.</p>	<p>This section establishes that parties are required to return to assessment if at least a year has passed without further steps being taken since the latest of filing the notice to resolve, participation in a needs assessment, participation in consensual dispute resolution, or completion of the parenting education course.</p> <p>This requirement means that if the parties pause in activity on their file and after a year decide to commence court proceedings, they must tell the other party they are resuming the process and repeat the assessment to refresh the information and referrals, and receive assistance in how to re-enter the process. Families and their dynamics and needs can change quickly while a separation is occurring and this ensures that family violence, information to calculate support and other issues are assessed as those changes occur.</p>
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Division 2 – Needs Assessment

- Each party must participate in an individual needs assessment with a Family Justice Counsellor who will: help the party identify their needs; provide referrals to the Parenting After Separation program, community service providers, and lawyers who can give legal advice; provide information about preparing financial information; identify if there is a risk of family violence; and make a determination about whether CDR is appropriate.

Section 10: Participating in needs assessment

<p>Each party must participate in a needs assessment conducted by a needs assessor for the following:</p> <p>(a) assistance with identifying legal and non-legal needs;</p> <p>(b) information about resolving issues, including</p>	<p>This section requires each party to participate in an individual needs assessment and describes the needs assessment process.</p> <p>Family Justice Services Division currently uses an assessment tool to identify the needs of families and assess for safety and family violence along</p>
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<ul style="list-style-type: none"> (i) how to resolve family law matters and other issues out of court, and (ii) how to apply for a court order; (c) provision of <ul style="list-style-type: none"> (i) a referral to an appropriate parenting education program, or (ii) an exemption from a parenting education program under Division 3 [<i>Parenting Education Program</i>] of this Part; (d) referrals to other resources, including <ul style="list-style-type: none"> (i) where and how to seek legal advice, (ii) where and how to access legal information, (iii) where and how to access resources for issues that are not legal in nature, and (iv) where and how to access resources for children dealing with family changes; (e) assessment of whether consensual dispute resolution under Division 4 [<i>Consensual Dispute Resolution</i>] of this Part is not appropriate; (f) assessment of any risk of family violence; (g) referrals to other resources for individuals and families experiencing or concerned about family violence. 	<p>with a number of other relevant issues, and determine the appropriateness of mediation. Family justice counsellors receive training on assessing for family violence and other dynamics that may be operating in a family. Assessment helps to identify the legal issues in order to make appropriate referrals to legal advice and information early in the process.</p> <p>Assessment also identifies non legal issues that families need support with: how to effectively parent apart, referrals for children dealing with family changes, housing and debt issues, counselling, and referrals for individuals and families experiencing or concerned about family violence.</p>
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Section 11: Needs assessor

<p>For the purposes of this Division, a needs assessor must be a family justice counsellor appointed under section 10 (1) [<i>family justice counsellors</i>] of the <i>Family Law Act</i>.</p>	<p>This section establishes that a needs assessor must be a family justice counsellor with Family Justice Services Division appointed under section 10 (1) of the <i>Family Law Act</i>.</p> <p>The rationale for this is that assessment is considered one of the core steps in this process and ensuring consistency in the tool used, the training to conduct assessment and the ability to monitor performance is important at this stage to ensure consistent and effective service to the parties.</p>
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	<p>Family Justice Services Division is also uniquely positioned in that it will work with <u>both</u> parties to do the assessment. Lawyers who are representing a client and advocates typically will only assess the party they are representing.</p> <p>The assessment is currently part of practice in family justice centres and Justice Access Centres and is required in Rule 5 sites across the province.</p>
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Division 3 – Parenting Education Program

- The Parenting Education Program requirement is similar to the current requirements under Rule 21.
- Under the Early Resolution and Case Management Model, parties must complete the Parenting Education Program (Parenting After Separation) before a file can proceed to court, unless exempted.

Section 12: Completing parenting education program

<p>Each party must complete a parenting education program unless the needs assessor exempts that party because</p> <ul style="list-style-type: none"> (a) that party has already completed the parenting education program in the 2 years before the date of the needs assessment, (b) the family law matter is only related to spousal support, (c) every child involved in the family law matter has reached 19 years of age, (d) that party cannot complete an online version, (e) the parenting education program is not available in a language in which that party is fluent, (f) that party cannot complete an online version due to literacy challenges, or (g) that party cannot complete the parenting education program due to a serious medical condition. 	<p>There are some small differences between the existing Rule 21 and the parenting education requirement in the early resolution and case management model. Rule 21 currently requires completion by only one party before a first appearance date will be set. The second party is supposed to complete Parenting After Separation (PAS) before they can be heard, however this is difficult to enforce.</p> <p>The model requires both parties complete PAS before they may file their pleadings (i.e. application about a family law matter or reply). Exemptions to PAS are also clarified in the model, updating some of the language around inability to access the program or participate due to literacy challenges or language barriers.</p> <p>The new PAS rule is used here, rather than continuing to apply PAS as per Rule 21, to keep all the early resolution requirements together.</p>
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Division 4 – Consensual Dispute Resolution

- This Division sets out the requirement for parties to participate in at least one Consensual Dispute Resolution session unless exempted by a needs assessor or consensual dispute resolution professional.
- It also authorizes consensual dispute resolution professionals to determine the proper form for financial information to take.

Section 13: Participating in consensual dispute resolution

<p>(1) The parties must attempt to resolve a family law matter by participating in at least one consensual dispute resolution session unless</p> <p style="margin-left: 20px;">(a) a needs assessor determines that the parties cannot access consensual dispute resolution services, or</p> <p style="margin-left: 20px;">(b) a needs assessor or a consensual dispute resolution professional determines that participation at a consensual dispute resolution session is not appropriate.</p> <p>(2) To prepare for the consensual dispute resolution session, each party must participate in any preparatory meetings or other preparatory process as required by the consensual dispute resolution professional.</p>	<p>This section requires that parties must attempt to resolve a family law matter (defined term) by participating in at least one consensual dispute resolution (defined term) session unless the needs assessor or CDR professional determines that CDR is not appropriate, or an exemption applies.</p> <p style="margin-left: 40px;">CDR may not be appropriate if a dispute resolution process cannot be adapted to address concerns around power imbalance, safety or family violence or if CDR is not appropriate for the issue to be resolved. The court may also exempt the parties from participating in consensual dispute resolution or delaying participation until after another step is taken.</p> <p>Consensual dispute resolution means</p> <p style="margin-left: 20px;">(a) mediation with a family law mediator who is qualified as a family dispute resolution professional in accordance with the Family Law Act regulations (this includes family justice counsellors and private lawyer and non-lawyer mediators)</p> <p style="margin-left: 20px;">(b) a collaborative family law process where parties have signed a collaborative participation agreement</p> <p style="margin-left: 20px;">(c) facilitated negotiation of child or spousal support done by child support officers employed by Family Justice Services Division.</p>
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Section 14: Financial information for consensual dispute resolution

<p>If financial information for consensual dispute resolution is required, it must be provided in the form required by the consensual dispute resolution professional.</p>	<p>This section allows consensual dispute resolution (CDR) professionals to determine the form in which financial information for CDR is to be provided and requires parties to comply.</p> <p>If CDR takes place with a family justice counsellor or child support officer, the parties will be provided with a document summarizing the financial information that was disclosed for the purposes of CDR.</p>
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PART 3 – APPLICATION ABOUT FAMILY LAW MATTERS

- This Part explains how to apply for orders about family law matters, how to reply to an application about a family law matter, and how to file a counter application.
- Family Law Matters are matters that benefit from (and are appropriate for) the Early Resolution Process. They are:
 - parenting arrangements, including parental responsibilities and parenting time;
 - child support;
 - contact with a child;
 - guardianship of a child;
 - spousal support.
- Orders about Family Law Matters are distinguished from other orders which can be applied for under Parts 5 and 6.

Division 1 – Applying for Family Law Matter Orders

- The Application About a Family Law Matter (Form C) replaces the current Application to obtain an order (Form 1).
- A party has to meet the Early Resolution Requirements, as set out in section 5, before filing an Application About a Family Law Matter.

Section 15: Applying for orders about family law matters

<p>(1) In this section, “order about a family law matter” means an order about any of the following:</p> <ul style="list-style-type: none">(a) for a new order about a family law matter;(b) an order to change or cancel all or part of an existing final order about a family law matter;	<p>This section sets out the procedure for applying for orders about family law matters. For applications concerning family law matters, the title “order about a family law matter” is used. These are applications about family law matters as defined in the rules, and fall within the early resolution requirements. Applications for orders</p>
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<p>(c) an order to set aside or replace all or part of a written agreement about a family law matter.</p> <p>(2) To apply for an order about a family law matter in an early resolution registry, a party must</p> <p>(a) meet the applicable early resolution requirements described in section 5 [<i>early resolution requirements</i>], and</p> <p>(b) after having met the early resolution requirements, file and serve on each other party an application about a family law matter in Form C [<i>Application About a Family Law Matter</i>] of Appendix C.</p>	<p>that are not about family law matters are made using other forms and processes.</p> <p>This section states that the early resolution requirements (defined term) must be met before applying for an order about a family law matter.</p> <p>This means that both parties need to have attended a needs assessment, completed a parenting education program and participated in at least one consensual dispute resolution session (if appropriate) before filing their application or response. There are exemptions provided for parenting education and consensual dispute resolution (for example the latter may not be suitable for all families).</p> <p>Family Justice Services Division (FJSD) is responsible for monitoring whether the applicable early resolution requirements have been met.</p> <p>Upon request of a party, FJSD will forward proof of meeting the requirements to the court registry in a file summary document to be filed on the court file.</p> <p>If a party has participated in consensual dispute resolution with a private consensual dispute resolution professional, FJSD will collect proof of compliance to inform their file summary document.</p>
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Section 17: Additional requirements when applying for certain orders

<p>(1) A party must file the following additional documents with an application about a family law matter:</p> <p>(a) for an order about an existing order or written agreement, a copy of the existing order or written agreement;</p> <p>(b) for an order about child support, a financial statement in Form D [<i>Financial Statement</i>] of Appendix C and any information or documents required by the child support guidelines;</p>	<p>Depending on what the family law matter is about, this rule directs the user to additional documents that need to be filed depending on the order that is being applied for.</p> <p>The Financial Statement in Form D has been changed from the Financial Statement in Form 4. In addition to formatting changes, the new financial statement is more tailored to the information that parties need to provide depending on their specific situation. Additional changes include moving information regarding</p>
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<p>(c) for an order about spousal support, a financial statement in Form D of Appendix C.</p> <p>(2) In addition to filing the additional documents under subsection (1), a party applying for an order about being appointed as a guardian must</p> <p>(a) file the following additional documents with the party's application:</p> <p>(i) a Consent for Child Protection Record Check in Form 5 under the Family Law Act Regulation;</p> <p>(ii) a request, in the form provided by the registry, to search the protection order registry, and</p> <p>(b) certify on the application that the party has initiated a criminal record check.</p>	<p>section 7 expenses from the financial statement to the application form, and removing MSP (Medical Services Plan) from the financial statement.</p>
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Section 17.1: Additional documents required when applying for orders about guardianship

<p>(1) A party making an application for an order about guardianship under section 51 <i>[orders respecting guardianship]</i> of the <i>Family Law Act</i>, including an application for a consent order for guardianship, must file an affidavit in Form 34 <i>[Affidavit]</i> of Appendix A with the following exhibits attached:</p> <p>(a) a record check from the Ministry of Children and Family Development;</p> <p>(b) a child protection order record check from the protection order registry;</p> <p>(c) a criminal record check.</p> <p>(2) The documents in subsection (1) must be filed and served on each other party</p> <p>(a) at least 7 days before the date set for the court appearance of the application if no trial preparation conference is scheduled, or</p> <p>(b) at least 7 days before the date of the trial preparation conference if a trial preparation conference is scheduled.</p> <p>(3) The following periods apply in relation to the documents referred to in subsection (1):</p> <p>(a) an affidavit referred to in subsection (1) must be sworn no more than 7 days before the date the affidavit is filed;</p>	<p>This section sets out the additional documents that must be filed and served with an application for an order about guardianship of a child under the <i>Family Law Act</i>, and the timelines related to those documents.</p> <p>The record checks must be dated within 60 days before the record checks are filed as exhibits to the Form 34 Affidavit and the affidavit must be sworn or affirmed no more than 7 days before it is filed to ensure the evidence contained in the affidavit is current.</p> <p>The affidavit is required before a final order about guardianship of a child can be made.</p>
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<p>(b) the record checks referred to in subsection (1), (a), (b) and (c) must be dated within 60 days before the date that the record check is filed.</p>	
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Section 18: Serving application about family law matter

<p>(1) If a party is applying for an order about a family law matter under section 15 <i>[applying for orders about family law matters]</i>, the party must ensure the personal service of the application about the family matter by having an adult who is not a party leave a copy of the following documents with the party who is to be served:</p> <ul style="list-style-type: none"> (a) the application about the family law matter; (b) instructions, in the form provided by the registry, about the following: <ul style="list-style-type: none"> (i) how to file a reply; (ii) how to obtain Form F <i>[Reply to an Application About a Family Law Matter (with Counter Application)]</i> of Appendix C for filing a reply; (c) any applicable additional documents, as described in sections 17 <i>[additional requirements when applying for certain orders]</i> and 17.1 <i>[additional documents required when applying for orders about guardianship]</i>. <p>(2) If a certificate of service is required under these rules, an adult who serves documents under subsection (1) must complete a certificate of service in Form E <i>[Certificate of Service]</i> of Appendix C and provide it to the party who filed the application about the family law matter.</p> <p>(3) If a reply is not filed under Division 2 within 30 days of service of an application about a family law matter under subsection (1), the party applying for an order about a family law matter must file the certificate of service.</p>	<p>This section sets out the rule for effecting service of an application about a family law matter on the other party.</p> <p>Applications for orders about family law matters must be served by personal service.</p> <p>If a reply is not filed within 30 days of the application being served, the party applying for the order about a family law matter must file the certificate of service.</p>
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Division 2 – Family Law Matter Reply and Counter Application

- Replying to an application for an order about a family law matter works a lot like replying to an application to obtain an order, but the new rules require parties to have met the Early Resolution Requirements before filing a reply. This helps the court to ensure both parties have engaged in the early resolution requirements and there is incentive to comply with the requirements so that Party 2 cannot delay the process.

Section 19: After receipt of application about family law matter

<p>(1) When a party is served with an application about a family law matter, the party may reply to the application about a family law matter, as described in section 21 [<i>reply to application about family law matter</i>].</p> <p>(2) If the party served with an application about a family law matter does not reply, the consequences described in section 23 [<i>if no reply filed</i>] apply.</p>	<p>This section sets out a party’s options when served with an application for an order about a family law matter. It also directs them to the section that sets out the consequences for not filing a reply (section 23).</p>
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Section 20: Early resolution requirements must be met before filing reply

<p>Before filing a reply to an application about a family law matter under section 21, a party must meet the applicable early resolution requirements described in section 5 [<i>early resolution requirements</i>].</p>	<p>Under the rules in place prior to these rules coming into force, Rule 5 required only one party to meet with a Family Justice Counsellor before proceeding to First Appearance.</p> <p>This new model imposes a stricter requirement on both parties to comply with early resolution requirements by not allowing either party to file pleadings without having met the requirements</p>
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Section 21: Reply to application about family law matter

<p>If a party is served with an application about a family law matter and replies,</p> <p>(a) the party must file a completed reply in Form F [<i>Reply to an Application About a Family Law Matter</i>] of Appendix C within 30 days after the date that the party is served the application about the family law matter,</p> <p>(b) the party may, in the reply, do any of the following:</p> <p style="padding-left: 20px;">(i) agree with one or more of the orders applied for in the</p>	<p>This section sets out the process that a party must follow if a party is served with an application about a family law matter and chooses to reply.</p> <p>It also sets out the time limit a party has to file a reply and, if applicable, a financial statement.</p> <p>Finally, this section describes how a party may respond to an application about a family law matter in terms of the content of their reply.</p>
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<p>application about the family law matter;</p> <p>(ii) disagree with one or more of the orders applied for in the application about the family law matter;</p> <p>(iii) make a counter application in accordance with section 22, and</p> <p>if the family law matter claim involves child support or spousal support, the party must file a financial statement in Form D [<i>Financial Statement</i>] of Appendix C.</p>	
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Section 22: Applying for counter application

<p>(1) In a reply, a party may include a counter application to apply for an order about a different family law matter that was not included in the application about a family law matter.</p> <p>(2) If the counter application involves an existing agreement or order, child support, spousal support or appointment of a guardian, the party must file any applicable additional documents, as described in section 17 [<i>additional requirements when applying for certain orders</i>].</p>	<p>This section sets out how a party can make a counter application and what additional documents may be required. Counter applications are used to raise new issues rather than respond to an issue that has already been raised in an existing application about a family law matter by asking for different terms in an order.</p>
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Section 23: If no reply filed

<p>If a party does not file a reply in accordance with section 21 (a) [<i>replying to family law matter claim</i>],</p> <p>(a) the party is not entitled to receive notice of any part of the proceedings, including any conference, court appearance, hearing or trial, and</p> <p>(b) a judge may make orders without that party's knowledge.</p>	<p>This section sets out the consequences for not filing a reply. If a party does not reply they are not entitled to receive notice of any proceedings and a judge may make orders without that party's knowledge.</p> <p>This operates to avoid holding up one party's application for relief due to the other party not engaging in the court process.</p>
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Section 24: Judge may direct matters if party does not file reply

<p>Despite section 23, a judge may direct that a party who does not file a reply under section 21 [<i>reply to an application about family law matters</i>] receive notice of and attend a family</p>	<p>This section sets out that, despite the rule that says a party is not entitled to notice of proceedings if they do not file a reply, a judge</p>
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management conference or another conference or court appearance.	may direct that the party does receive notice of proceedings.
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Section 25: Copy to filing party

After the reply is filed, the registry must, within 21 days, provide a copy of the reply and all documents filed with the reply to the party who filed the family law matter claim.	This is the same requirement as in the existing rules. It clarifies that the registry is responsible for forwarding all documents filed with the reply to the filing party, which is current registry practice.
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Section 26: Replying to a counter application

A party may reply to a counter application by filing and serving a reply to the counter application in Form G [<i>Reply to a Counter Application</i>] of Appendix C within 30 days after the date that the party receives the reply with counter application.	This section sets out how a party can reply to a counter application.
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PART 4 – FAMILY MANAGEMENT CONFERENCES

- This Part introduces Family Management Conferences, outlines how they work, and sets out what types of orders can be made in that conference.
- This new tool is intended to assist parties with certain orders while increasing trial readiness.
- Family Management Conferences take the place of First Appearances (Family Remand) and will be conducted by a judge under this Model.

Division 1 – Purpose, Participation and Information

- This Division outlines what Family Management Conferences are. It states that attending one is required after complying with the Early Resolution Requirements and provides general information about the Conferences.
- Family Management Conferences are intended to help parties achieve readiness and move cases forward for adjudication.

Section 27: Family management conferences

A family management conference is an informal and time-limited process in which a judge <ul style="list-style-type: none"> (a) may assist the parties to identify the issues to be resolved, (b) may explore options to resolve the issues, 	This section describes the new family management conference which will take the place of current first appearance, or “family remand”, practices in the Surrey and Victoria registries.
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<p>(c) may, if needed, make orders and directions under Part 5 [<i>Case Management Orders</i>] based on information provided by or on behalf of the parties to ensure a file is ready to proceed to the next step in the process,</p> <p>(d) may, if needed, make interim orders under section 36 [<i>interim orders</i>], based on evidence provided by or on behalf of the parties regarding family law matters, to address needs until the parties resolve their family law matters in a subsequent step in the process, and</p> <p>(e) may, if needed, make orders under</p> <ul style="list-style-type: none"> (i) section 23 [<i>if no reply filed</i>], if a party does not file a reply, (ii) section 37 [<i>consent orders</i>], by consent of the parties, and (iii) section 41 [<i>orders made in the absence of a party</i>], in the absence of a party. 	<p>Family management conferences assist parties applying for certain types of orders, increasing trial readiness and helping to move cases forward for adjudication.</p> <p>A family management conference is conducted by a judge.</p> <p>Family management conferences are intended to help parties achieve readiness and move cases forward for adjudication.</p>
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Section 28: Family management conference required after compliance with Part 3

<p>All parties to an application about a family law matter must attend a family management conference after complying with Part 3 [<i>Applying for Orders about Family Law Matters</i>].</p>	<p>Once the application and, if applicable, the reply and counter application are filed, the next step in the process is to attend a family management conference. This replaces the first appearance process.</p>
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Section 29: Who must attend family management conference

<ul style="list-style-type: none"> (1) All parties must attend the family management conference. (2) A lawyer of each party may attend the family management conference with the party. 	<p>As the purpose of the family management conference is to assist the parties in achieving readiness and moving the case forward for adjudication, parties must attend the conference. Parties may bring their lawyer if they have one.</p>
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Section 30: Family management conference may proceed

<p>A family management conference may proceed without a party who</p> <ul style="list-style-type: none"> (a) does not file a reply, or (b) does not attend. 	<p>This section ensures one party cannot delay another party seeking resolution by not filing or participating in the family management conference. Orders can be made in another party's absence.</p>
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Section 31: Information presented in family management conferences

<p>For the purposes of a family management conference, the parties may be required to provide the following for consideration by a judge:</p> <ul style="list-style-type: none"> (a) information provided in an application about a family law matter, reply or reply to counter application, if any; (b) information provided in a financial statement; (c) evidence given orally on oath or affirmation; (d) affidavit evidence; (e) submissions. 	<p>This section sets out the types of information or evidence that may be required at a family management conference.</p>
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Section 32: Intention to proceed – family management conferences

<ul style="list-style-type: none"> (1) A notice of intention to proceed must be filed in accordance with subsection (2) if <ul style="list-style-type: none"> (a) a party has filed an application about a family law matter, (b) there is no final order in respect of the application, and (c) more than one year has passed since the parties have taken any step under these rules. (2) If subsection (1) applies, before the parties may proceed, <ul style="list-style-type: none"> (a) a party must file a notice of intention to proceed in Form B [<i>Notice of Intention to Proceed</i>] of Appendix C, serve it on the other party and file a certificate of service, and (b) the parties must participate in a family management conference. 	<p>Similar to section 9, this section establishes that if a party has reached the stage where a party has filed an application about a family law matter, there has been no final order, and over the course of one year there has been no action taken under the rules, the next step to refresh the process will be a notice of intention to proceed. Such notice will prompt a return to a family management conference where the judge will help determine the next steps for re-entering the process.</p> <p>The ability to refresh the process following a time lapse is important as family dynamics and finances can change significantly in a year.</p> <p>This also enables the court to have recent information to determine the most appropriate next steps for the parties.</p>
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Division 2 – Scheduling the Family Management Conference

- This division explains how a Family Management Conference is scheduled.
- The process differs substantially from how scheduling of a first appearance works under the existing rules. The new process involves the parties more, allowing them to find dates that work for them and for their lawyers, if the parties have legal representation. This process should reduce the number of adjournments that occur because of missed appearances.

Section 33: Scheduling family management conference if reply filed

<p>If an application about a family law matter and a reply have been filed, the registry must provide the parties with information about the procedure for scheduling the family management conference.</p>	<p>Existing Rule 6(1) sets out how the registry notifies parties when a first appearance has been set. In the Early Resolution and Case Management Model, a family management conference is not automatically scheduled. This section explains that the registry will provide the parties with information about how they are to contact the registry to schedule the conference.</p>
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Section 34: Scheduling family management conference if no reply filed

<p>If an application about a family law matter has been filed and a reply has not been filed and, based on the certificate of service, at least 30 days have passed since the application about a family law matter was served, the registry must provide the party who filed the application about a family law matter with information about the procedure for scheduling the family management conference.</p>	<p>This section sets out how a family management conference is scheduled if no reply has been filed.</p> <p>A party has 30 days to file a reply, after which time the filing party may file proof of service and will then be contacted with information on how to schedule the conference.</p>
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Division 3 – Family Management Conference Proceedings

- A Family Management Conference is an informal hearing in front of a judge. During this Conference, the judge may make certain interim orders, make orders with the parties' consent, make orders to assist the parties in getting disclosure and other things to assist with readiness for a hearing or trial (case management orders), as well as making conduct orders to manage interactions between the parties.

Section 35: Directions to attend

<p>At a family management conference, a judge may direct a party to do any of the following:</p> <ul style="list-style-type: none">(a) attend consensual dispute resolution;(b) attend a family case conference;(c) return for another family management conference;(d) attend a trial preparation conference;(e) attend a hearing or trial.	<p>Part of the role for the judge sitting in a family management conference is to identify next steps for the parties. This section lists the different events (hearing, case conference, trial preparation conference or trial) a judge can order a party to attend after a family management conference.</p>
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Section 36: Interim orders

<p>At a family management conference, a judge may make one or more of the following interim orders:</p>	<p>This section sets out for parties the types of interim orders a judge may make at a family management conference. An interim order is a</p>
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<ul style="list-style-type: none"> (a) parental responsibilities; (b) parenting time; (c) contact with a child; (d) child support; (e) spousal support; (f) guardianship of a child. 	<p>temporary order. Often interim orders are put in place until the parties can make an agreement or get a decision at trial. These cover orders around parenting arrangements, guardianship, contact and support issues.</p> <p>Rule 18.1(3) sets out that an interim order for guardianship must expire within 90 days after the date the order is made, unless it is renewed by a judge.</p>
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Section 37: Consent orders

<p>At a family management conference, a judge may make one or more of the following orders, including final orders, with consent of the parties:</p> <ul style="list-style-type: none"> (a) parental responsibilities; (b) parenting time; (c) contact with a child; (d) child support; (e) spousal support; (f) guardianship of a child. 	<p>This section sets out for parties the types of consent orders a judge may make with the consent of the parties at a family management conference. Consent orders can happen when the parties agree. This model is designed to make the consent order process easier and more streamlined than the current model. Parties can also apply for a consent order about a family law matter without a court appearance using the process in Part 6 Division 4 – Consent Orders.</p>
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Section 38: Completion of early resolution requirements

<p>At a family management conference, a judge may make an order that a party complete the early resolution requirements under section 5 [<i>early resolution requirements</i>].</p>	<p>This section underscores that the judge at a family management conference can order parties to complete the early resolution requirements.</p>
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Section 39: Conduct orders

<p>At a family management conference, a judge may make any conduct order that may be made under Division 5 of Part 10 [<i>Orders Respecting Conduct</i>] of the <i>Family Law Act</i>, including the following:</p> <ul style="list-style-type: none"> (a) prohibiting a party from making an application respecting any matter over which a parenting coordinator has authority to act under an agreement or order, other than an application changing or setting aside a parenting coordinator determination, without permission of the judge, undersection 223 [<i>orders</i>] 	<p>As conduct orders often assist in moving parties towards readiness or de-escalating matters, this section sets out for parties the types of conduct orders a judge may make at a family management conference. It explicitly lists some of the more likely orders while giving the judge authority to make all conduct orders under the <i>Family Law Act</i>.</p>
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<p><i>respecting case management] of the Family Law Act;</i></p> <p>(b) requiring the parties to participate in family dispute resolution under section 224 (1) (a) <i>[orders respecting dispute resolution, counselling and programs] of the Family Law Act;</i></p> <p>(c) requiring the parties to attend counselling, specified services or programs, under section 224 (1) (b) of the <i>Family Law Act;</i></p> <p>(d) allocating or requiring one party to pay the fees related to the family dispute resolution, counselling, specified services or programs, if the party is ordered to attend, under section 224 (2) of the <i>Family Law Act;</i></p> <p>(e) setting restrictions or conditions respecting communication between parties, including respecting when or how communications may be made, under section 225 <i>[orders restricting communications] of the Family Law Act,</i> unless it would be more appropriate for a protection order to be made by a judge under Part 9 <i>[Protection from Family Violence] of that Act;</i></p> <p>(f) reporting to the court or to a person named by the judge at the time and in the manner specified, under section 227 <i>[other orders respecting conduct] of the Family Law Act.</i></p>	
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Section 40: Preparing for subsequent hearing

<p>The parties may be required to attend a family management conference to prepare for a hearing, even if Part 3 <i>[Applying for Orders about Family Law Matters]</i> does not apply to the parties, if one of the parties has requested one of the following orders:</p> <p>(a) reviewing, enforcing, changing or setting aside a determination of a parenting coordinator;</p>	<p>This section establishes that parties may be required to attend a family management conference to prepare for a hearing even when their application is not about a family law matter, provided that they are requesting one of the orders listed. These particular matters may benefit from the additional case management available through a family management conference.</p>
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<p>(b) permitting or prohibiting the relocation of a child under section 69 [<i>orders respecting relocation</i>] of the <i>Family Law Act</i>;</p> <p>(c) setting reasonable and necessarily incurred expenses under any of the following sections of the <i>Family Law Act</i>:</p> <ul style="list-style-type: none"> (i) section 61 [<i>denial of parenting time or contact</i>]; (ii) section 62 [<i>when denial is not wrongful</i>]; (iii) section 212 [<i>orders respecting disclosure</i>]; (iv) section 213 [<i>enforcing orders respecting disclosure</i>]; (v) section 228 [<i>enforcing orders respecting conduct</i>]; (vi) section 230 [<i>enforcing orders generally</i>]. 	
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Section 41: Orders made in the absence of a party

<p>(1) At the family management conference, a judge may make an order, including final orders, in the absence of a party.</p> <p>(2) A judge may change, suspend or cancel an order made in the absence of a party if the judge determines that</p> <ul style="list-style-type: none"> (a) the absent party applied within a reasonable time for the change, suspension or cancellation of the order using Form H [<i>Application for Case Management Order</i>] of Appendix C, and (b) either of the following apply: <ul style="list-style-type: none"> (i) the absent party did not receive notice of the application or family management conference; (ii) there is a good reason to change, suspend or cancel the order 	<p>This section sets out for parties the types of orders a judge may make at a family management conference when one party does not attend. It also makes clear how an order made in the absence of a party can be changed, suspended, or cancelled.</p>
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PART 5 – CASE MANAGEMENT ORDERS

- This Part outlines the various case management orders that a judge can make. Case management orders are made in Family Management Conferences and include orders such as:

waiving or varying requirements under the rules, adding or removing a party to the proceeding, or correcting or amending a filed document.

- The model envisions most of these case management orders being made during the parties’ Family Management Conference, with or without application.
- If an application for a case management order is made subsequent to the Family Management Conference, or is required prior to the scheduling of a Family Management Conference, a distinct appearance before the court will be scheduled on application of a party. The appearance may occur in the form of a Family Management Conference or a hearing.

Section 42: Case management orders – general

<p>(1) A judge may make orders to manage a case, including orders about the following with or without application by a party:</p> <ul style="list-style-type: none"> (a) transferring a court file to another registry for all purposes or specific purposes; (b) adding or removing a party to a case, including leave to intervene under section 204 (2) of the <i>Family Law Act</i>; (c) settling or correcting the terms of an order made under these rules; (d) setting a specified period for the filing and exchanging of information or evidence, including a financial statement in Form D [<i>Financial Statement</i>] of Appendix C; (e) correcting or amending a filed document, including the correction of a name or date of birth; (f) requiring that a parentage test be taken under section 33 [<i>parentage tests</i>] of the <i>Family Law Act</i>; (g) specifying or requiring information that must be disclosed by a person who is not a party to a case; (h) adjourning a court appearance; (i) relating to a report under section 211 [<i>orders respecting reports</i>] of the <i>Family Law Act</i>, including requiring that a person who prepared the report attend a trial as a witness; (j) respecting the conduct of a party or management of a case, including pretrial and trial process and evidence disclosure, 	<p>This section sets out the case management orders that can be made by a judge, with or without an application.</p> <p>The section also tells parties how to apply.</p> <p>The party would apply for a Case Management Order using Form H, not a Notice of Motion as would be done outside of the Early Resolution and Case Management process. Service, in this section, should be in accordance with the existing rule 9.</p>
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<p>as set out in rule 8 (4) (a), (b) or (g) of these rules;</p> <p>(k) respecting the appointment of a lawyer to represent</p> <p style="padding-left: 40px;">(iii) the interests of a child, or</p> <p style="padding-left: 40px;">(iv) a party;</p> <p>(l) allowing a person to attend a conference or hearing using electronic communication, including by telephone or video;</p> <p>(m) waiving or modifying any requirement related to service or giving notice to a person, including allowing an alternative method for the service of a document;</p> <p>(n) waiving or modifying any other requirement under these rules, including a time limit set under these rules or a time limit set by an order or direction of a judge, even after the time limit has expired;</p> <p>(o) requiring access to information in accordance with section 242 [<i>orders respecting searchable information</i>] of the <i>Family Law Act</i>;</p> <p>(p) recognizing an extraprovincial order other than a support order;</p> <p>(q) relating to the management of a court record, file or document, including access to a court file;</p> <p>(r) cancelling a subpoena.</p> <p>(2) A party may apply for a case management order under subsection (1) by filing and serving the following on any other parties, at least 7 days before the date set for the court appearance:</p> <p>(a) an application for a case management order in Form H [<i>Application for Case Management Order</i>];</p> <p>(b) any supporting evidence or documents.</p>	
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Section 43: Case management orders – without notice or attendance

<p>(1) A party may request in Form I [<i>Application for Case Management Order Without Notice or Appearance</i>] of Appendix C the case</p>	<p>This section sets out that a subset of the case management orders set out in the previous section (section 42) can be requested without</p>
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<p>management orders described in section 42 (1) (l) to (p) without notice to any other parties or without attending before the court.</p> <p>(2) The judge reviewing an application under this section for a case management order without notice or attendance may do the following:</p> <p>(a) grant the order without the attendance of the parties;</p> <p>(b) give directions to obtain further information, including to require the parties to attend to speak to the matter;</p> <p>(c) require that notice be given to any other parties;</p> <p>(d) reject the application with reasons.</p> <p>(3) If a case management order is made without notice under this section, the party who applied for the order must ensure that the other party is served the case management order that is made.</p>	<p>notice to the other part(ies) or without attending before the court.</p> <p>This section also tells parties how to apply using Form I.</p> <p>Finally, this section sets out that the party who receives a case management order made without notice must serve a copy on the other party after the order is made.</p>
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Section 43.1: Replying to applications for case management orders

<p>(1) If a party is served with an application under this Part and chooses to reply, the party</p> <p>(a) must attend court on the date and time referred to in the application for the court appearance, and</p> <p>(b) may file a written response in reply to the application in Form Q [<i>Written Response to Application</i>] of Appendix C.</p> <p>(2) If a party chooses to file a written response in reply under subsection (1) (b), the party must file and serve the written response on each other party before the date referred to in the application for the court appearance.</p>	<p>This section explains that a party who wishes to reply to an application for case management order must attend court on the date and time indicated in the application. Although a written response is not necessary, a party may also choose to file and serve a written response in Form Q. A written response is in addition to, not in place of, attending the court appearance.</p> <p>This section also sets out that if a party chooses to file a written response, it must be filed and served on each other party before the date of the court appearance.</p>
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PART 6 – APPLYING FOR OTHER ORDERS

- This Part sets out the rules for applying for orders that do not fall under Orders About Family Law Matters (Part 3) or Case Management Orders (Part 5).
- The types of matters identified under this part are matters that have been identified as not appropriate for the early resolution process (either by nature, or due to time constraints). For applications for an order under this Part, parties do not need to meet the Early Resolution

Requirements described in section 5 and can proceed directly before a judge (court appearance or without appearance, as the case may be).

Division 1 – Protection Orders

- This Division sets out the rules for applying for orders about protection orders (which includes obtaining, changing and terminating).
- Feedback from women’s serving organizations and other users suggested it would be easier for users if all provisions related to protection orders (PO) were captured in a single division rather than being dispersed throughout the rules.
- Parties obtain protection orders in a hearing in front of a judge and can obtain protection orders without notice to the other party (i.e. on an *ex parte* basis).
- Protection orders are heard on an expedited basis, requiring only seven days’ notice, unless the court gives permission to have the application heard without notice or with less than 7 days’ notice.

Section 44: Priority – protection orders

<p>The application for an order about a protection order may be made before complying with the early resolution requirements described in section 5 [<i>early resolution requirements</i>] if a party is applying for both of the following:</p> <ul style="list-style-type: none"> (a) an order about a protection order; (b) an order about a family law matter. 	<p>This section underscores that if a party is seeking both an order about a family law matter and an order about a protection order, the application for a protection order can be made before complying with the early resolution requirements.</p>
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Section 45: Applying for *Family Law Act* protection orders or to change or terminate protection orders – with notice

<p>(1) A person who is applying for an order about the following must file an application about a protection order in Form K [<i>Application about a Protection Order</i>] of Appendix C and any supporting evidence or documents:</p> <ul style="list-style-type: none"> (a) a protection order under section 183 [<i>orders respecting protection</i>] of the <i>Family Law Act</i>; (b) to change a term or condition of, or to terminate, a protection order under section 187 [<i>changing or terminating orders respecting protection</i>] of the <i>Family Law Act</i>. <p>(2) If a person is applying for an order about a protection order under subsection (1), the person must ensure the personal service of</p>	<p>The model introduces a new form to use if applying to obtain a protection order (PO), change a term or condition of a PO, or terminate a PO. The form is to be served, with at least 7 days’ notice, unless the application is being made without notice.</p> <p>The new PO form is a guided affidavit so that parties do not need to obtain a separate affidavit.</p> <p>As in section 18(2) above, there is a reminder that the person serving the application is to complete a certificate of service and provide it to the applicant.</p>
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<p>the application and supporting evidence or documents by having an adult who is not a party leave a copy of the application and the supporting evidence or documents with the other party at least 7 days before the date referred to in the application for the court appearance.</p> <p>(3) The adult who serves the application under subsection (2) must complete a certificate of service in Form E [<i>Certificate of Service</i>] of Appendix C and provide it to the person applying for an order about a protection order.</p>	<p>The early resolution and case management model provides instructions on how service is effected throughout the rules rather than in one centralized rule (rule 9 in existing rules). Protection Orders have to be served with personal service.</p>
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Section 46: Applying for *Family Law Act* protection orders or to change or terminate protection orders – without notice

<p>(1) A person who is applying for an order about the following, without notice, must file an application about a protection order in Form K [<i>Application about a Protection Order</i>] of Appendix C, and any supporting evidence or documents:</p> <p>(a) a protection order under section 183 [orders respecting protection] of the Family Law Act;</p> <p>(b) to change a term or condition of, or to terminate, a protection order under section 187 [changing or terminating orders respecting protection] of the Family Law Act.</p> <p>(2) A person who is applying for an order about a protection order under subsection (1) must include with the application a statement of the reasons why the application is being made without notice.</p>	<p>This section sets out the process to apply without notice for an order about a protection order, using Form K (<i>Application About a Protection Order</i>) along with any supporting evidence or documents. The form includes a guided affidavit so that parties do not need to obtain a separate affidavit when applying for a protection order.</p> <p>An application about a protection order may always be made without notice, however the person making the application must include a statement explaining why notice is not being given.</p>
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Section 47: Evidence at protection order hearing

<p>Evidence at a protection order hearing under section 45 [<i>applying for Family Law Act protection orders or to change or terminate protection orders – with notice</i>] or 46 [<i>applying for Family Law Act protection orders or to change or terminate protection orders – without notice</i>] may be given</p>	<p>This section explains that evidence at a protection order hearing may be given orally on oath or affirmation or by affidavit.</p>
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<p>(a) orally on oath or affirmation, or (b) by affidavit.</p>	
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Section 48: Judge to make new protection order

<p>If a judge changes a term or condition of an existing protection order, including an extension of the protection order, a judge must terminate the existing protection order and make a new protection order.</p>	<p>This section explains that when a term or condition in a protection order is changed, the judge must terminate the existing order and create a new order.</p> <p>The protection order registry and police have advised that, when more than one protection order appears to be in effect, confusion over what terms are enforceable can be a barrier to enforcement. The purpose of this section is to facilitate greater clarity on what terms are enforceable by ensuring that only one protection order is in effect at a given time.</p>
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Section 49: What happens if protection order is made or changed

<p>If a judge makes or changes a protection order in accordance with this Division, a clerk must, as soon as possible,</p> <ul style="list-style-type: none"> (a) prepare the protection order, unless the judge directs otherwise, (b) provide a copy of the protection order to the protection order registry, (c) arrange service or provide a copy of the protection order on or to the party against whom the protection order was made or changed, as follows: <ul style="list-style-type: none"> (i) if that party is present when the order is made or changed, provide the party with the protection order; (ii) if that party is not present when the order is made or changed, arrange for the personal service of the protection order on that party within British Columbia; (iii) if the registry is unable to arrange service under subparagraph (ii) or that party is evading service, notify the person who obtained the order and that person would 	<p>This section sets out the responsibilities of the clerk when a protection order is made or changed.</p> <p>Unless the judge orders otherwise, the clerk is responsible for preparing the protection order and providing copies to the protection order registry and the person who applied for the order.</p> <p>The clerk also provides a copy of the protection order to the person against whom the order was made. If that person was not present when the order made, the clerk arranges service. Since December 2016 the court has used contracted process servers to serve protection orders on persons in British Columbia against whom the order was made if the person was not present in court when the order was made.</p> <p>If the registry is unable to arrange for service (e.g. because the person against whom the order was made lives outside British Columbia, the registry is not provided sufficient information on where the person can be found, or the person is evading</p>
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<p>subsequently be responsible for service, and</p> <p>(d) provide a copy of the protection order to the person who applied for the order.</p>	<p>service), the person who obtained the order must arrange for service of the protection order.</p>
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Section 50: What happens if protection order is terminated

<p>If a judge terminates a protection order, a clerk must</p> <p>(a) prepare the order terminating a protection order in Form L [<i>Order Terminating a Protection Order</i>] of Appendix C, unless the judge directs otherwise,</p> <p>(b) provide a copy of the termination order to the protection order registry, and</p> <p>(c) provide a copy of the termination order to all parties.</p>	<p>This section sets out the responsibilities of the clerk when a protection order is terminated. The clerk is responsible for preparing orders terminating protection orders and providing copies to the protection order registry and parties.</p> <p>The purpose of this rule, in tandem with section 48 above, is to facilitate greater clarity on what terms are enforceable by ensuring that only one protection order is in effect at a given time.</p>
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Section 51: Form of orders

<p>A protection order made under Part 9 [<i>Protection from Family Violence</i>] of the <i>Family Law Act</i> must be in Form 25 [<i>Protection Order</i>] of Appendix A of these rules and does not need to be signed by the parties or their lawyers.</p>	<p>This section sets out which form of order is to be used for a protection order. The existing order form will be used.</p>
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Section 52: No limitation on protection order applications

<p>A person may make subsequent applications about protection orders, including in the following circumstances:</p> <p>(a) an earlier application for a protection order was denied or dismissed;</p> <p>(b) the protection order has expired;</p> <p>(c) the protection order has been changed or terminated.</p>	<p>This section underscores that there is no limitation on protection order applications. It is intended to help ensure that individuals at risk of violence are aware that they can apply for a protection order if an earlier application was denied, where an earlier order is no longer in effect or where an earlier order has been changed or terminated.</p>
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Division 2 – Orders about Priority Parenting Matters

- The Early Resolution and Case Management Model introduces the new concept of Priority Parenting Matters, defined in rule 5.01. Priority Parenting Matters are a closed list of matters (see definition in 5.01(1)) that include removal of a child from a geographic location or change in a child’s residence, time-sensitive applications for passports or licences, matters having to do

with a child’s health, etc. that can be addressed as a priority, before or separate from other parenting issues.

- Priority Parenting Matters replace the Notice of Motion process in part, while providing quick access to a judge for the parties that most need it.
- Parties can request orders about Priority Parenting Matters at any time.
- The process for applying for orders about priority parenting matters requires only 7 days’ notice. Under some circumstances parties can also apply to be heard without notice, or with less than 7 days’ notice.

Section 53: Priority – priority parenting matters

<p>The application for an order about a priority parenting matter may be made before complying with the early resolution requirements described in section 5 [<i>early resolution requirements</i>] if a party is applying for both of the following:</p> <ul style="list-style-type: none"> (a) an order about a priority parenting matter; (b) an order about a family law matter. 	<p>This section underscores that if a party is seeking both an order about a family law matter and an order about a priority parenting matter, the application about a priority parenting matter can be made before complying with the early resolution requirements.</p>
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Section 54: Applying for orders about priority parenting matters

<p>To apply to a judge to obtain, or to change a term or condition of or to terminate, an order about a priority parenting matter, a person must file and serve</p> <ul style="list-style-type: none"> (a) the application for an order about a priority parenting matter in Form M [<i>Application about Priority Parenting Matter</i>] of Appendix C, and (b) any supporting evidence or documents. 	<p>This section sets out the process for applying for an order about a priority parenting matter.</p> <p>These matters are currently applied for using a Notice of Motion.</p>
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Section 55: Notifying other person about order about priority parenting matter

<p>To apply to a judge for an order about a priority parenting matter under this Division, a party must serve any other parties as follows:</p> <ul style="list-style-type: none"> (a) with the application and supporting documents at least 7 days before the date set for the court appearance unless the application is made without notice or with less than 7 days’ notice; (b) if there is an address for service in the case on the court file for the party to be served 	<p>This section sets out the notice and service requirements when applying for an order about priority parenting matters.</p> <p>The application and supporting documents must be served with at least 7 days’ notice, unless the application is made without notice. Section 56 below explains the process for applying for an order about priority parenting matters without notice.</p>
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<ul style="list-style-type: none"> (i) by leaving the documents at the party's address for service, (ii) by mailing the documents by ordinary mail to the party's address for service, (iii) if a party's address for service includes an email address, by emailing the documents to that email address, or (iv) if a party's address for service includes a fax number, by faxing the documents to that fax number; <p>(c) if there is no address for service on the court file for the party to be served by arranging for an adult who is not a party to leave the documents with the party to be served, unless otherwise ordered.</p>	
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Section 56: Priority parenting matters – without notice

<p>(1) A person may, under section 54, apply to make an application for an order about a priority parenting matter without notice to any party by completing Form 1 [<i>Application for Case Management Order Without Notice or Appearance</i>] of Appendix C.</p> <p>(2) If a judge determines that a party should be given notice of an application made under section 54, the judge may make directions regarding</p> <ul style="list-style-type: none"> (a) the date for the court appearance, (b) the amount of notice, (c) how notice is to be given, and (d) any other directions that the judge considers appropriate. 	<p>This section sets out the process for applying for an order about priority parenting matters to be heard without notice.</p> <p>If the judge determines that notice is required, they may give directions as described in subsection (2).</p>
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Section 57: Evidence presented at hearings for orders about priority parenting matters

<p>Evidence for a hearing with respect to the application for an order about a priority parenting matter may be given</p> <ul style="list-style-type: none"> (a) orally on oath or affirmation, or (b) by affidavit. 	<p>This section explains that evidence at a priority parenting matter hearing may be given orally on oath or affirmation, or by affidavit.</p>
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Division 3 – Orders about Relocation

- This Division sets out the process for applying for an order prohibiting the relocation of a child under section 69 of the FLA.
- Applications specific to relocation are new in these rules and will be made using Form O (not the Notice of Motion process).
- The Early Resolution Requirements do not apply to applications about Relocation
- Applications about relocation of a child proceed directly to a court appearance with a judge.

Section 58: Applying for orders about relocation

<p>(1) This section applies if</p> <p>(a) a party is applying for an order under section 69 [<i>orders respecting relocation</i>] of the <i>Family Law Act</i> prohibiting the relocation of a child, and</p> <p>(b) a written agreement or order referred to in section 65 [<i>definition and application</i>] of the <i>Family Law Act</i> respecting parenting arrangements or contact with the child applies to the child.</p> <p>(2) A party who is applying for an order under section 69 of the <i>Family Law Act</i> prohibiting the relocation of a child must file and serve the following on each other party, at least 7 days before the date referred to in the application for the court appearance:</p> <p>(a) an application for an order prohibiting the relocation of a child in Form O [<i>Application for Order Prohibiting the Relocation of a Child</i>] of Appendix C;</p> <p>(b) a copy of the applicable written agreement or order referred to in section 65 of the <i>Family Law Act</i>;</p> <p>(c) a copy of, or the details about, the notice of relocation described in section 66 [<i>notice of relocation</i>] of the <i>Family Law Act</i>.</p>	<p>This section sets out the process for applying for an order prohibiting the relocation of a child under section 69 of the <i>Family Law Act</i>. Section 69 of the <i>Family Law Act</i> is applicable if there is an existing order or agreement concerning parenting arrangements or contact with a child in place.</p> <p>At least 7 days' notice is required, along with a new form (<i>Application for Order Prohibiting the Relocation of a Child</i>) and supporting documents including a copy of the applicable written agreement and notice of relocation.</p> <p>If there is no written agreement or court order about parenting arrangements for the child, an application for an order under s. 46 [<i>changes to child's residence if no agreement or order</i>] of the <i>Family Law Act</i> can be made using an Application About a Priority Parenting Matter Form M or an Application About a Family Law Matter Form C to determine the parenting arrangements for the child including the location of the child's residence.</p>
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Division 4 – Consent Orders

- The Early Resolution and Case Management Model improves upon the existing process for obtaining consent orders. Court users have found the process in the existing rules awkward and cumbersome.

- The new process uses only two documents: an application for a consent order (Form N) and the draft consent order (Form 20).
- Parties can apply for consent orders about family law matters without meeting the Early Resolution Requirements set out in section 5.
- Consent orders can be made in a court appearance, or they can be applied for without a court appearance.
- This Division distinguishes between consent orders about Family Law Matters, Guardianship and Case Management.

Section 59: Applying for consent orders about family law matters without court appearance

<p>To apply for an order about a family law matter by consent without a court appearance, the parties must file the following:</p> <ul style="list-style-type: none"> (a) an application for a consent order in Form N [<i>Application for a Family Law Matter Consent Order</i>] of Appendix C; (b) a draft consent order in Form 20 [<i>Consent Order</i>] of Appendix A signed by the parties or their lawyers; (c) any applicable additional documents, as described in <ul style="list-style-type: none"> (i) section 17 [<i>additional requirements when applying for certain orders</i>], and (ii) section 17.1 [<i>additional documents when applying for orders about guardianship</i>], in accordance with that section. 	<p>This section sets out that parties can apply for a consent order about a family law matter without attendance at court by filing an application using the specified form along with a draft consent order and any applicable additional documents.</p> <p>This rule allows parties to obtain consent orders without a court appearance (a hearing, trial or Family Management Conference). Judges can already make consent orders in a hearing, trial or in Family Management Conferences without an application.</p>
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Section 60: Consideration of consent order

<p>In considering whether to make a consent order, a judge may do the following:</p> <ul style="list-style-type: none"> (a) give directions to obtain further information, including to require the parties to attend to speak to the matter; (b) amend the draft consent order and require the parties to attend to review and sign the changes; (c) reject the application with reasons. 	<p>This section sets out what a judge may do when considering a consent order package.</p>
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Section 63: Applying for consent orders about case management

<p>(1) The parties applying for a consent order about a case management order must file,</p> <ul style="list-style-type: none">(a) if the parties wish to speak to the matter, an application for case management orders in Form H [<i>Application for Case Management Order</i>], or(b) if the parties do not wish to speak to the matter,<ul style="list-style-type: none">(i) an application for case management orders without an appearance in Form H [<i>Application for Case Management Order</i>] of Appendix C, and(ii) a draft consent order in Form 20 [<i>Consent Order</i>] of Appendix A signed by the parties or their lawyers. <p>(2) The judge considering an application for a consent case management order may do the following:</p> <ul style="list-style-type: none">(a) give directions to obtain further information, including to require the parties to attend to speak to the matter;(b) amend the draft consent order and require the parties to attend to review and sign the changes;(c) reject the application with reasons.	<p>This section sets out the process for applying for a consent order about case management orders.</p> <p>The process for applying for consent orders has been simplified. If parties wish to speak to the matter (and obtain the order in a court appearance) they only need to file one form, Form H. If they do not wish to appear before a judge, they need only file Form H and a draft consent order (Form 20) signed by each party or their lawyer.</p>
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Section 64: General process for consent orders

<p>(1) If an application is made for a consent order without the parties speaking to the matter, a clerk must place the application, draft consent order and supporting documents before a judge, who may</p> <ul style="list-style-type: none">(a) approve and sign the consent order without the parties having to attend,(b) require a party to file additional information, or(c) direct that the parties, and any other person specified by the judge, attend before the judge to explain why the order should be made.	<p>This section sets out what the clerk must do as part of the consent order processes.</p> <p>It also sets out that a party can request a consent order at any time they are before a judge.</p>
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<p>(2) If the judge gives a direction under subsection (1) (c), a clerk must notify the parties and any other person specified by the judge of the direction, including the date, time and place for the court appearance and any other information in the direction.</p> <p>(3) If a consent order is made, a clerk must provide a filed copy of the consent order to the parties or their lawyers.</p> <p>(4) Parties who have applied for a consent order and have had their application rejected must include a copy of the reasons for rejection with subsequent related applications for consent orders.</p> <p>(5) The parties may apply for a consent order at any time while appearing before a judge by providing evidence as the judge may require.</p>	
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Division 5 – Orders about Enforcement

- This Division sets out how to apply for an order about enforcement or remedies relating to pre-existing agreements or orders.
- In the new Model, parties must apply using Form P. Previously, these types of orders fell under the Notice of Motion.
- The Early Resolution Requirements set out in section 5 do not apply to applications for orders about enforcement.

Section 65: Applying for orders about enforcement

<p>A party who is applying for an order about any of the following must file and serve on each other party, at least 7 days before the date referred to in the application for the court appearance, an application about enforcement in Form P [<i>Application About Enforcement</i>] of Appendix C, including a copy of the agreement, determination or order to be enforced:</p> <p>(a) enforcing a filed written agreement or order, including enforcing the written agreement or order through a court order under any of the following sections of the <i>Family Law Act</i>:</p> <p>(i) section 61 [<i>denial of parenting time or contact</i>];</p>	<p>This section sets out the process for applying for orders about enforcement, which are listed in (a) through (d).</p> <p>Service, in this section, should be in accordance with the existing rule 9.</p>
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<ul style="list-style-type: none"> (ii) section 63 [<i>failure to exercise parenting time or contact</i>]; (iii) section 228 [<i>enforcing orders respecting conduct</i>]; (iv) section 230 [<i>enforcing orders generally</i>]; (v) section 231 [<i>extraordinary remedies</i>]; (b) enforcing, changing or setting aside a filed determination of a parenting coordinator; (c) setting reasonable and necessarily incurred expenses under any of the following sections of the <i>Family Law Act</i>: <ul style="list-style-type: none"> (i) section 61; (ii) section 63; (iii) section 212 [<i>orders respecting disclosure</i>]; (iv) section 213 [<i>enforcing orders respecting disclosure</i>]; (v) section 228; (vi) section 230; (d) determining whether arrears are owing under a support order or agreement made under the <i>Family Law Act</i> and, if so, the amount of the arrears. 	
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Division 6 – Replying to Applications for Other Orders

Section 66: Replying to applications for other orders set out in this Part

<ul style="list-style-type: none"> (1) If a party is served with an application under this Part and chooses to reply, the party <ul style="list-style-type: none"> (a) must attend court on the date and time referred to in the application for the court appearance, and (b) may file a written response in reply to the application in Form Q [<i>Written Response to Application</i>] of Appendix C. (2) If a party chooses to file a written response in reply under subsection (1) (b), the party must file and serve the written response on each other party before the date referred to in the application for the court appearance. 	<p>This section sets out how to reply if served with an application for other orders set out under Part 6.</p> <p>A party who wishes to reply must attend court on the date and time set out in the application. They may also choose to file a written reply using Form Q, however it is not required. A written reply is used in addition to, not in place of, attending court.</p>
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PART 7 – REQUEST FOR CONFERENCE OR HEARING

Section 67: Requesting conference or hearing

<p>(1) If any of the following circumstances apply, a party may request that a court appearance be scheduled and must file and serve on each other party a request for scheduling in Form R [<i>Request for Scheduling</i>] of Appendix C:</p> <ul style="list-style-type: none">(a) the matter was adjourned by the court without setting a new date;(b) the matter was struck from the court list by the court;(c) a party was referred to a program, professional or resource, or required to attend, participate or complete a requirement, by the court;(d) a party was required by the court to address a deficiency under these rules;(e) a review of the terms of the order was provided for in the order;(f) a party is applying to change, suspend or cancel an interim order under section 216 (3) [<i>court may make interim orders</i>] of the <i>Family Law Act</i>;(g) a party is applying for an interim order under section 216 or 217 [<i>interim orders before changing, suspending or terminating orders</i>] of the <i>Family Law Act</i> after attendance at a family management conference. <p>(2) A party requesting that a court appearance be scheduled must serve the form under subsection (1) on each other party at least 7 days before the date referred to in the application for the court appearance.</p>	<p>This section sets out the process and notice requirements for a party to get before a judge in circumstances other than an application or adjournment to a specific date. These circumstances are listed in (a) through (g).</p> <p>This section also provides the process for applying for an interim order on a family law matter. Under these rules, the need for interim orders is addressed as part of the family management conference. If, following a family management conference, an interim order is required, the parties may apply using the Request for Scheduling Form R to ask the court for an interim order, or to change an interim order that was made at the family management conference if it cannot wait until the hearing or trial on the issue.</p>
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TRANSITIONAL PROVISIONS

- The following transitional provisions are contained in the Order in Council [[OIC 525/2020](#), B.C. Reg. 236/2020] which amends the existing *Provincial Court (Family) Rules* to allow for the expansion of the Early Resolution and Case Management Model to include the Surrey Provincial Court registry.
- They provide guidance as to how existing matters and applications in the Surrey registry will be treated once the amendments enter into force on December 7, 2020.

Transition – amendment by this regulation to 21 day timeline

If, in respect of a matter under the Provincial Court (Family) Rules, the 21 day period referred to in section 18 (3), 21 (a) or 34 of Appendix B of the Provincial Court (Family) Rules, as that section read immediately before being amended by this regulation, ends on or after December 7, 2020, the 30 day period referred to in that section, as amended by this regulation, applies to the matter instead.

Transition – amendment by this regulation to 14 day timeline

If, in respect of a matter under the Provincial Court (Family) Rules, the 14 day period referred to in section 26 of Appendix B of the Provincial Court (Family) Rules, as that section read immediately before being amended by this regulation, ends on or after December 7, 2020, the 30 day period referred to in that section, as amended by this regulation, applies to the matter instead.

Transition – family justice registry requirements continue to apply

Despite the amendment made by section 1 of Schedule 1 of this regulation to the definition of **“family justice registry”** in rule 1 (2) of the Provincial Court (Family) Rules, if rule 5 of the Provincial Court (Family) Rules applied to an application in the Surrey registry before December 7, 2020, that rule continues to apply to the application.

Transition – designated registry requirements continue to apply

Despite the amendment made by section 6 of Schedule 1 of this regulation to the definition of **“designated registry”** in rule 21 (1) of the Provincial Court (Family) Rules, if rule 21 of the Provincial Court (Family) Rules applied to an application in the Surrey registry before December 7, 2020, that rule continues to apply to the application.

APPENDIX C- FORMS

- Appendix C contains many forms for the Early Resolution and Case Management Model. These forms are either new or they are improved versions of the Appendix A forms. The Appendix A forms are numbered while the new forms use letters.
- The forms are available as of the date the rules come into effect on the BC Government website at www.gov.bc.ca/court-forms as fillable pdfs.
- Workbooks with an overview of when to use the form and the steps to take to complete and file it, along with instructions for completing the forms, are available to assist self-represented litigants with key forms.

Table of Forms in Appendix C

The following table contains a list of the forms, and their names, for the Early Resolution and Case Management Model. They appear in Appendix C.

Form Title	Form Name
Form A	<i>Notice to Resolve a Family Law Matter</i>
Form B	<i>Notice of Intention to Proceed</i>
Form C	<i>Application About a Family Law Matter</i>
Form D	<i>Financial Statement</i>
Form E	<i>Certificate of Service</i>
Form F	<i>Reply to an Application About a Family Law Matter</i>
Form G	<i>Reply to a Counter Application</i>
Form H	<i>Application for Case Management Order</i>
Form I	<i>Application for Case Management Order Without Notice or Attendance</i>
Form J	<i>Order – General</i>
Form K	<i>Application About a Protection Order</i>
Form L	<i>Order Termination a Protection Order</i>
Form M	<i>Application About Priority Parenting Matter</i>
Form N	<i>Application for a Family Law Matter Consent Order</i>
Form O	<i>Application for Order Prohibiting the Relocation of a Child</i>
Form P	<i>Application About Enforcement</i>
Form Q	<i>Written Response to Application</i>
Form R	<i>Request for Scheduling</i>