Provincial Court Family Rules Explained

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INTRODUCTION

This document offers a rule-by-rule explanation of the Provincial Court Family Rules. The format of this document sets out the text of the rule or subrule in the left-hand column. Each rule has been separated into its own table, and further divided by subrule. Above each table you will find the rule number and corresponding marginal note (i.e. heading). The right-hand columns contain a short summary of the rule or subrule and how it will operate. Where the term "previous rule(s)" is used in the right-hand column, it refers to the Provincial Court (Family) Rules that are/were in effect through May 16, 2021. Those rules are repealed and replaced by the following Provincial Court Family Rules that are in effect as of May 17, 2021 except for Division 5 of Part 9 which came into effect as of May 16, 2022. The full rules can also be viewed on BC Laws.

When reading this document, it is important to understand which family matters may be dealt with by the Provincial Court under these new rules, and which must be dealt with elsewhere.

Rule 4 sets out that the rules apply to issues including family law matters, protection orders, priority parenting matters, relocation, and enforcement of support orders. Rule 5 sets out which family matters the rules do not apply to, which include divorce, property division, adoption, child protection, adult guardianship, and interjurisdictional support orders.

This document also contains external hyperlinks to other Acts referenced in the rules. Where the rules refer to a specific section or part of an act or regulation, clicking on it will take you directly to a link for that provision. For ease of navigation, there are also internal links within this document to other rules or subrules referenced. Before clicking these links, it is important to note your location in the document so you can return to the same place.

A list of the forms and applicable rules are set out in Appendix A. The full forms are available for reference in the published Provincial Court Family Rules on the BC Laws website. Forms for public use are available on the BC Government website in a fillable PDF format. Many of these forms include workbooks with helpful tips and instructions for completing the form. A web-based Online Forms Assistant is available to guide individuals through the completion of many forms.

This document is intended to provide information on the new processes but is not intended to be legal advice. It is intended for use by both lawyers and non-lawyers and as a result there are explanations of some terms that are well understood by those practicing family law.

PART 1 – PURPOSE AND INTERPRETATION

Division 1 – General Information for These Rules

1 Purpose

The purpose of these rules is to encourage parties to resolve their cases by agreement or to help them obtain a just and timely decision in a way that (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.	Under the previous rules, the purpose was to obtain "just, speedy, inexpensive and simple resolution of matters arising under the *Family Law Act* and certain matters under the *Family Maintenance and Enforcement Act*". The new rules recognize the Provincial Court often deals with diverse and complex family matters and supports families to resolve cases by agreement where possible. Rule 1 sets out the purpose of the *Provincial Court Family Rules* (*PCFR*), signalling to users that the *PCFR* are designed to encourage parties to resolve their cases by agreement or to help them obtain just and timely decisions.

2 Definitions and interpretation

(1) In these rules:	Rule 2 sets out the definitions to be used in the *PCFR.*
"adult" means a person who is at least 19 years of age;	The definition of "**adult**" is included because of its application to service requirements under the rules.
"case" means (a) a proceeding started under these rules, or (b) a pre-existing proceeding within the meaning of rule 195 [definitions for Part 13];	The definition of "**case**" is included because the rules aim to be clear on when terms such as case, matter and court file are used. (b) is included to clarify that proceedings started under the previous rules continue under these rules.
"certificate of service" means a certificate in Form 7 [*Certificate of Service*], prepared in accordance with rule 183 [*proving service*], that certifies service;	The "**certificate of service**" replaces, in part, the affidavit of service in these rules. The certificate of service is intended to make 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.
"clerk" means a person who provides administrative support to the court;	The definition of "**clerk**" has been changed to better reflect their actual role.
"consensual dispute resolution" means (a) mediation with a family law mediator who is qualified as a family dispute resolution professional in accordance with section 4 [*family law mediators*] of the Family Law Act Regulation, (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;	The definition of "**consensual dispute resolution**" (CDR) is new and is included as part of the new early resolution requirements.
"court" means the Provincial Court;	The definition of "**court**" is unchanged from the previous rules.

"early resolution registry" means a registry specified in rule 6 (a) to which Part 2 [*Early Resolution Registries*] applies	The definition of "**early resolution registry**" is new. Early resolution registries require parties to participate in a needs assessment, parenting education course, and if appropriate, one CDR session before filing an application about a family law matter or reply.
"family justice counsellor" means a person appointed as a family justice counsellor under section 10 [*family justice counsellors*] of the *Family Law Act*;	Family justice counsellors work in Family Justice Centres and Justice Access Centres located in communities across the province to provide services to British Columbians going through separation or divorce. The definition of "**family justice counsellor**" is modified from the previous rules to remove an outdated reference to the former *Family Relations Act*.
"family justice manager" means a person (a) in a class of decision makers prescribed under the *Family Law Act*, and (b) appointed as a decision maker under the *Provincial Court Act*;	"**Family justice manager**" is a new term, also referenced in section 215 of the *FLA*. Under these rules, family justice managers have authority to make decisions about certain procedural, case management, interim and consent orders. Although no family justice managers have been appointed at this time, it is contemplated that someone with family law expertise other than a judge may be appointed in this role at a future date, increasing the capacity of judges to conduct hearings and trials. This document and other ministry materials will be updated if and when an appointment of a family justice manager is made.
"Family Law Act Regulation" means the Family Law Act Regulation, B.C. Reg. 347/2012	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. It also contains the Form 5 Consent for Child Protection Record check referenced below in rule 25(2).
"family law matter" means a case about one or more of the following:	The definition of "**family law matter**" is new and is used to refer to the matters specified. In early resolution registries, parties seeking

(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; (f) property division in respect of a companion animal.	an order concerning a family law matter are subject to the applicable early resolution requirements. The definition also supports the new rule and form that is specific to these issues.
"family member", with respect to a person, means (a) the person's spouse or former spouse, (b) a person with whom the person is living, or has lived, in a marriage-like relationship, (c) a parent or guardian of the person's child, (d) a person who lives with, and is related to, (i) the person, or (ii) a person referred to in any of paragraphs (a) to (c), or (e) the person's child, and includes a child who is living with, or whose parent or guardian is, a person referred to in any of paragraphs (a) to (e);	The definition of "**family member**" has been adopted from the *FLA* and is applicable in the context of family violence and protection orders.
"family violence" includes, with or without an intent to harm a family member, (a) physical abuse of a family member, including forced confinement or deprivation of the necessities of life, but not including the use of reasonable force to protect oneself or others from harm, (b) sexual abuse of a family member, (c) attempts to physically or sexually abuse a family member, (d) psychological or emotional abuse of a family member, including (i) intimidation, harassment, coercion or threats,	The definition of "**family violence**" has been adopted from the *FLA* and explains what constitutes family violence.

including threats respecting other persons, pets or property, (ii) unreasonable restrictions on, or prevention of, a family member's financial or personal autonomy, (iii) stalking or following of the family member, and (iv) intentional damage to property, and (e) in the case of a child, direct or indirect exposure to family violence;	
"file" means to file with the clerk in the registry;	The definition of "**file**" is updated to clarify that this term is used as a verb within these rules, and that documents are to be filed with a clerk.
"filed copy" means a copy of a document that is filed and date stamped with the registry stamp;	The definition of "**filed copy**" is unchanged from the previous rules.
"method of attendance", in relation to a court appearance, includes (a) attending in person, and (b) attending by telephone, video conference or other means of electronic communication;	"**Method of attendance**" is a new term used to describe the different ways that a person may be able attend a court appearance.
"needs assessor" means a family justice counsellor who conducts a needs assessment under rule 16 [*participating in needs assessment*];	"**Needs assessor**" is a new term, used to describe the role of a family justice counsellor when conducting a needs assessment in early resolution registries. Needs assessment is a core step in the early resolution process. Ensuring consistency in the tool used, the training to conduct assessment, and the ability to monitor performance is important to ensure consistent and effective service to parties. Family justice counsellors meet separately with each party to do the assessment. Lawyers representing a client and advocates typically only assess the party they are representing or assisting.

"parenting education program" means an educational program that is designed to support informed and child-focused decisions and that is approved by the Family Justice Services Division of the Ministry of Attorney General;	The definition of "**parenting education program**" allows Family Justice Services Division to approve programs other than the existing Parenting After Separation and Parenting After Separation for Indigenous Families as meeting the parenting education requirement in the future.
"parenting education program registry" means a registry specified in rule 6 (c) to which Part 7 [*Parenting Education Program Registries*] applies;	The definition of "**parenting education program registry**" is new, however the requirement to complete a parenting education program (i.e. the Parenting After Separation or Parenting After Separation for Indigenous Families programs) in designated registries existed under rule 21 in the previous rules.
"party" includes the following persons who may be named in a case: (a) a person who files a notice to resolve a family law matter, or is named as the other party on a notice to resolve, under rule 10 [*early resolution requirements must be met before application filed*]; (b) a person who files an application; (c) a person who files a reply, or may file a reply, to an application; (d) a person who is named as the other party in an application under these rules; (e) a person who is added as a party under these rules; (f) the Director of Maintenance Enforcement, if the application is made under Division 2 [*Enforcement of Support Orders Under the Family Maintenance Enforcement Act*] of Part 10 [*Enforcement*]	The definition of "**party**" has been changed from the previous rules to no longer refer to "applicants" and "respondents".
"peace officer" means (a) a sheriff, or (b) a police officer, police constable or constable, including a member of the Royal Canadian Mounted	The definition of "**peace officer**" is new and is included because of its application to service requirements under the rules, as well as the ability of a judge under Rule 119 to order a

Police who is deemed to be a provincial constable under section 14 (2) [*Royal Canadian Mounted Police as provincial police force*] of the *Police Act*;	peace officer to detain a witness who has not complied with a subpoena..
"priority parenting matter" means any of the following matters: (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 child's health; (b) applying, by a guardian, for (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; (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 (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;	The definition of "**priority parenting matter**" is new. Priority parenting matters capture a distinct and defined list of time sensitive matters that may proceed directly to a hearing in front of a judge on a priority basis before parties complete any applicable initial requirements for a related family law matter. Priority parenting matters are not the same as family law matters that parties believe need to be decided on an urgent basis.

(d) relating to the removal of a child under section 64 [*orders to prevent removal of child*] of the *Family Law Act*; (e) determining matters relating to interjurisdictional issues under section 74 (2) (c) [*determining whether to act under Part 4 – Care of and Time with Children*] of the *Family Law Act*; (f) relating to the alleged wrongful removal of a child under section 77 (2) [*wrongful removal of child*] of the *Family Law Act*; (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; (h) applying for an order under section 45 *[orders respecting parenting arrangements]* or 51 *[orders respecting guardianship]* of the *Family Law Act* in one of the following circumstances: (i) the child to whom the order relates has been removed under section 30 *[removal of child]*, 36 *[interim supervision order no longer protects the child]* or 42 *[enforcement of supervision order after the protection hearing]* of the *Child, Family and Community Service Act* and a director under that Act has advised that the order will allow the child to be returned to the person applying for the order; (ii) a director under the *Child, Family and Community Service Act* has advised that the child	

to whom the order relates will be removed under section 30, 36 or 42 of that Act unless the order is made;	
"registry" means the Provincial Court registry that is responsible for (a) providing services to people on behalf of the court in a particular region of the Province, and (b) maintaining all documents and records that are filed for a case;	The definition of "**registry**" has been changed from the previous rules to be more descriptive.
"support" includes maintenance	Like the previous rules, this clarifies that "support" used in the context of child support and spousal support includes "maintenance" as that term is used in the *Family Maintenance Enforcement Act*.
(2) In these rules, unless a term is otherwise defined or a contrary intention appears, the definitions in the *Family Law Act* apply	Subrule (2) is the same as the previous rule 1(4). It sets out that unless otherwise indicated, the definitions in the *FLA* apply.
(3) For certainty, "child support guidelines" has the same meaning as in the Family Law Act and includes the Federal Child Support Guidelines established under section 26.1 of the Divorce Act (Canada), as set out in Part 4 [*Child Support Guidelines*] of the Family Law Act Regulation.	Subrule (3) provides added clarity for applications about child support that child support guidelines in these rules have the same meaning as in the Family Law Act and includes the Federal Child Support Guidelines.

3 Financial statements

When financial statements are required or referred to in these rules, they must be filed, unless otherwise indicated, (a) in Form 4 [*Financial Statement*], and (b) with any attachments that are described in that form for the family law matter or other specific circumstances that apply.	Rule 3 sets out the requirements for financial statements. The rule replaces part of the previous rule 4 and is intended to make the rules and forms relating to financial statements more user-friendly. The form has been simplified to provide clearer instructions on when to use the form and its various parts. It requests only basic information, allowing for further disclosure to be made only when necessary.

Division 2 – Understanding How to Use These Rules

4 What these rules apply to

(1) These rules apply to cases in the Provincial Court about the following matters: (a) matters under the *Family Maintenance Enforcement Act*; (b) matters under the *Family Law Act*, other than the following Parts of the Act: (i) Part 3 [*Parentage*], except as is necessary to make an order under that Part to determine another family law matter over which the Provincial Court has jurisdiction; (ii) Part 5 [*Property Division*], except in respect of a companion animal; (iii) Part 6 [*Pension Division*]; (iv) Part 8 [*Children's Property*].	Rule 4 sets out what kinds of issues can be addressed under these rules. For clarification, the rule lists the types of matters under the *FLA* that cannot be dealt with in Provincial Court. Issues that can be addressed under these rules include family law matters as well as case management, protection orders under Part 9 of the *FLA*, priority parenting matters, relocation, enforcement and enforcement of support orders under the *FMEA*. See also rule 5, which sets out what issues must be addressed elsewhere. Rules 4 and 5 were included in these rules to help users understand which family matters may be dealt with by the Provincial Court under these rules and which matters must be dealt with elsewhere.
(2) For certainty, the matters referred to in subrule (1) to which these rules apply include the following: (a) family law matters; (b) protection orders under Part 9 [*Protection from Family Violence*] of the *Family Law Act*; (c) priority parenting matters; (d) relocation; (e) enforcement, including enforcement of support orders under the *Family Maintenance Enforcement Act*.	Appendix B provides a visual overview of the pathways for various applications that can be made under these rules.

5 What these rules do not apply to

These rules do not apply to the following matters: (a) divorce, which is addressed under (i) the *Divorce Act*, and	Rule 5 is a companion to rule 4 and directs users to legislation that applies to issues that cannot be addressed under the *PCFR*.

(ii) the *Supreme Court Family Rules*; (b) except in respect of a companion animal, property division, which is addressed under (i) the *Family Law Act*, and (ii) the *Supreme Court Family Rules*; (b.1) pension division, which is addressed under (i) the Family Law Act, and (ii) the Supreme Court Family Rules; (c) adoption, which is addressed under (i) the *Adoption Act*, and (ii) the *Supreme Court Family Rules*; (d) child protection, which is addressed under (i) the *Child, Family and Community Service Act*, and (ii) the *Provincial Court (Child, Family and Community Service Act) Rules*; (e) adult guardianship, which is addressed under (i) the *Adult Guardianship Act*, and (ii) the *Provincial Court (Adult Guardianship) Rules*; (f) interjurisdictional support orders, which are addressed under the *Interjurisdictional Support Orders Act*, except as provided in rules 134 (a) [*filing orders*] and 136 [*applying to set aside interjurisdictional order*].	Matters that must be addressed elsewhere include divorce, property division except in respect to a companion animal, pension division, adoption, child protection, adult guardianship, and interjurisdictional support orders.

6 Parts that apply in certain registries

In these rules,	Rule 6 maps out which registry locations correspond with which types of registries and

(a) a registry listed in Appendix 1 is an early resolution registry for the purposes of Part 2 [*Early Resolution Registries*], (b) Repealed. (c) all registries, except early resolution registries, are parenting education program registries for the purposes of Part 7 [*Parenting Education Program Registries*], (d) the Kamloops registry is an informal trial pilot project registry for the purposes of Division 5 *[Informal Trial Pilot Project Rules]* of Part 9.	directs parties to the applicable Parts of the rules. Some of the rules require program and service funding to effectively implement. The timing of the application of all of the rules to every registry is dependent on funding and as such the timeline for full implementation is not certain. A table is provided in Appendix C that summarizes the different designated registries and the requirements that must be met when filing an Application About a Family Law Matter.

7 Which registry to use

(1) The registry that must be used for filing a form or document under these rules is the following: (a) if there is an existing case with the same parties, the registry where the existing case is located; (b) if there is not an existing case with the same parties, the registry closest to the following: (i) if the case involves a child-related issue, the residence where the child lives most of the time; (ii) if the case does not involve a child-related issue, the residence of the person who first files a document under these rules.	Rule 7 explains how to determine which registry to use. The rule introduces new policy intended to prevent having multiple files involving the same parties in different registries. Subrule (1) sets out where parties may file, depending on whether there is an existing case involving the same parties.
(2) If there is an existing case, (a) the existing court file must be used if the parties are the same, or (b) a new court file in the same registry must be used if paragraph (a) does not apply.	Subrule (2) provides guidance to the registry as to when to open a new file.

(3) A party seeking an order about a protection order or a priority parenting matter may do so in any registry, with permission of the court.	Subrule (3) underscores that protection orders and priority parenting matters can be filed and/or heard with permission of the court at any registry. This is to respond to circumstances where a party may have left their residence because of concerns about family violence and needs to apply for an order in another court location. Parties can ask for permission to file in another registry by applying for a case management order under Part 5, Division 2, rule 61 or 62.

8 Agreement or resolution possible at any time

Parties may come to an agreement or otherwise reach resolution about family law issues at any time.	Rule 8 is intended to underscore the party-driven nature of the rules. It stresses for parties that, despite the processes set out in the rules, they are always free to come to an agreement on their own.

PART 2 – EARLY RESOLUTION REGISTRIES

Division 1 – Early Resolution Registries

9 Early resolution registry

The rules set out in this Part apply in early resolution registries.	Rule 9 sets out that the rules in this part apply to early resolution registries. Between May 2019 and implementation of these rules, Victoria operated under Rule 5.01 of the previous rules, which resembled early resolution provisions in these rules. Surrey began to operate under Rule 5.01 as of December 7, 2020. Port Coquitlam became an early resolution registry on November 1, 2024. Abbotsford, Chilliwack, and New Westminster became early resolution registries on April 1, 2025. North Vancouver, Pemberton, Richmond, Sechelt, and Vancouver (Robson Square) became early resolution registries on November 1, 2025. The remaining registries under this part became early resolution registries on May 1,

	2026. Additional registries may become early resolution registries in the future as funding is secured.

Division 2 – Early Resolution Requirements

10 Early resolution requirements must be met before application filed

Before filing an application about a family law matter under Part 3 [*Applications About Family Law Matters*], a party seeking resolution of a family law matter in an early resolution registry must, unless otherwise provided in these rules, (a) file a notice to resolve in Form 1 [*Notice to Resolve a Family Law Matter*], (b) provide a copy of the notice to resolve to each other party, (c) participate in a needs assessment under rule 16 [*participating in needs assessment*], (d) complete a parenting education program under rule 17 [*completing parenting education program*], and (e) participate in at least one consensual dispute resolution session under rule 18 [*participating in consensual dispute resolution*].	Rule 10 sets out the requirements that must be met before a party can file an application about a family law matter in an early resolution registry. Form 1 [*Notice to Resolve a Family Law Matter*] is the initiating document for the new process in early resolution registries. It prompts a referral to the early needs assessment and consensual dispute resolution (CDR) process. It does not ask parties to assert positions or arguments. This approach helps parties avoid an adversarial mindset at the beginning of the process. The usual rules of service do not apply to the Notice to Resolve a Family Law Matter. It can be provided to each other party by almost any means of communication (including text, social media, email, etcetera). Formal service of the Notice to Resolve a Family Law Matter is not required because there are no legal consequences that rely on the document being served. Also, Family Justice Services Division will try to contact the second party to explain the process and notify them of the next steps.

11 Early resolution requirements must be met before reply filed

Before filing a reply under rule 28 [*reply to application about family law matter*] to an application about a family law matter in an early resolution registry, the party filing the reply must, unless otherwise provided in these rules,	Rule 11 sets out the early resolution requirements that must be met before filing a reply to an application about a family law matter in an early resolution registry.

(a) participate in a needs assessment under rule 16 [*participating in needs assessment*], (b) complete a parenting education program under rule 17 [*completing parenting education program*], and (c) participate in at least one consensual dispute resolution session under rule 18 [*participating in consensual dispute resolution*].	There are exceptions to these requirements set out in the Rules for specific circumstances or parties.

12 Exception to early resolution requirements

The early resolution requirements described in rules 10 [*early resolution requirements must be met before application filed*] and 11 [*early resolution requirements must be met before reply filed*] (a) do not apply if the application about the family law matter is only for support and that party has assigned support rights to the government under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*, (b) cease to apply if the court file for the case is transferred under rule 62 [*case management orders – judge*] or 63 [*case management orders – family justice manager*] to a registry that is not an early resolution registry, and (c) are not required if a party is only applying for one or more of the following orders under Part 5 [*Applying for Other Orders*] or Part 10 [*Enforcement*]: (i) a case management order; (ii) a protection order; (iii) an order about a priority parenting matter;	Rule 12 sets out the circumstances in which early resolution requirements do not apply, cease to apply, or are not required. "Other orders" referenced in subrule (c) are: • Case management orders • Protection orders under Part 9 of the *FLA* • Orders about Priority Parenting Matters • Orders about Relocation • Consent Orders • Enforcement Orders These orders are not applied for using the application about a family law matter and therefore follow a different pathway. See Appendix B for an overview of the different pathways for different orders you may need.

(iv) an order about relocation; (v) a consent order; (vi) an enforcement order.	

13 Certain parties exempt from requirements

A party who is the government, a minister or a public officer is not required to meet the requirements that apply to a party under this Part.	Rule 13 sets out that government, ministries, and public officials are exempt from the early resolution requirements.

14 Protection orders and orders about priority parenting matters take priority

For certainty, if a party applies for an order about a family law matter and (a) an order about a protection order under Part 9 [*Protection from Family Violence*] of the *Family Law Act*, or (b) a priority parenting matter, the party may apply for the order about the protection order or the priority parenting matter before complying with rule 10 [*early resolution requirements must be met before application filed*] or 11 [*early resolution requirements must be met before reply filed*].	Rule 14 underscores that orders about protection orders and orders about priority parenting matters may proceed on an expedited basis without first complying with the early resolution requirements if there is also a family law matter. A person may need a protection order or priority parenting matter order **and** an order about a family law matter. Once the safety needs and priority parenting matters have been dealt with on a priority basis, the family law matter issues can then be addressed separately.

Division 3 – Notice of Intention to Proceed

15 Intention to proceed in certain cases after one year

(1) The parties must meet the requirements in subrule (2) (a) and (b) if no application about a family law matter has been filed in a case 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: (a) filed a notice to resolve a family law matter in Form 1 [*Notice to Resolve a Family Law Matter*]: (b) participated in a needs assessment:	Rule 15 applies to cases where proceedings were initiated but an application about a family law matter has not yet been filed. If it has been more than one year since a party took any of the steps set out in subrule (1), then the requirements in subrule (2) must be met to proceed with the case.

(c) completed a parenting education program; (d) participated in a consensual dispute resolution session.	
(2) Before the parties described in subrule (1) may proceed, (a) a party must file a notice of intention to proceed in Form 2 [*Notice of Intention to Proceed*] and provide a copy of the notice to each other party, and (b) the parties must participate in a new needs assessment.	Subrule (2) sets out the requirements that must be met before parties can proceed. The rationale for completing a new needs assessment is that the period of time following a separation can be very unsettled and a family's circumstances and needs often change substantially over the course of a year, warranting a further needs assessment. The parties must also still meet the applicable early resolution requirements set out in rule 10 or 11 that they have not yet completed before filing an application or reply. This includes providing a copy of the notice to resolve to each other party.

Division 4 – Needs Assessment

16 Participating in needs assessment

Unless otherwise provided in these rules, each party must participate individually in a needs assessment conducted by a needs assessor for the following: (a) assistance with identifying legal and non-legal needs; (b) information about resolving issues, including (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 (i) a referral to an appropriate parenting education program under	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 appropriate parenting education program (e.g. Parenting After Separation), 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 or not CDR is appropriate. Rule 16 requires each party to participate in a needs assessment and describes the needs assessment process.

Division 5 [*Parenting Education Program*], or (ii) an exemption from a parenting education program under that Division; (d) referrals to other resources, including where and how (i) to seek legal advice, (ii) to access legal information, (iii) to access resources for issues that are not legal in nature, and (iv) to access resources for children dealing with family changes; (e) assessment of whether consensual dispute resolution under Division 6 [*Consensual Dispute Resolution*] 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.	Needs assessments are conducted by needs assessors, who are Family Justice Counsellors with Family Justice Services Division. Family Justice Services Division currently uses an assessment tool to: identify the needs of families; assess for safety, family violence, and 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 legal issues in order to make appropriate referrals to legal advice and information early in the process. Assessment also identifies non-legal issues that families need support with, including: 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.

Division 5 – Parenting Education Program

17 Completing parenting education program

Each party must complete a parenting education program unless a needs assessor exempts that party because (a) the 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 related only to spousal support,	Rule 17 sets out a requirement on each party to complete a parenting education program. The rule also sets out the circumstances where a needs assessor may exempt a party from completing a parenting education program. The early resolution registry requires both parties to complete a parenting education program before they may file their pleadings (i.e. application about a family law matter or reply).

(b.1) the family law matter is related only to property division in respects of a companion animal, (b.2) the family law matter is related to both spousal support and to property division in respect of a companion animal, (c) every child involved in the family law matter has reached 19 years of age, (d) the party cannot access an online version, (e) the parenting education program is not offered in a language in which the party is fluent, (f) the party cannot complete an online version due to literacy challenges, or (g) the party cannot complete the parenting education program due to a serious medical condition.	The parenting education program must be a program approved by the Family Justice Services Division of the Ministry of Attorney General. Currently this includes the Parenting After Separation (PAS) and Parenting After Separation for Indigenous Families programs. The previous rules also required parties in designated registries to complete a parenting education program, although the previous rule 21 only required completion by one party before a first appearance date was set. The second party was also to complete Parenting After Separation (PAS) before they could be heard. However, this was difficult to enforce. The exemptions in the new rules have also been updated around inability to access the program or participate due to language barriers.

Division 6 – Consensual Dispute Resolution

18 Participating in consensual dispute resolution

(1) The parties must attempt to resolve a family law matter by participating in at least one consensual dispute resolution session unless (a) a needs assessor determines that the parties cannot access consensual dispute resolution services, or (b) a needs assessor or a consensual dispute resolution professional determines that participation in a consensual dispute resolution session is not appropriate.	Rule 18 requires parties to participate in at least one consensual dispute resolution (CDR) session unless exempted by a needs assessor or CDR professional. CDR is defined in rule 2 as including mediation with a qualified family law mediator, a collaborative family law process, and facilitated negotiation of a child or spousal support matter with a child support officer. Although parties may be offered the opportunity to participate in additional CDR sessions, they will have met the requirement under this Part if they have participated in at least one CDR session.

	Subrule (1) sets out the exemption under which parties are not required to participate in at least one CDR session. There is a need for this ability to exempt parties from CDR 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. If a needs assessor determines that CDR is appropriate and the party does not agree, the party can apply for a case management order under Part 5, Division 2, rule 62(j) or rule 63(2)(a), to be exempt from participating in a CDR session.
(2) To prepare for a consensual dispute resolution session, each party must participate in any preparatory meetings or other preparatory process as required by the consensual dispute resolution professional.	Subrule (2) clarifies that the requirement includes participating in any preparatory meetings or other preparation that the CDR professional may require before the CDR session.

19 Certain parties not required to comply with consensual dispute resolution

The requirements described in rule 18 [*participating in consensual dispute resolution*] do not apply to any parties if one of the parties is (a) the Director of Maintenance Enforcement, or (b) a director under the *Child, Family and Community Service Act*.	Rule 19 specifies who is not required to comply with the CDR requirements set out under rule 18.

20 Financial information for consensual dispute resolution

If financial information for consensual dispute resolution is required, it must be provided in the form required by the consensual dispute resolution professional.	Rule 20 allows CDR professionals to determine the form in which financial information for CDR is to be provided and requires parties to comply. It is the practice of family justice counsellors who are providing CDR to supply parties who reach agreement with a document that

	summarizes the financial information disclosed for the purposes of CDR.

Division 7 – Failure to Comply With Early Resolution Requirements

21 Application in early resolution registry may proceed once filed

If a party has met the early resolution registry requirements described in rule 10 [*early resolution requirements must be met before application filed*], the party may proceed to make an application for an order about a family law matter in accordance with these rules even if the other party is unable or unwilling to comply with the early resolution requirements described in rule 11 [*early resolution requirements must be met before reply filed*].	Rule 21 clarifies that a party who has met the early resolution requirements that apply to them under rule 10 may proceed to make an application about a family law matter. This is to ensure that a compliant party is not delayed if the other party does not meet their requirements.

22 Failure of party to comply with early resolution requirements

If a party who receives a notice to resolve does not comply with the early resolution requirements under rule 11 [*early resolution requirements must be met before reply filed*], the party may not participate in the case unless the court orders otherwise.	Rule 22 underscores that completion of applicable early resolution requirements is necessary to take part in a case. A party can apply for a case management order under Part 5, Division 2, rule 62(j) or rule 63(2)(a), to postpone or exempt the completion of the early resolution requirements.

PART 3– APPLICATIONS ABOUT FAMILY LAW MATTERS

Division 1 – Applying for Family Law Matter Orders

23 Application of Part

The rules set out in this Part apply in all registries.	

24 Applying for orders about family law matters

(1) In this rule, **"order about a family law matter"** means an order about any of the following:	Rule 24 sets out the procedure for applying for orders about family law matters.

(a) 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 other than property division in respect of a companion animal; (c) an order to set aside or replace all or part of an agreement about a family law matter.	Appendix D provides a visual overview of the pathway for family law matters. For applications concerning family law matters, an "Application About a Family Law Matter" is used. The form/process is used to apply for a new order, change or cancel an existing order or to set aside or replace an agreement about a family law matter. A final order about property division in respect of a companion animal cannot be changed or cancelled. The form includes separate schedules for the different types of orders that can be applied for. A party must only complete the schedule(s) about the orders they are applying for from the court. Each schedule provides the opportunity for the party to tell their story with information the court needs to inform the decision including basic facts, details to inform specific terms of the order and other factors that must be considered by the court and the parties. Applications for orders that are not about family law matters are made using other forms and processes. See Part 5 for rules specific to non-family law matters. Appendix E provides a visual overview of the forms and processes to apply for other orders.
(2) To apply for an order about a family law matter in a registry other than an early resolution registry, a party must file and serve on each other party an application about a family law matter in Form 3 [*Application About a Family Law Matter*].	Subrule (2) describes how to apply for an order about a family law matter in a registry other than an early resolution registry (i.e. a family justice registry or parenting education program registry).
(3) To apply for an order about a family law matter in an early resolution registry, a party must (a) meet the early resolution requirements described in rule 10	Subrule (3) describes how to apply for an order about a family law matter in an early resolution registry.

[*early resolution requirements must be met before application filed*], and (b) after having met the early resolution requirements, file and serve on each other party an application about a family law matter in Form 3 [*Application About a Family Law Matter*].	If a party needs to apply for an order about a family law matter on an urgent basis, before having met the early resolution requirements, the party can apply for a case management order under Part 5, Division 2, rule 62(j) or rule 63(2)(a), to postpone or exempt the completion of the early resolution requirements. See Appendix F for a visual overview of the mechanisms for orders about priority parenting matters vs expedited family law matter orders in urgent cases.

25 Additional requirements when applying for certain orders

(1) A party must file the following additional documents with an application about a family law matter: (a) for an order about an existing order or written agreement, a copy of the existing order or written agreement; (b) for an order about child support, if the party is required under the child support guidelines to provide income information, a financial statement in Form 4 *[Financial Statement]*, and any applicable information and documents described in Form 4 as required under the child support guidelines; (c) for an order about spousal support, a financial statement in Form 4.	Rule 25 directs parties to additional documents that must be filed with an application about a family law matter, depending on the specific type of family law matter for which an order is being sought. The requirement to file these documents with the application enables meaningful court appearances and reduces delay. If a party is unable to file the additional document with their application, the party can apply for a case management order under Part 5, Division 2, rule 62(j) or rule 63(2)(a), to allow the application to be filed without the additional document or with an incomplete document.
(2) In addition to filing the additional documents under subrule (1), a party applying for an order about being appointed as a guardian must (a) file the following additional documents with the party's application:	Subrule (2) directs parties to additional documents that must be filed with an application under section 51 of the *FLA* for an order appointing a person as a child's guardian. More detail about filing these documents is in rule 26.

(i) a Consent for Child Protection Record Check in Form 5 under the Family Law Act Regulation; (ii) a request, in the form provided by the registry, to search the protection order registry, and (b) certify on the application that the party has initiated a criminal record check.	Filing the consent and request for record checks at the same time the application is filed helps to ensure the record checks are received in a timely manner to support the Guardianship Affidavit and help prevent delay in making a decision about guardianship of a child. Helping to prepare a party for the next steps in their case is an important part of helping them get a just and timely decision.

26 Additional documents required when applying for orders about guardianship

(1) A party making an application for an order about guardianship under section 51 [*orders respecting guardianship*] of the *Family Law Act*, including an application for a consent order for guardianship, must file an affidavit in Form 5 [*Guardianship Affidavit*] with the following exhibits attached: (a) a child protection record check from the Ministry of Children and Family Development; (b) a protection order record check from the protection order registry; (c) a criminal record check.	Rule 26 sets out the additional documents that must be filed with an application for an order about guardianship of a child, and the timelines related to those documents.
(2) The documents referred to in subrule (1) must be filed and served on each other party (a) at least 7 days before the date set for the hearing of the application if no trial preparation conference is scheduled, or (b) at least 7 days before the date of the trial preparation conference if a trial preparation conference is scheduled.	
(3) The following periods apply in relation to the documents referred to in subrule (1): (a) an affidavit referred to in subrule (1) must be sworn no more than 7	Subrule (3) carries forward the time periods under the previous rules that apply to guardianship applications under section 51 of the *Family Law Act*.

days before the date the affidavit is filed; (b) the record checks referred to in subrules (1) (a), (b) and (c) must be dated within 60 days before the date that the record check is filed.	(a)There are seven days to swear an affidavit from the date the document is filed under rule 28. (b)There are 60 days for the record checks to be dated before the date that a document under rule 28 is filed.

27 Serving application about family law matter

(1) If a party is applying for an order about a family law matter under rule 24 [*applying for orders about family law matters*], the party must ensure the personal service of the application about the family law 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: (a) the application about the family law matter; (b) instructions, in the form provided by the registry, about the following: (i) how to file a reply; (ii) how to obtain Form 6 [*Reply to an Application About a Family Law Matter (with Counter Application)*] for filing a reply; (c) any applicable additional documents, as described in rules 25 [*additional requirements when applying for certain orders*] and 26 [*additional documents required when applying for orders about guardianship*].	Rule 27 sets out the process for effecting service of an application about a family law matter on the other party. If the application is unable to be served personally, the party can apply for a case management order under Part 5, Division 2, rule 62(i), to allow an alternative method for the service of the document.
(2) If a certificate of service is required under these rules, an adult who serves documents under subrule (1) must complete a certificate of service in Form 7 [*Certificate of Service*] and provide it to	

the party who filed the application about the family law matter.	
(3) If a reply is not filed under Division 2 [*Family Law Matter Reply and Counter Application*] within 30 days of service of an application about a family law matter under subrule (1), the party applying for an order about a family law matter must file the certificate of service.	Subrule (3) requires that the certificate of service be filed if a reply is not filed within 30 days of the application being served.

Division 2 – Family Law Matter Reply and Counter Application

28 Reply to application about family law matter

(1) A party who is served with an application about a family law matter may file a reply in accordance with this rule.	Rule 28 sets out a party's options when served with an application about a family law matter.
(2) To reply to an application about a family law matter that has been filed in a registry other than an early resolution registry, a party must (a) file a reply in Form 6 [*Reply to an Application About a Family Law Matter (with Counter Application)*], and (b) if the application about the family law matter is about child support or spousal support, file a financial statement in Form 4 [*Financial Statement*] with the party's reply.	Subrules (2) and (3) set 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. Subrule (2) is specific to registries other than an early resolution registry. Subrule (3) is specific to early resolution registries.
(3) To reply to an application about a family law matter that has been filed in an early resolution registry, a party must (a) meet the early resolution requirements described in rule 11 [*Early resolution requirements must be met before reply filed*], and (b) after having met the early resolution requirements, file the materials referred to in subrule (2) (a) and (b), as applicable.	

(4) A reply and, if applicable, a financial statement must be filed by a party within 30 days after the date that the party is served the application about the family law matter.	Subrule (4) sets out the time limit a party has to file a reply and, if applicable, a financial statement. If a party needs: • more than 30 days to file a reply, • to file their reply before they have completed the early resolution requirements, or • to file their reply without the required additional documents they can make an application under Part 5, Division 2, rule 62(j) or rule 63(2)(a) for a case management order modifying the time to file, waiving or postponing the early resolution requirements or allowing an application to be filed without the necessary additional documents.

29 Content of reply

In a reply, a party may do any of the following: (a) agree with one or more of the orders applied for in the application about the family law matter; (b) disagree with one or more of the orders applied for in the application about the family law matter; (c) include a counter application in accordance with rule 30.	Rule 29 describes how a person may respond to an application about a family law matter in the reply. The form includes schedules for the different orders that have been applied for by the other party or that can be applied for as a counter application. A party must only complete the schedule(s) about the orders they are disagreeing with or that they are applying for from the court. Each schedule provides the opportunity for the party to tell their story with information the court needs to inform the decision including basic facts, details to inform specific terms of the order and other factors that must be considered by the court and the parties.

30 Counter applications

(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	Rule 30 sets out how a party can make a counter application and what additional documents may be required. Counter

included in the application about the family law matter.	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.
(2) A party must file the applicable additional documents described in rule 25 [*additional requirements when applying for certain orders*] with the counter application if the counter application is about any of the following: (a) an existing order or agreement; (b) child support; (c) appointment as a guardian; (d) spousal support.	
(3) If a counter application is for an order about guardianship under section 51 [*orders respecting guardianship*] of the *Family Law Act*, the party making the counter application must file the documents described in rule 26 (1) [*additional documents required when applying for orders about guardianship*].	
(4) The time limit for filing described in rule 26 (2) [*additional documents required when applying for orders about guardianship*] and the periods set out in rule 26 (3) apply to the documents referred to in subrule (3) of this rule.	The documents referred to in subrule (3) must be filed and served on each other party at least 7 days before the counter application is heard. If the counter application is for an order about guardianship, the party making it must file an affidavit in Form 5 *[Guardianship Affidavit]* and attach the following documents: • a record check from the Ministry of Children and Family Development (sworn no more than 7 days before filing) • a protection order record check and criminal record check (both dated within 60 days of filing).

31 If no reply filed

If a party does not file a reply within 30 days in accordance with rule 28 [*reply to application about family law matter*], (a) the party is not entitled to receive notice of any part of the proceedings, including any court appearance, and (b) a judge or family justice manager may make orders in the absence of the party.	Rule 31 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 or family justice manager may make orders without the party's knowledge. This operates to avoid holding up one party's application for relief due to the other party not engaging in the court process.

32 Judge or family justice manager may direct matters if party does not file reply

Despite rule 31 [*if no reply filed*], a judge or family justice manager may (a) direct that a party who does not file a reply under rule 28 [*Reply to application about family law matter*] receive notice of and attend a family management conference or another conference or hearing, and (b) issue a summons in Form 31 [*Summons – General*].	Rule 32 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 or family justice manager may direct that the party receive notice of proceedings and, additionally, may issue a summons.

33 Copy to filing party

The registry, within 21 days after a reply is filed under rule 28 [*reply to application about family law matter*], must provide a copy of the following to the party who filed the application about the family law matter, as applicable: (a) the reply; (b) the counter application included with the reply; (c) all documents filed with the reply and counter application.	Rule 33 clarifies that the registry is responsible for forwarding the reply, counter application and all documents filed with those to the party who filed the application about a family law matter. Though the registry must provide a copy within 21 days, the use of an email address for service will shorten this significantly. The 21 days allows for the time in the mail for delivery to occur when an email address for service is not provided.

34 Replying to counter application

A party who is replying to a counter application must file and serve on each other	Rule 34 sets out how a party can reply to a counter application.

party the following within 30 days after the date that the party receives the reply with counter application: (a) a reply to the counter application in Form 8 [*Reply to a Counter Application*]; (b) if applicable, a financial statement in Form 4 [*Financial Statement*].	

PART 4 – FAMILY MANAGEMENT CONFERENCES

Division 1 – Application and Purpose

35 Application of Part

The rules set out in this Part apply in all registries.	

36 Purpose of family management conference

(1) The purpose of a family management conference is to provide an informal and time-limited process in which the judge or family justice manager (a) assists the parties to identify the issues to be resolved, (b) explores options to resolve the issues, (c) is able to make orders and directions under Division 2 [*Case Management Orders*] of Part 5 [*Applying for Other Orders*] based on information provided by or on behalf of the parties to ensure that a file is ready to proceed to the next step in the process, (d) is able to make interim orders under rule 50 [*interim orders*] to address needs until the parties resolve their family law matters, and (e) is able to make orders under (i) rule 31 [*if no reply filed*], if a party does not file a reply,	Rule 36 describes the purpose and scope of the family management conference. Family management conferences assist parties applying for certain types of orders, increasing trial readiness and helping to move cases forward for adjudication. A family management conference could be conducted by a judge or by a family justice manager, if and when one is appointed. Family management conferences are intended to help parties achieve readiness and move cases forward for adjudication. Family management conferences take the place of what used to be known as first appearances ("family remand") under the previous rules. At a family management conference, a party could expect to have orders made about: • case management – such as disclosure of information, amending documents, or orders about the conduct of the parties or management of the case;

(ii) rule 52 [*consent orders*], by consent of the parties, and (iii) rule 54 [*orders made in the absence of a party – judge*] or 55 [*orders made in the absence of a party – family justice manager*], in the absence of a party.	• interim orders about the family law matter to help a party with a short-term resolution of their issue until the next step in their case; and • orders by consent of the parties – these may be final orders that resolve the family law matter or orders about case management including the conduct of the parties. A party does not need to make a separate application under section 216 or section 217 of the *Family Law Act* for an interim order about their family law matter. The party should be prepared to discuss any interim orders they may require at the family management conference.
(2) A judge at a family management conference may make any other orders or directions as appropriate in addition to those referred to in subrule (1) (c).	

Division 2 – Scheduling Family Management Conference

37 Scheduling family management conference if reply filed

Subject to rule 40 [*requirements to be met before scheduling family management conference in parenting education registry*], 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 a family management conference.	Rule 37 explains that the registry must inform the parties about how conferences are scheduled once an application about a family law matter and reply have been filed and initial requirements have been met. The specific practice for scheduling may vary from registry to registry. If there are specific dates that a party or their lawyer will not be available to attend court, this information should be communicated to the registry as early as possible.

38 Scheduling family management conference if no reply filed

Subject to rule 40 [*requirements to be met before scheduling family management conference in parenting education registry*], if	Rule 38 sets out how a family management conference is scheduled if no reply has been filed within the 30-day reply period.

a party has filed an application about a family law matter and (a) a reply has not been filed, (b) based on the certificate of service, at least 30 days have passed since the application about the family law matter was served, and (c) if applicable, the party has met the early resolution requirements under rule 10 [*early resolution requirements must be met before application filed*], the registry must provide that party with information about the procedure for scheduling a family management conference.	A party must file proof of service of the application about a family law matter and have met the early resolution requirements, if applicable.

39 Repealed

40 Requirements to be met before scheduling family management conference in parenting education registry

The registry may not schedule a family management conference for a case in a parenting education registry unless at least one party has filed (a) a certificate of completion of a parenting education program, or (b) a notice of exemption in Form 20 [*Notice of Exemption from Parenting Education Program*].	Rule 40 sets out how a family management conference is scheduled in a parenting education program registry (listed in Rule 97). The family management conference will not be scheduled until a party has met the parenting education program requirement.

41 Attendance for preparing for subsequent hearing

The parties may be required to attend a family management conference to prepare for a hearing, even if Part 3 [*Applications About Family Law Matters*] does not apply to the parties, if one of the parties has applied for one of the following orders: (a) enforcing, changing or setting aside a filed determination of a parenting coordinator;	Rule 41 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.

(b) prohibiting the relocation of a child under section 69 [*orders respecting relocation*] of the *Family Law Act*; (c) setting reasonable and necessarily incurred expenses under any of the following sections of the *Family Law Act*: (i) section 61 [*denial of parenting time or contact*]; (ii) section 62 [*when denial is not wrongful*]; (iii) section 212 [*orders respecting disclosure*]; (iv) section 213 [*enforcing orders respecting disclosure*]; (v) section 228 [*enforcing orders respecting conduct*]; (vi) section 230 [*enforcing orders generally*].	

42 Intention to proceed – family management conferences

(1) A notice of intention to proceed with an application about a family law matter must be filed in accordance with subrule (2) if (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.	Rule 42 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 or family justice manager will help determine the next steps for re-entering the process. The ability to refresh the process following a time lapse is important as family dynamics and finances can change significantly in a year.

	This also enables the court to have recent information to determine the most appropriate next steps for the parties.
(2) If subrule (1) applies, before a party may proceed, (a) the party must file a notice of intention to proceed in Form 2 [*Notice of Intention to Proceed*], serve it on each other party and file a certificate of service, and (b) the parties must participate in a family management conference.	Subrule (2) sets out the requirements that must be met before parties can proceed. The parties must also still meet the applicable requirements set out in rule 37 or 38 and rule 39 or 40 that they have not yet completed before a family management conference will be scheduled. This includes serving a copy of the application about a family law matter to each other party.

Division 3 – Attendance and Procedural matters for Family Management Conference

43 Attendance at family management conference

If a family management conference is scheduled, all parties to an application about a family law matter must attend the family management conference.	Rule 43 specifies that parties must attend the family management conference, as its purpose is to assist them in achieving readiness and moving the case forward for adjudication.

44 Lawyer attendance at family management conference

A lawyer for each party may attend a family management conference with the party.	Rule 43 requires parties to attend the family management conference. Rule 44 explains that parties who are represented by a lawyer may choose whether their lawyer also attends.

45 Family management conference may proceed

A family management conference may proceed without a party who (a) does not file a reply, or (b) does not attend.	Rule 45 ensures that one party cannot delay another party seeking resolution by not filing a reply or participating in the family management conference. Orders can be made in a party's absence.

46 Information presented in family management conferences

For the purposes of a family management conference, the judge or family justice manager may require a party to provide the following for consideration: (a) information provided in an application about a family law matter, reply and reply to counter application, if any; (b) evidence provided in a financial statement; (c) evidence given orally on oath or affirmation; (d) affidavit evidence; (e) submissions.	Rule 46 sets out the types of information and evidence that may be required at a family management conference.

47 Judge or family justice manager

A family management conference may take place before a judge or a family justice manager, as applicable, in accordance with Division 4 [*Family Management Conference Proceedings*].	Rule 47 explains that a family management conference may take place before a judge or a family justice manager, depending on whether a family justice manager has been appointed.

Division 4 – Family Management Conference Proceedings

48 Case management orders

(1) A judge at a family management conference may, based on information provided by or on behalf of the parties, make orders under rule 62 [*case management orders – judge*] to ensure that a file is ready to proceed to the next step in the process.	Rule 48 describes that the purpose of case management orders is to ensure that a file is ready to proceed to the next step in the court process. The authority of judges to make case management orders is set out in rule 62 and the authority of family justice managers is set out in rule 63.
(2) A family justice manager at a family management conference may, based on information provided by or on behalf of the parties, make orders under rule 63 [*case management orders – family justice manager*] to ensure that a file is ready to proceed to the next step in the process.	Case management orders can be made during a family management conference without an application about a case management order being filed by a party. If there is a specific case management order that is needed, a party can ask for it during the family management conference. The judge may also make case management

	orders to ensure the file is ready to proceed to the next step in the process.

49 Completion of requirements

A judge or a family justice manager at a family management conference may make an order that a party complete the following, as applicable: (a) the early resolution requirements described in rule 10 [*early resolution requirements must be met before application filed*]; (b) Repealed. (c) the parenting education program registry requirements described in rule 100 [*requirements in parenting education program registries*].	Rule 49 underscores that, at a family management conference, parties who have not completed any applicable initial requirement may be ordered to do so.

50 Interim orders

A judge or a family justice manager at a family management conference may make interim orders, including interim orders about one or more of the following: (a) parental responsibilities; (b) parenting time; (c) child support; (d) contact with a child; (e) guardianship of a child; (f) spousal support; (g) property division in respect of a companion animal.	Rule 50 states that interim orders may be made at a family management conference, and that the interim order may address issues around parenting arrangements (parental responsibilities and parenting time), child support, contact with a child, guardianship of a child, spousal support and property division in respect of a companion animal. Interim orders are intended to provide a short-term or temporary resolution to an issue until a final order or agreement can be made.

51 Interim orders for guardianship

(1) A judge or a family justice manager at a family management conference may make an interim order for guardianship under section 51 [*orders respecting guardianship*] of the *Family Law Act*	Rule 51 sets guidelines around an interim order for guardianship and focuses on the best interests of the child.

without an affidavit in Form 5 [*Guardianship Affidavit*] having been filed if the judge or family justice manager is satisfied that it is in the best interests of the child that an interim order for guardianship be made before that affidavit is filed.	This rule is similar to rule 18.1 provisions around interim guardianship orders in the previous rules.
(2) An interim order for guardianship under subrule (1), unless renewed by a judge or family justice manager, (a) may not exceed a term of 90 days after the date the order is made, and (b) if no term is specified, expires 90 days after the date the order is made.	Subrule 2 sets out that an interim guardianship order will expire at the end of the specified term or automatically after 90 days, unless it is renewed. For a final order about guardianship to be made, a party applying for guardianship must file a guardianship affidavit as described in rule 26.

52 Consent orders

(1) Subject to subrule (2), a judge or a family justice manager at a family management conference may make orders with the consent of the parties, including final orders about one or more of the following: (a) parental responsibilities; (b) parenting time; (c) child support; (d) contact with a child; (e) guardianship of a child; (f) spousal support (g) property division in respect of a companion animal.	Rule 52 establishes that a judge or family justice manager can make orders with the consent of the parties at a family management conference and that the orders may be final orders with respect to any family law matter issue, subject to subrule (2). Rule 52 is about orders the parties agree to in the family management conference, as compared to the process to apply for a consent order in Division 6 – Consent Orders. This model is designed to encourage parties to consent to orders at any stage.
(2) A family justice manager at a family management conference may not make a final order about guardianship of a child under subrule (1).	Subrule (2) clarifies that a family justice manager cannot make a final consent order about guardianship of a child.

53 Conduct orders

(1) Subject to subrule (2), a judge or a family justice manager at a family management conference may make any conduct order that may be made under Division 5	Conduct orders can help to facilitate settlement or to manage behaviours that can frustrate the resolution of a family law matter. Rule 53 lists some of the more likely

[*Orders Respecting Conduct*] of Part 10 [*Court Processes*] of the *Family Law Act*, including the following: (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 to change or set aside a parenting coordinator determination, without permission of the judge, under section 223 [*orders respecting case management*] of the *Family Law Act*; (b) requiring the parties to participate in family dispute resolution, under section 224 (1) (a) [*orders respecting dispute resolution, counselling and programs*] of the *Family Law Act*; (c) requiring one or more of the parties, or a child, to attend counselling, specified services or programs, under section 224 (1) (b) of the *Family Law Act*; (d) allocating or requiring one party to pay the fees related to family dispute resolution, counselling, specified services or programs, if the party is ordered to attend, under section 224 (2) of the *Family Law Act*; (e) setting restrictions or conditions respecting communications between parties, including respecting when or how communications may be made, under section 225 [*orders restricting communications*] of the *Family Law Act*, unless it would be more appropriate for a protection order to be made under Part 9	conduct orders that a judge or family justice manager would make at a family management conference under the *Family Law Act*, however it is not an exhaustive list of conduct orders that may be made. A conduct order may be made by a judge at a family management conference or other court appearance without an application by a party. A party that requires a conduct order can make an application under Part 5, Division 2, rule 62(m) or rule 63(2)(d) for a case management order respecting the conduct of a party.

[*Protection from Family Violence*] of that Act; (f) reporting to the court or to a person named by the judge at the time and in the manner specified, under section 227 [*other orders respecting conduct*] of the *Family Law Act*.	
(2) A family justice manager at a family management conference may not make the following conduct orders under Division 5 [*Orders Respecting Conduct*] of Part 10 [*Court Processes*] of the *Family Law Act*: (a) an order under section 223 (1) (a) or (c) [*orders respecting case management*] of the *Family Law Act*; (b) an order under section 227 (a) [*other orders respecting conduct*] of the *Family Law Act*, unless the order is made with the consent of the parties.	Subrule (2) specifies the conduct orders that a family justice manager does not have authority to make under the *Family Law Act*, in contrast to a judge who has authority to make any conduct order under that act.

54 Orders made in the absence of a party – judge

(1) A judge at a family management conference may make an order, including a final order, in the absence of a party.	Rule 54 authorizes judges to make orders, including final orders, in the absence of a party at a family management conference. This rule differs from that for a family justice manager (rule 55) in that family justice managers cannot make a final order in the absence of a party.
(2) To apply to change, suspend or cancel an order made under subrule (1), the absent party must file and serve on each other party the following at least 7 days before the date referred to in the application for the court appearance: (a) an application for a case management order in Form 10 [*Application for Case Management Order*];	Subrule (2) explains the process for a party to apply to change, suspend, or cancel an order made in their absence.

(b) any supporting evidence or documents.	
(3) A judge may change, suspend or cancel an order made in the absence of a party if the judge determines that (a) the absent party applied in accordance with subrule (2) within a reasonable time for the change, suspension or cancellation of the order, and (b) either of the following apply: (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.	Subrule (3) describes in what circumstances a judge is authorized to change, suspend, or cancel an order that was made in the absence of a party who applies under subrule (2).

55 Orders made in the absence of a party – family justice manager

(1) A family justice manager at a family management conference may make an order, other than a final order, in the absence of a party.	Rule 55 authorizes family justice managers to make interim orders in the absence of a party at a family management conference. It also explains the process for a party to apply to change, suspend, or cancel an interim order made in their absence, and in what circumstances family justice managers are authorized to change, suspend, or cancel an interim order. This rule differs from that for judges (rule 54) in that family justice managers may make only interim orders (not final orders) and may only vary orders made in a party's absence if the order was made by a family justice manager (not a judge).
(2) To apply to change, suspend or cancel an order made under subrule (1), the absent party must file and serve on each other party the following at least 7 days before the date referred to in the application for the court appearance:	Subrule (2) explains the process for a party to apply to change, suspend, or cancel an order made in their absence.

(a) an application for a case management order in Form 10 [*Application for Case Management Order*]; (b) any supporting evidence or documents.	
(3) A family justice manager may change, suspend or cancel an order made by a family justice manager in the absence of a party if the family justice manager determines that (a) the absent party applied in accordance with subrule (2) within a reasonable time for the change, suspension or cancellation of the order, and (b) either of the following apply: (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.	Subrule (3) describes in what circumstances a family justice manager is authorized to change, suspend, or cancel an order that was made in the absence of a party who applies under subrule (2).

56 Directions or orders to attend

(1) A judge or family justice manager at a family management conference may order or direct that a party (a) participate in consensual dispute resolution, (b) return for another family management conference, (c) attend a family settlement conference, (d) attend a trial preparation conference, or (e) attend a hearing or trial.	Part of the purpose of the family management conference is to identify next steps for the parties. Rule 56 articulates the various forms of appearances that may be required after a family management conference.

57 Family justice manager may not change orders by judges

A family justice manager at a family management conference may not change, suspend or cancel an order made by a judge.	Rule 57 specifies that family justice managers at a family management conference may only change, suspend or cancel an order made by a family justice manager, not a judge.

Division 5 – Review of Orders Made by Family Justice Managers

58 Review of orders or directions made by family justice manager

(1) A party may, with permission of a judge, seek review of an order or direction made by a family justice manager under these rules by filing the following within 14 days after the date that the order or direction was made: (a) an application for permission and review in Form 9 [*Application for Permission and Review of Family Justice Manager Order or Direction*]; (b) a copy of the order or direction to be reviewed; (c) any supporting evidence or documents.	Rule 58 explains the process for a party to request a review of an order or direction made by a family justice manager. The rule provides criteria for a judge to consider in granting permission for review.
(2) The party seeking review of an order or direction must serve the documents filed under subrule (1) on each other party at least 7 days before the date referred to in the application for the court appearance.	
(3) In granting permission for review of an order or direction, a judge may consider if (a) the order or direction conflicts with any other order or direction in respect of the parties, (b) the order or direction is correct, and (c) the proposed review involves matters of sufficient importance.	
(4) A judge who grants permission for review of an order or direction may do the following:	

(a) impose any appropriate terms for the review; (b) give directions about notice of the hearing of the review.	

PART 5 – APPLYING FOR OTHER ORDERS

Division 1 – General

59 Application of Part

The rules set out in this Part apply in all registries.	

60 Orders to which this Part applies

The rules in this Part apply to applications for the following: (a) case management orders; (b) protection orders under Part 9 [*Protection from Family Violence*] of the *Family Law Act*; (c) orders about priority parenting matters; (d) orders about relocation; (e) orders by consent, without a hearing.	Rule 60 sets out the types of orders that can be applied for under this part. These are all applications other than an application about a family law matter. The distinct applications support proportional processes, the collection of relevant information in the form, and enable better case management. There will be circumstances where a party needs to complete multiple forms at one time. Appendix E provides a visual overview of the forms and processes to apply for other orders.

Division 2 – Case Management Orders

61 Case management orders at any time

Case management orders under this Division may be made at any time.	Rule 61 underscores that case management orders could be made at a family management conference or at any other time in the court process. If an application for a case management order is made subsequent to a family

	management conference or is required prior to the scheduling of a family management conference, an appearance before the court will be scheduled unless the application can be made by desk order without a court appearance or notice. The appearance may occur in the form of a family management conference or a hearing depending on local practice.

62 Case management orders – judge

A judge may make orders to manage a case, including orders about the following: (a) transferring a court file to another registry for all purposes or specific purposes; (b) relating to the management of a court record, file or document, including access to a court file; (c) correcting or amending a filed document, including the correction of a name or date of birth; (d) setting a specified period for the filing and exchanging of information or evidence, including a financial statement in Form 4 [*Financial Statement*]; (e) specifying or requiring information that must be disclosed by a person who is not a party to a case; (f) requiring that a parentage test be taken under section 33 [*parentage tests*] of the *Family Law Act*; (g) requiring access to information in accordance with section 242 [*orders respecting searchable information*] of the *Family Law Act*; (g.1) authorizing an official of the court, in accordance with section 10 [authorization - information for the establishment or	Rule 62 sets out the case management orders that can be made by a judge. Under the previous rules, these types of orders were sought using a Notice of Motion. Under these rules, parties who apply for case management orders must file and serve an application for case management order with supporting evidence or documents. A person can apply under rule 64 using Form 10 or under rule 65 using Form 11 depending on whether they are applying with notice. Rule 62(j) is to be used to apply for any of the following orders: • filing at a court registry other than the court registry required by Rule 7; • waiving or modifying an early resolution, family justice or parenting education program registry requirement; • waiving or modifying a requirement to file additional documents (e.g. financial statement) with an application, reply or counter application; • waiving or modifying a time limit such as the time to file a reply, permission to file a late reply or the time to provide or exchange documents; or • waiving or modifying any other requirement under the rules, including a time limit set by an order or direction.

variation of a support provision or the enforcement of a family provision] of the Family Orders and Agreements Enforcement Assistance Act (Canada), to make an application under section 12 of that Act for the release of information. (h) recognizing an extraprovincial order other than a support order; (i) 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; (j) 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; (k) allowing a person to attend a court appearance by another method of attendance; (l) adjourning a court appearance; (m) respecting the conduct of a party or management of a case, including pre-trial and trial process and evidence disclosure, as set out in rule 112 (1) (i) [*what happens at trial preparation conference*] of these rules; (n) relating to a report under section 211 [*orders respecting reports*] of the *Family Law Act*, including requiring that a person who prepared the report attend a trial as a witness; (o) adding or removing a party to a case, including leave to intervene under section 204 (2) [*intervention by Attorney General or other person*] of the *Family Law Act*;	An application for a case management order under (j) can be made without notice and without a court appearance. Rule 62(m) is to be used to apply for a conduct order. Rule 62(m) is also to be used to apply for an order about the management of a case which may include scheduling a family management conference in urgent cases to address interim orders before or without the opportunity for a reply to be filed. This list differs from the orders that a family justice manager may make under rule 63 in that this list gives judges a broader scope of authority for certain types of orders. It also gives judges authority to make certain types of orders that family justice managers do not have authority to make, i.e. cancelling a subpoena.

(p) respecting the appointment of a lawyer to represent (i) the interests of a child, or (ii) a party; (p) settling or correcting the terms of an order made under these rules; (q) cancelling a subpoena.	

63 Case management orders – family justice manager

(1) A family justice manager may make one or more case management orders that may be made by a judge under the following rules: (a) rule 62 (a) to (i); (b) rule 62 (o) or (p), provided that the order is made (i) at least 60 days before the date set for the hearing or trial, if no trial preparation conference is scheduled, or (ii) before the trial preparation conference, if a trial preparation conference is scheduled.	Rule 63 sets out the case management orders that can be made by a family justice manager. As described in relation to rule 62, there are limits in the scope of case management orders that a family justice manager may make compared to those that may be made by a judge. In general, family justice managers do not have authority to make case management orders related to the conduct of a trial or hearing before a judge, or modifying an order made by a judge.
(2) A family justice manager may make one or more of the following case management orders: (a) waiving or modifying any requirement under Parts 1 [*Purpose and Interpretation*] to 4 [*Family Management Conferences*] that is within the jurisdiction of a family justice manager, including any related time limit set by an order or direction of a family justice manager, even after the time limit has expired; (b) allowing a person to attend a court appearance before a family justice manager by another method of attendance;	

(c) adjourning a court appearance, including adjourning a hearing or trial before the date set for the hearing or trial; (d) respecting the conduct of a party or management of a case, other than orders relating to pre-trial and trial processes and evidence disclosure, as set out in rule 112 (1) (i) [*what happens at trial preparation conference*] of these rules; (e) relating to a report under section 211 [*orders respecting reports*] of the *Family Law Act*, other than requiring that a person who prepared the report attend a trial as a witness; (f) settling or correcting the terms of an order made by a family justice manager under these rules.	

64 Applying for case management orders

A party applying for a case management order under rule 62 or 63 must file and serve on each other party and every other person who may be directly affected by the case management order the following, at least 7 days before the date referred to in the application for the court appearance: (a) an application for a case management order in Form 10 [*Application for Case Management Order*]; (b) any supporting evidence or documents.	Rule 64 sets out the process to apply for a case management order. Rule 65 also provides a process to apply for limited case management orders that can be made without notice to the other party and without a court appearance. These applications may be scheduled to be heard at a family management conference or at their own court appearance based on registry practices and the circumstances of the case or application.

65 Case management orders – without notice or attendance

(1) A party may apply for the case management orders described in rules 62 (g) to (k) [*case management orders – judge*] and 63 (2) (a) or (b) [*case*	Rule 65 sets out that a subset of the case management orders listed in the previous rules that can be applied for without notice to the other party(ies) or without attending

management orders – family justice manager] without notice to any other parties or without attending before the court by filing an application for case management order without notice or attendance in Form 11 [*Application for Case Management Order Without Notice or Attendance*] Despite rule 61, a case management order described in rule 62 (g.1) must be made only if a party files an application in Form 10 [Application for Case Management Order] or 11 [Application for Case Management Order Without Notice or Attendance] that meets the requirements of section 8 or 9 of the Family Orders and Agreements Enforcement Assistance Act (Canada), as the case may be.	before the court, using Form 11. This is commonly called a desk order process. The desk order process supports timely decisions on procedural or administrative matters that don't require notice to the other party(ies). To apply with notice, or for a case management order not referenced in this rule, a person must apply under rule 64 using Form 10.
(2) A judge or family justice manager considering an application under this rule for a case management order without notice or attendance may do any of the following: (a) approve and sign the order without the attendance of the parties; (b) give directions to obtain further information or evidence, including a direction requiring that the parties attend court; (c) require that notice be given to any other parties; (d) reject the application with reasons. For certainty, if the application referred to in subrule (1) is made by an individual without notice, the application must be accompanied by the results of a recent criminal record check in respect of the individual and an affidavit that meets the requirements of	Subrule (2) describes what a judge or family justice manager may do when an application for a case management order without notice or attendance is made.

section 8 (1) (a), (2) and (3) (b) or 9 (1) (a), (2) and (3) (b) of that Act, as the case may be	
(3) If a case management order is made without notice under this rule, the party who applied for the order must serve on each other party the following: (a) the case management order that is made; (b) the application for the case management order without notice or attendance; (c) any supporting evidence or documents. On application for a case management order described in rule 62 (g.1), the court may consider the following: (a) in the case of an application made by an individual without notice, whether or not to make an order under section 11 of the Family Orders and Agreements Enforcement Assistance Act (Canada), requiring that the federal minister not send to the person referred to in section 8 (2) (a) or 9 (2) (a) of that Act, as the case may be, a copy of the order that authorizes the making of the application and a notice informing the person that information will be released; (b) in the case of an application that is in relation to the establishment or variation of a support provision or the enforcement of a family provision, as those terms are defined in the Family Orders and Agreements Enforcement Assistance Act (Canada), (i) whether or not to authorize, without further order of the court, the disclosure under section 13 (3) of that Act of any information received by the court as a result of the order to the parties or any other page 4 of 16 person, service or body or official of the court that it considers appropriate, and (ii) if disclosure of information is authorized, whether or not to make an	Subrule (3) 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.

order under section 13 (3) of that Act to protect the confidentiality of the information.	
(4) Despite rule 65 (3), in the case of an application for a case management order described in rule 62 (g.1) that is made by an individual without notice, the court may order that the requirement under rule 65 (3) to serve the materials referred to in that provision does not apply.	

Division 3 – Protection Orders

66 Priority – protection orders

If a party is applying for both an order about a protection order under Part 9 [*Protection from Family Violence*] of the *Family Law Act* and an order about a family law matter, the application for the order about the protection order may be made before complying with the following, as applicable: (a) the early resolution requirements under rule 10 [*early resolution requirements must be met before application filed*] of these rules; (b) Repealed. (c) the parenting education program registry requirements under rule 100 [*requirements in parenting education program registries*] of these rules.	An application for a protection order can be made before complying with any initial family law matter requirements if a family law matter order is also required. Rule 66 underscores that if a party is seeking both an order about a protection order and an order about a family law matter, the application for a protection order can be made before complying with any initial family law matter requirements. If a party needs to apply for an order about a family law matter on an urgent basis, the party can apply for a case management order under Part 5, Division 2, rule 62(j) or rule 63(2)(a). The case management order might be to postpone or exempt the completion of the early resolution requirements, to shorten the time for the other party to file a reply, to schedule a family management conference before or without the reply, or to address interim orders. See Appendix F for a visual overview of the process for expedited family law matter orders in urgent cases.

67 Applying for *Family Law Act* protection orders or to change or terminate protection orders – without notice

(1) A person who is applying for an order about the following, without notice, must file an application about a protection order in Form 12 [*Application About a Protection Order*] and any supporting evidence or documents: (a) a protection order under section 183 [*orders respecting protection*] of the *Family Law Act*; (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*.	Rule 67 sets out the process to apply without notice for an order about a protection order, using Form 12 (*Application About a Protection Order*) 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.
(2) A person who is applying for an order about a protection order under subrule (1) must include with the application a statement of the reasons why the application is being made without notice.	An application about a protection order may always be made without notice, however the person making the application must include a statement in Form 12 explaining why notice is not being given.

68 Applying for Family Law Act protection orders or to change or terminate protection orders – with notice

(1) A person who is applying for an order about the following must file an application about a protection order in Form 12 [*Application About a Protection Order*] and any supporting evidence or documents: (a) a protection order under section 183 [*orders respecting protection*] of the *Family Law Act*; (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*.	Rule 68 sets out that Form 12 is also used to apply for an order about a protection order in cases where notice is being given. Form 12 [*Application About a Protection Order*] includes a guided affidavit so that parties do not need to obtain a separate affidavit when applying for a protection order.
(2) If a person is applying for an order about a protection order under subrule (1), the	Subrule (2) rule sets out the notice and service requirements for with-notice

person must ensure the personal service of the application and supporting evidence or documents by having an adult who is not a party leave a copy of the application and supporting evidence or documents with the other party at least 7 days before the date referred to in the application for the court appearance.	applications about protection orders. The application and supporting documents must be served with at least 7 days' notice unless otherwise ordered by the court.
(3) The adult who serves the application under subrule (2) must complete a certificate of service in Form 7 [*Certificate of Service*] and provide the certificate to the person applying for an order about a protection order.	Subrule (3) explains that the person serving the application documents must complete a certificate of service and provide it to the person who made the application.

69 Evidence at protection order hearing

Evidence at a hearing about a protection order under rule 67 [*applying for Family Law Act protection orders or to change or terminate protection orders – without notice*] or 68 [*applying for Family Law Act protection orders or to change or terminate protection orders – with notice*] may be provided (a) orally on oath or affirmation, or (b) by affidavit.	Rule 69 explains that evidence at a protection order hearing may be given orally on oath or affirmation or by affidavit.

70 Form of orders

A protection order made under Part 9 [*Protection from Family Violence*] of the *Family Law Act* must be in Form 13 [*Protection Order*] of these rules and does not need to be signed by the parties or their lawyers.	Rule 70 specifies the form that is to be used for a protection order.

71 Judge to make new protection order

If a judge changes a term or condition of an existing protection order, including an extension of the protection order, the judge must terminate the existing protection order and make a new protection order.	Rule 71 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.

	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 rule is to facilitate greater clarity on what terms are enforceable by ensuring that only one protection order is in effect at a given time.

72 What happens if protection order is made or changed

(1) If a judge makes or changes a protection order in accordance with this Division, a clerk must, as soon as possible, (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: (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 subsequently be	Rule 72 sets out the responsibilities of the clerk when a protection order is made or changed. 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. Under subrule (c) 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. If the registry is unable to arrange for service (e.g. because the person is outside British Columbia, the registry is not provided sufficient information on where the person can be found, or they are evading service), the person who obtained the order must arrange for service of the protection order.

responsible for service, and (d) provide a copy of the protection order to the person who applied for the order	
(2) If the party against whom a protection order is made or changed is not present when the order is made or changed, the party who obtained the order must provide the registry with information about the location of the party against whom the order is made or changed for the purposes of the registry arranging service under subrule (1) (c) (ii).	Subrule (2) specifies that if a party against whom a protection order is made or changed is not present for the court appearance, the party who obtained the protection order needs to provide the registry with information about where the person can be found so they may be served with a copy of the protection order. The clerk may request more information if there is difficulty serving the person. If information is not provided to the registry, or insufficient information is provided, the person who obtained the order may be responsible for serving the protection order under subrule (1)(c)(iii).

73 What happens if protection order is terminated

If a judge terminates a protection order, a clerk must, as soon as possible, (a) prepare the order terminating a protection order in Form 14 [*Order Terminating a Protection Order*], unless the judge directs otherwise, (b) provide a copy of the termination order to the protection order registry, and (c) provide a copy of the termination order to the parties.	Rule 73 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. The purpose of this rule, in tandem with rule 71, is to facilitate greater clarity on what terms are enforceable by ensuring that only one protection order is in effect at a given time.

74 No limitation on protection order applications

A person may make subsequent applications about protection orders, including in the following circumstances: (a) an earlier application for a protection order was denied or dismissed;	Rule 74 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

(b) the protection order has expired; (c) the protection order has been changed or terminated.	order is no longer in effect or where an earlier order has been changed or terminated.

Division 4 – Orders About Priority Parenting Matters

75 Priority - priority parenting matters

If a party is applying for both an order about a priority parenting matter and an order about a family law matter, the application for the order about the priority parenting matter may be made before complying with the following, as applicable: (a) the early resolution requirements under rule 10 [*early resolution requirements must be met before application filed*]; (b) Repealed. (c) the parenting education program registry requirements under rule 100 [*requirements in parenting education program registries*].	Rule 75 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 for the latter can be made before complying with any initial family law matter requirements. If a party needs to apply for an order about a family law matter on an urgent basis, the party can apply for a case management order under Part 5, Division 2, rule 62(j) or rule 63(2)(a). The case management order might be to postpone or exempt the completion of the early resolution requirements, to shorten the time for the other party to file a reply, to schedule a family management conference before or without the reply, or to address interim orders. See Appendix F for a visual overview of the process for expedited family law matter orders in urgent cases.

76 Applying for orders about priority parenting matters

Subject to rule 78 [*priority parenting matters – without notice*], a party who is applying for, or applying to change a term or condition of or to cancel, an order about a priority parenting matter must file and serve on each other party (a) the application for an order about a priority parenting matter in Form 15 [*Application About Priority Parenting Matter*], and (b) any supporting evidence or documents.	Rule 76 sets out the required procedure and form for a party to apply for an order about priority parenting matters. Priority parenting matters are defined in rule 2. If the order a party needs is not included in the definition in rule 2 for a priority parenting matter, the Application About Priority Parenting Matter cannot be used. The party must apply for their order using the appropriate application under these rules.

	If a party needs to apply for an order about a family law matter on an urgent basis, the party can apply for a case management order under Part 5, Division 2, rule 62(j) or rule 63(2)(a). The case management order might be to postpone or exempt the completion of the early resolution requirements, to shorten the time for the other party to file a reply, to schedule a family management conference before or without the reply, or to address interim orders. See Appendix F for a visual overview of the process for expedited family law matter orders in urgent cases. See Appendix G for a visual overview of the process for expedited Family Law Act/Child, Family and Community Service Act matters.

77 Priority parenting matters – notifying other party

(1) Subject to rule 78 [*priority parenting matters – without notice*], if a party is applying for an order about a priority parenting matter, the party must ensure that the application and supporting evidence or documents are served as follows: (a) if there is an address, an email address or a fax number provided for the address for service on the court file for the party to be served, there may be service (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) by emailing the documents to the party's email address, or	Rule 77 sets out the notice and service requirements when applying for an order about priority parenting matters. The application and supporting documents must be served with at least 7 days' notice, unless an order specifies otherwise. Rule 78 explains the process for applying for an order about priority parenting matters without notice.

(iv) by faxing the documents to the party's fax number; (b) if there is no address for service on the court file for the party to be served, there may be personal service (i) by having an adult who is not a party leave the documents with the party to be served, or (ii) as otherwise ordered for the service of the application and supporting evidence or documents.	
(2) An application and supporting evidence or documents must be served (a) at least 7 days before the date referred to in the application for the court appearance, or (b) if a period shorter than 7 days is required, in accordance with an order from the court.	
(3) An adult who serves documents under subrule (1) must complete a certificate of service in Form 7 [*Certificate of Service*] and provide it to the person applying for an order about a priority parenting matter.	

77.1 Notice to director

If a party is applying for an order described in paragraph (h) of the definition of "priority parenting matter", the party must serve the director under the *Child, Family and Community Service Act* with a copy of the application.	Rule 77.1 sets out the requirement for notice to the director under the *Child, Family and Community Service Act* if an application is made for a priority parenting matter order under paragraph (h) of the definition of priority parenting matter in rule 2. The director can be served at the address for service provided in Question 5 of Schedule 1 of the application.

78 Priority parenting matters – without notice

(1) A party may apply for an order to waive or modify the requirement under rule 77 [*priority parenting matters – notifying other party*] to serve another party by filing Form 11 [*Application for Case Management Order Without Notice or Attendance*].	Rule 78 sets out the process for applying for an order about priority parenting matters to be heard without notice. If the judge determines that notice is required, they may give directions as described in subrule (2).
(2) If a judge determines that notice of an application made under rule 76 [*applying for orders about priority parenting matters*] should be given to a party, the judge may make any directions the judge considers appropriate, including (a) the date for the hearing, (b) the amount of notice, and (c) how notice must be given.	

79 Presenting evidence – priority parenting matters

Evidence at a hearing about a priority parenting matter under rule 76 [*applying for orders about priority parenting matters*] may be provided (a) orally on oath or affirmation, or (b) by affidavit	Rule 79 explains that evidence at a priority parenting matter hearing may be given orally on oath or affirmation, or by affidavit.

Division 5 – Orders About Relocation

80 Applying for orders about relocation

(1) This rule applies if (a) a party is applying for an order under section 69 [*orders respecting relocation*] of the *Family Law Act* prohibiting the relocation of a child, and (b) a written agreement or order referred to in section 65 [*definition and application*] of the *Family Law Act* respecting parenting arrangements or	Division 5 sets out the process for applying for an order prohibiting the relocation for a child under section 69 of the *Family Law Act*. Section 69 of the *Family Law Act* is applicable if there is an existing order or agreement concerning parenting arrangements or contact with a child in place. Subrule (3) clarifies the process if there is no existing order or agreement. Under the previous rules, these orders were sought using the Notice of Motion process.

contact with the child applies to the child	
(2) A party who is applying for an order under section 69 [*orders respecting relocation*] of the *Family Law Act* 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: (a) an application for an order prohibiting the relocation of a child in Form 16 [*Application for Order Prohibiting the Relocation of a Child*]; (b) a copy of the applicable written agreement or order referred to in section 65 [*definition and application*] of the *Family Law Act*; (c) a copy of, or the details about, the notice of relocation described in section 66 [*notice of relocation*] of the *Family Law Act*.	Rule 80 sets out the process for applying for an order prohibiting the relocation of a child. At least 7 days' notice is required, along with a new form (*Application for Order Prohibiting the Relocation of Child*) and supporting documents as listed in subrules (b) and (c).
(3) For certainty, this rule does not apply if (a) there is no written agreement or order respecting parenting arrangements that applies in respect of a child, and (b) a party is seeking an order under section 46 [*changes to child's residence if no agreement order*] of the *Family Law Act* in respect of the child.	Subrule (3) clarifies that this rule only applies if there is an existing order or written agreement respecting parenting arrangements. If there is no existing order or written agreement and a party is seeking an order under section 46 of the *FLA*, an application for an order about a priority parenting matter may be applied for under Part 5, Division 4 of these rules.

Division 6 – Consent Orders

81 Applying for consent orders about family law matters

The parties who are applying for an order about a family law matter by consent must file the following: (a) an application for a consent order in Form 17 [*Application for a*	Rule 81 explains that parties can apply for a consent order about a family law matter by filing an application using the specified form along with a draft consent order and any applicable additional documents.

Family Law Matter Consent Order]; (b) a draft consent order in Form 18 [*Consent Order*] signed by the parties or their lawyers; (c) any applicable additional documents, as described in (i) rule 25 [*additional requirements when applying for certain orders*], and (ii) rule 26 [*additional documents required when applying for orders about guardianship*], in accordance with that rule.	The requirements under the child support guidelines and section 51 of the FLA must still be met for the court to make a consent order.

82 Consideration of consent orders

A judge considering an application for a family law matter consent order may do the following: (a) approve and sign the consent order without the parties' attendance at court; (b) give directions to obtain further information or evidence, including to require that the parties attend court; (c) make changes to the draft consent order and, if the parties consent to the changes, require that the parties attend the registry to review and sign the changes; (d) reject the application with reasons.	Rule 82 sets out what a judge may do when considering an application for a consent order about a family law matter.

83 Applying for consent orders about case management

(1) The parties applying for a consent order about a case management order must file an application for a case management order in Form 10 [*Application for Case*	Rule 83 explains that parties can apply for a consent order about case management by filing an application using the specified form and indicating whether they wish to attend

Management Order] and must specify in that form whether the parties are requesting a court appearance.	court. If they do not wish to attend court, they must also file a draft consent order. This rule also sets out the options available to a judge or family justice manager when considering an application for a consent order about case management.
(2) If the parties specify in Form 10 that they are not requesting a court appearance, the parties must file a draft consent order in Form 18 [*Consent Order*] signed by the parties or their lawyers.	
(3) A judge or family justice manager considering an application for a consent order about a case management order may do the following: (a) approve and sign the consent order without the parties' attendance at court; (b) give directions to obtain further information or evidence, including to require that the parties attend court; (c) make changes to the draft consent order and, if the parties consent to the changes, require that the parties attend the registry to review and sign the changes; (d) reject the application with reasons.	

84 General process for consent orders

(1) If an application is made for a consent order without the attendance of the parties at court, a clerk must place the application, draft consent order and supporting documents before a judge, or a family justice manager if the consent order is within the jurisdiction of the family justice manager.	Rule 84 sets out processes that apply to consent orders generally. Subrules (1), (2), and (3) set out the responsibilities of the clerk, where an application is made for a consent order without the attendance of the parties, to place the application and supporting documents before a judge or family justice manager, and to notify the parties and any

	other specified parties of any direction made by the judge or family justice manager. The clerk must also provide a copy of any consent order made to the parties or their lawyers. Subrule (4) explains that, when applying for a consent order after a previous application has been rejected, parties must include a copy of the reasons for the rejection with their subsequent application.
(2) If a direction is given under rule 82 (b) or (c) [*consideration of consent orders*] or 83 (3) (b) or (c) [*applying for consent orders about case management*], the parties and any other person specified by the judge or family justice manager must be notified by the clerk and the notification must include the date, time and place for the court appearance and any other information in the direction.	
(3) If a consent order is made, a clerk must provide a filed copy of the consent order to the parties or their lawyers.	
(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.	

85 Consent orders at any time

The parties may consent to an order at any time during a court appearance, providing any evidence that the judge or family justice manager may require.	Rule 85 is intended to underscore the party-driven nature of the rules. It stresses for parties that, despite the processes set out in the rules, they are able to consent to the making of an order at any time.

Division 7 – Replying to Applications for Other Orders

86 Replying to applications

(1) If a party is served with an application under this Part and chooses to reply, the party	Rule 86 explains that a party who wishes to reply to an application for an order made under Part 5 of these rules (i.e. an application about a matter other than a family law

(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 19 [*Written Response to Application*].	matter) 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 19. A written response is in addition to, not in place of, attending the court appearance. In the written response, a party can agree to one or more of the orders requested in the application or disagree, stating the reason for disagreement and proposing an alternative order they would agree to. If the party wants an order about a different matter that has not been applied for, the party can file their own application about that matter.
(2) If a party chooses to file a written response in reply under subrule (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.	Subrule (2) 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.

PART 6 – REPEALED.

PART 7 – PARENTING EDUCATION PROGRAM REGISTRIES

97 Application of Part

The rules set out in this Part apply to all registries other than early resolution registries.	Rule 97 sets out which registries are parenting education program registries. Parties in a parenting education program registry must attend a parenting education program prior to attending a family management conference unless they are exempt for one of the reasons provided in rules 100 or 101. A family management conference cannot be scheduled until at least one party has filed proof of completion of the program or filed a Notice of Exemption from Parenting Education Program.

	There are rules setting out parenting education program requirements for early resolution registries in Part 2 of these rules.

97.1 Transition – parenting education program registries

The rules set out in this Part do not apply in respect of an application about a family law matter if (a) the application was filed before January 4, 2022, and (b) the registry in which the application was filed was not a parenting education registry at the time of filing.	Rule 97.1 explains that the parenting after separation program requirements do not apply retroactively to applications filed before January 4, 2022 in registries that did not previously have a parenting education program requirement.

98 Purpose

The purpose of this Part is to promote the best interests of children by providing a parenting education program to persons who are in a dispute over child-related issues.	Rule 98 underscores that the purpose of the parenting education program is to promote the best interests of children.

99 Definition

In this Part, **"certificate of completion"** means a certificate issued on behalf of the Ministry of Attorney General attesting that the person named has completed a parenting education program.	Rule 99 defines the term "Certificate of Completion" in the context of parenting education program registries. This replaces the previous term Certificate of Attendance in the previous rules and reflects that the parenting education program is now delivered in an online format.

100 Requirements in parenting education program registries

(1) Before attending a family management conference about an application about a family law matter, each party must complete a parenting education program unless a local manager of the Family Justice Services Division of the Ministry of Attorney General or a designate of the	Rule 100 explains that a party must complete the parenting education program prior to attending a family management conference, unless they are exempt. Subrule (1) (a) to (g) lists circumstances in which a local manager of the Family Justice Services Division or a

local manager exempts that party because (a) the party cannot access an online version, (b) the parenting education program is not offered in a language in which the party is fluent, (c) the party cannot complete an online version due to literacy challenges, (d) the party cannot complete the parenting education program due to a serious medical condition, or (e) a consent order is filed that resolves all issues involving children.	designate may exempt a party from having to complete the parenting education program.
(2) To request an exemption from the requirement under subrule (1), a party must submit a request for exemption in Form 20 [*Notice of Exemption from Parenting Education Program*] to the Family Justice Services Division of the Ministry of Attorney General for approval.	Subrule (2) sets out the process for requesting an exemption from the parenting education program requirement.
(3) The requirement under subrule (1) to complete a parenting education program does not apply if (a) the party has already completed the parenting education program in the 2 years before the date of the family management conference, (b) the application about a family law matter is only for child support and that party has assigned child support rights to the government under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*, (c) the family law matter is related only to spousal support,	Subrule (3) describes circumstances where the parenting education program requirement does not apply, without having to apply for an exemption.

(c.1) the family law matter is related only to property division in respect of a companion animal, (c.2) the family law matter is related to both spousal support and property division in respect of a companion animal, or (d) every child involved in the family law matter has reached 19 years of age.	

101 Certain parties exempt from parenting education program registry requirements

A party who is the government, a minister or a public officer is not required to meet the requirements that apply to a party under this Part.	Rule 101 exempts government parties from the parenting education program requirements. Early resolution registries, family justice registries and parenting education registries all provide services which assist individuals to resolve their private disputes and are not intended to be processes for disputes between private citizens and public officers.

102 Demonstrating exemption or completion

(1) A party who is exempted under rule 100 [*requirements in parenting education program registries*] must file a notice of exemption in Form 20 [*Notice of Exemption from Parenting Education Program*] before attending a family management conference.	Rule 102 explains that a party must file a Notice of Exemption or Certificate of Completion from Parenting Education Program prior to attending a family management conference.
(2) A party who completes a parenting education program must file a certificate of completion before attending a family management conference.	

103 Requirements to be met before scheduling

The registry may schedule a family management conference only after at least one party has filed, as applicable, (a) a certificate of completion, or	Rule 103 explains that a family management conference cannot be scheduled until at least one party has filed a Certificate of Completion or Notice of Exemption from Parenting Education Program. However,

(b) a notice of exemption in Form 20 [*Notice of Exemption from Parenting Education Program*].	each party is required by the rules to have fulfilled the parenting education requirements before appearing in court.

PART 8 – FAMILY SETTLEMENT CONFERENCES

104 Application of Part

The rules set out in this Part apply in all registries.	

105 Judge to conduct family settlement conference

A family settlement conference must be conducted by a judge.	Under the previous rules, family settlement conferences were called family case conferences. Under these rules, they continue to be conducted only by judges.

106 Different judge to conduct family settlement conference

A judge who conducts a family settlement conference may conduct a trial in respect of the same issues only if no other judge is reasonably available to conduct the trial.	While it is preferred that a judge who conducts a family settlement conference is not the judge conducting a trial, that restriction is not always practical. Rule 106 provides that the same judge who conducts the settlement conference may conduct the trial only if there are no other judges to conduct the trial.

107 Attendance at family settlement conference

(1) If directed or ordered to attend a family settlement conference, the parties must attend and may be accompanied by a lawyer.	Rule 107 sets out the requirements for attendance at a family settlement conference. If the parties are directed or ordered to attend a family settlement conference, it is mandatory for them to attend it. If represented, their lawyers may attend.

(2) On request of a party, the judge conducting a family settlement conference may allow a person who is not a party to attend the family settlement conference.	A party may request the judge to grant permission that a person who is not a party be able to attend the family settlement conference as well.

108 What happens at family settlement conference

(1) The purpose of a family settlement conference is to provide a process in which a judge helps the parties try to resolve any issues in dispute by agreement.	Rule 108 sets out the purpose of the family settlement conference. At a family settlement conference, a judge assists the parties to resolve disputes by agreement.
(2) At a family settlement conference, the judge may do one or more of the following: (a) mediate any issues in disputes; (b) make any order with the consent of the parties; (c) make a conduct order under Division 5 [*Orders Respecting Conduct*] of Part 10 [*Court Processes*] of the *Family Law Act*; (d) adjourn the family settlement conference for a period or generally for any purpose, including to allow the parties to comply with an order made under paragraph (b); (e) direct or order the parties (i) to participate in consensual dispute resolution, (ii) to attend a further family settlement conference, (iii) to attend a trial preparation conference, or (iv) to attend a court appearance; (f) make an order for disclosure of information, including financial information, that may assist readiness for a hearing or trial;	Subrule (2) describes the types of orders and directions that a judge can make at a family settlement conference.

(g) give a non-binding opinion on the probable outcome of a hearing or trial.	
(3) At a family settlement conference, if evidence is not required, the judge may make any order that may be made at a family management conference (a) that may assist the parties to resolve any issues in dispute by agreement, or (b) that may assist in readiness for a hearing or trial.	Subrule (3) sets out the orders that can be made if evidence is not required.
(4) A judge at a family settlement conference may make an order under subrule (3) in the absence of a party.	Subrule (4) sets out that an order may still be made in the absence of a party under subrule (3) (a) or (b).

PART 9 – TRIALS

Division 1 – General

109 Application of Part

The rules set out in this Part apply in all registries	

Division 2 – Trial Readiness Statement

110 Trial readiness statement

Each party must file and serve a trial readiness statement in Form 22 [*Trial Readiness Statement*] (a) at least 7 days before the date of the trial preparation conference if a trial preparation conference is scheduled, or (b) as ordered by the court.	Rule 110 describes the process for filing the trial readiness statement, which helps to ensure the matter is ready to proceed to trial. The form identifies the issues to be decided at trial, existing court orders, information about witnesses, special requirements or accommodations (e.g. interpreter, safety planning, technology), and estimated length of trial. The trial readiness statement form is new to these rules.

Division 3 – Trial Preparation Conferences

111 Who must attend trial preparation conference

(1) When directed or ordered to attend a trial preparation conference, the parties or their lawyers, if any, must attend the trial preparation conference in accordance with this rule.	Rule 111 sets out who must attend a trial preparation conference. A trial preparation conference is not scheduled in all cases; however, subrule (1) explains that when parties are ordered or directed to attend a trial preparation conference, the parties or their lawyers must attend in accordance with this rule.
(2) If a party is not represented by a lawyer, the party must attend the trial preparation conference.	Subrule (2) sets out that if the party is unrepresented, the party must attend the trial preparation conference.
(3) If a party is represented by a lawyer, the party must (a) attend the trial preparation conference with the lawyer, or (b) be available for consultation, if the lawyer attends without the party.	Subrule (3) set out that if the party is represented, the party must either attend the conference with the lawyer or be available for consultation if the lawyer attends without the party.
(4) If a child will be represented by a lawyer at a trial, the lawyer must attend the trial preparation conference.	Subrule (4) sets out that a lawyer for a child must attend the conference if the child will be represented by a lawyer at the trial.

112 What happens at trial preparation conference

(1) A judge at a trial preparation conference may make any order or give any direction that the judge considers appropriate, including orders and direction about the following: (a) the time required for the trial and the trial date; (b) the evidence to be required at the trial; (c) the procedure to be followed at the trial; (d) how views of a child will be heard;	Rule 112 sets out what happens during a trial preparation conference. Subrule (1) lists the decisions a judge may make during the trial preparation conference to prepare for the trial. Rule 112 updates the previous rule 8 (4), providing more detail about the orders or directions that may be made at a trial preparation conference. For example, the previous rule did not address: how views of the child would be heard; expert witnesses;

(e) expert witnesses, including persons who are appointed to make assessments under section 211 [*orders respecting reports*] of the *Family Law Act*; (f) the filing and exchange of lists of documents; (g) if any applications relating to the case have not yet been heard, requiring that those applications be heard (i) at the trial preparation conference, or (ii) within a period, or by a date, specified by the judge; (h) requiring that the parties file a statement of agreed facts within a period, or by a date, specified by the judge; (i) requiring that a party (i) disclose information, including financial information, that may assist in readiness for trial, (ii) allow inspection or copying of, or bring to trial, specified records that are or have been in the party's possession, power or control, (iii) submit evidence by affidavit at the trial in accordance with any specific directions given by the judge, or (iv) serve on each other party a written summary of the proposed evidence of a witness within a period, or by a date, specified by the judge;	filing or exchange of lists of documents; or alternative trial processes.

(j) any other directions the judge considers appropriate to expedite the trial.	
(2) A judge may determine at a trial preparation conference whether the trial will include any of the following alternative trial processes: (a) the setting of time for the trial or parts of the trial; (b) the type of evidence to be introduced; (c) the number of witnesses; (d) if family violence is an issue, alternative ways to examine and cross-examine parties.	Subrule (2) describes the alternative trial processes that a judge at a trial preparation conference may determine will be used at trial. The purpose of these processes is to help ensure that trials proceed in an efficient and safe manner, particularly when parties are representing themselves.
(3) The judge at a trial preparation conference may, if necessary, adjourn the trial.	

113 Trial judge and trial preparation conference

The judge who conducts the trial preparation conference is to conduct the trial, if possible.	Because judges may approach a case in different ways, it is considered important that the judge who conducts the trial preparation conference is the judge who will be presiding over the trial, whenever possible. It is not possible to set a strict requirement given the current method of assignment of judges, which gives the court maximum flexibility in utilizing judicial resources. The previous rules did not stipulate which judge was to conduct a trial.

Division 4 – Trial Processes

114 Adjourning trial date

(1) A party may apply to adjourn a trial under rule 62 [*case management orders – judge*] as follows: (a) if the application is not with the consent of the parties, more than	Rule 114 provides that if parties consent to an adjournment, an application can be made more than 7 days before the scheduled trial date. If an adjournment application is not with the consent of parties, then the application must be made more than 45 days

45 days before the scheduled trial date; (b) if the application is with the consent of the parties, more than 7 days before the scheduled trial date; (c) if special circumstances apply, as soon as is practicable before the scheduled trial date.	before the scheduled trial date. If special circumstances arise (e.g. illness, emergency) and these timeframes cannot be complied with, a party may make an application as soon as is practicable. Parties can file a consent desk order application asking for adjournment, articulating reasons why, both more than 7 days before the scheduled trial date or less if there are special circumstances. The process under rule 83 *[applying for consent orders about case management]* should be used.
(2) Without an application by a party, the judge may adjourn a trial at any time.	Subrule (2) sets out that a judge may adjourn a trial at any time, even if a party has not filed an application.

115 Child's evidence

A trial judge may admit a child's evidence about a family law dispute, including hearsay evidence, in accordance with section 202 [*court may decide how child's evidence is received*] of the *Family Law Act*, in the manner that the trial judge considers appropriate.	Rule 115 explains that a judge may admit evidence of a child, in the form that the judge determines appropriate. The previous rules did not specifically address children's evidence.

116 Reports under section 211 of *Family Law Act*

If a report is prepared under section 211 [*orders respecting reports*] of the *Family Law Act*, the report must (a) include the name and address for service of the person who prepared the report, (b) include the person's qualifications, employment and educational experience, and (c) unless otherwise ordered, be filed and served on all the parties at least 30 days before the date set for the trial.	Rule 116 sets out the procedure around a report prepared under section 211 of the *FLA*. The report must include the name, address and qualifications of the person preparing the report, and be filed at least 30 days before trial. This rule is updated from the previous rule 11 (1.1), which did not require information about the report writer as set out in subrule (b).

117 Application related to reports under section 211 of *Family Law Act*

(1) If an application under rule 62 [*case management orders – judge*] is made for an order that a person who prepared a report under section 211 [*orders respecting reports*] of the *Family Law Act* attend a trial, that person must be served with the application and supporting documents.	Rule 117 sets out that if an order is made for a person who prepared a report under s. 211 of the *FLA* to attend the trial, they must be served with the application and supporting documents. These orders are applied for through a case management order process. Under the previous rules, orders were applied for using the notice of motion process.
(2) A person who prepared a report under section 211 of the *Family Law Act* may (a) attend a conference or hearing, (b) file submissions on availability for a trial, or (c) file any other information relevant to that person's attendance to assist with the trial judge's consideration of the application described in subrule (1).	Subrule (2) sets out that a person who prepared a report under s. 211 of the *FLA* may attend a hearing, file submissions on trial availability, or file any information relevant to their attendance.
(3) If a person who prepared a report under section 211 of the *Family Law Act* was directed under an order to attend a trial and the trial judge determines that it was unnecessary to call that person as a witness, the trial judge may order the party who required that person to attend to pay to the other party the reasonable costs associated with that person's attendance.	A party may be required to pay costs associated with a section 211 report writer attending trial if a judge determines their attendance was not necessary.

118 Attendance of witness

(1) A party who requires that a witness attend a hearing or trial must (a) complete a subpoena in Form 23 [*Subpoena to Witness*], (b) serve the subpoena by personal service on the witness by having an adult leave the subpoena with the witness at least 7 days before the witness is required to attend the hearing or trial, and	Rule 118 sets out the requirements that a party must fulfill when it requires a witness to attend court. The party must complete a subpoena to witness in Form 23, serve the subpoena by personal service and provide reasonable estimated travelling expenses to the witness.

(c) when the subpoena is served, provide reasonable estimated travelling expenses to the witness.	
(2) A witness who is served with a subpoena must (a) attend the hearing or trial on the date and at the time and place stated on the subpoena, and (b) bring any records and other things required by the subpoena.	Subrule (2) sets out what a person served with a subpoena must do.
(3) A witness who is served with a subpoena may, with 2 days' notice to each party, apply under rule 64 [*applying for case management orders*] to a judge for a case management order cancelling the subpoena if the witness believes that (a) attendance as a witness should not be required, or (b) it would be a hardship to attend the hearing or trial as required by the subpoena.	Subrule (3) sets out the circumstances under which a subpoena can be cancelled by the person served with the subpoena if the person believes that their attendance as a witness should not be required or it would be a hardship to attend court.
(4) An application under subrule (3) must be considered by the trial judge, if possible.	Subrule (4) sets out that an application for cancellation of a subpoena should be heard by the trial judge.
(5) A judge who cancels a subpoena may make any order or give any directions that the judge considers necessary and advisable in the circumstances, including an order adjourning the hearing or trial.	Subrule (5) sets out that the judge hearing the application for cancellation of a subpoena may give any directions the judge deems appropriate. The rule condenses the previous rule 10 (1) to (5).

119 If witness does not comply with subpoena

(1) A trial judge may issue a warrant in Form 24 [*Warrant for Arrest after Subpoena*] for the arrest of a witness who does not attend court as required by a subpoena if the trial judge is satisfied that (a) the subpoena was served on the witness, (b) reasonable travelling expenses were provided to the witness, and (c) the witness can offer relevant evidence that should be	Rule 119 sets out the circumstances during which a judge may issue a warrant for arrest of a witness who fails to attend court after being subpoenaed.

considered in making a decision about one or more of the issues in dispute.	
(2) A warrant issued under subrule (1) remains in force until (a) the witness named in the warrant attends court, whether voluntarily or under the warrant, or (b) the warrant is cancelled.	Subrule (2) sets out that a warrant for arrest of a witness referenced in subrule (1) is effective until the witness attends court, or the warrant is cancelled.
(3) A witness who is arrested under a warrant issued under subrule (1) must, as soon as possible, be brought before the trial judge who issued the warrant.	Subrule (3) sets out that a witness arrested under warrant after failing to appear initially, must be brought before a judge as soon as possible.
(4) If a trial judge determines that a witness's evidence is still required, the judge may (a) release the witness on giving the witness a release in Form 25 [*Release from Custody*] requiring the witness to attend court on the date and at the time and place stated in the release, or (b) order a peace officer to detain the witness in custody until the witness's presence is no longer required.	Subrule (4) sets out that if, after serving a warrant on the witness, the witness's evidence is still required, the trial judge may either release a witness requiring them to attend court on the date specified, or detain the witness until they are no longer required.
(5) If it is not possible for the witness referred to in subrule (3) to be brought before the trial judge who issued a warrant under subrule (1) in a timely manner, the witness must be brought before another judge and that judge may (a) release the witness on giving the witness a release in Form 25 requiring the witness to attend court before the trial judge on the date and at the time and place stated in the release, or (b) order a peace officer to detain the witness in custody until it is possible for the witness to attend court before the trial judge.	Subrule (5) sets out that if a witness who was arrested under a warrant issued under subrule (1) cannot be brought before the trial judge in a timely manner, they must be brought before a different judge who may release them with a requirement to appear on a specified date or detain them until they appear before the trial judge. This rule condenses and updates previous rule 10 (6) to (9).

120 Requirements for expert's report

(1) An expert's report that is to be introduced as evidence at a trial must be signed by the expert and must include the following: (a) the expert's name, address and area of expertise; (b) the expert's qualifications, employment and educational experience in the expert's area of expertise; (c) the instructions provided to the expert about the case; (d) the nature of the opinion being sought and the issues in the case to which the opinion relates; (e) the expert's opinion respecting those issues; (f) the expert's reasons for the opinion, including (i) a description of the factual assumptions on which the opinion is based, (ii) a description of any research conducted by the expert that led to the formation of the opinion, and (iii) a list of the documents, if any, relied on by the expert in forming the opinion.	Rule 120 sets out the requirements for introducing an expert report at trial. It must be signed by the expert, have the expert's personal details, qualifications, instructions provided to the expert about the case at hand, opinion being sought, expert's opinion on those issues, and the reasons for the opinion. Many of the details as to what must be included in an expert report are new to these rules.
(2) A party may call an expert to provide opinion evidence only if the party serves a written summary of the expert's evidence on each other party (a) at least 60 days before the expert is to give evidence, or (b) within a shorter period if a trial judge shortens the time requirement.	Subrule (2) sets out the requirements for calling an expert to provide evidence. This subrule updates the previous rule 11 (3). A timeframe of 60 days replaces the previous limit of 30 days.

(3) A party may introduce a report stating the opinions of an expert only if the party serves a copy of the report on each other party (a) at least 60 days before the report is introduced, or (b) within a shorter period if a trial judge shortens the time requirement.	Subrule (3) sets out the requirements for introducing a report stating the opinions of an expert. This subrule updates the previous rule 11 (4). A timeframe of 60 days replaces the previous limit of 30 days.
(4) An expert report may be introduced in court without proof of the expert's signature.	
(5) If a party who receives another party's expert report intends to call the expert to attend the trial for cross-examination, the party must, at least 30 days before the trial date, serve on each other party a notice requiring the expert to attend the trial for cross-examination.	Subrule (5) sets out that where a party receives another party's expert report (other than a report prepared under section 211 of the FLA), it may serve on the other party a notice, at least 30 days before the trial date, requiring the expert to attend trial for cross-examination. This subrule updates the previous rule 11 (7). A timeframe of 30 days replaces the previous limit of 14 days.
(6) If a trial judge determines that it was not necessary to require a party's expert to attend, the trial judge may order the party who required the expert to attend to pay to the other party the reasonable costs associated with that expert's attendance.	Subrule (6) sets out that where the trial judge determines that it was not necessary for a party to require an expert to attend trial, the judge may require the party who required their attendance to compensate the other party for costs of attendance. This rule substantially carries forward the existing rule 11 (8).
(7) When giving an opinion to the court under these rules, an expert has a duty to assist the court and is not to be an advocate for any party, whether the expert is appointed by the court or is retained by a party.	Subrule (7) underscores the role of an expert and that an expert must be impartial. This is a new addition to the rules relating to expert evidence.
(8) This rule does not apply to a report under section 211 [*orders respecting reports*] of the *Family Law Act* referred to in rule 116 [*reports under section 211 of Family Law Act*] of these rules.	Subrule (8) clarifies reports under section 211 of the *FLA* do not apply under this rule. Section 211 reports are addressed under rule 117.

121 Obtaining guardianship orders at trial – affidavit

(1) If there is a material change in any of the information contained in a party's affidavit relating to guardianship of a child under section 51 [*orders respecting guardianship*] of the *Family Law Act* between the date the affidavit was sworn and the date of the trial, the party must ensure that the affidavit is current as of the date of the trial.	This rule sets out that parties must ensure that the information in an affidavit in relation to guardianship is current as of the trial date.
(2) If a material change referred to in subrule (1) relates to information contained in any record check attached to an affidavit, the party must (a) obtain a new record check, (b) file a new affidavit, attaching the new record check, and (c) serve a copy of the filed affidavit, with the new record check, on each of the parties and every other person who may be affected by the orders sought, as soon as is practicable before the scheduled trial date.	Subrule (2) sets out the requirements where a material change in information is contained in a record check attached to an affidavit. The party must obtain a new record check, file a new affidavit along with the new record check and serve a copy of the affidavit with the new record check on each party.
(3) If a material change referred to in subrule (1) relates to information that is not contained in a record check attached to an affidavit, the party must (a) file a new affidavit, describing the material change, and (b) serve a copy of the filed affidavit on each of the parties and every other person who may be affected by the orders sought, as soon as is practicable before the scheduled trial date.	Subrule (3) sets out the requirements where the information is not contained in a record check attached to an affidavit. The party must file a new affidavit and serve a copy of the affidavit on all parties affected by the orders.

122 Judge may refer calculation of child support

At any time during a trial, a judge may refer calculation of child support to a person designated by the Attorney General to provide such assistance and require that the calculation be referred back to the judge.	Rule 122 sets out that a judge may direct a person designated by the Attorney General (i.e. a child support officer with Family Justice Services Division) to calculate child support and refer it back to the judge.

	This rule substantially carries forward previous rule 11 (9).

123 Judge who starts trial must continue

(1) A judge who has heard any evidence at a trial must finish the trial, unless the judge dies or is otherwise unable to act.	Rule 123 requires that a judge who has heard evidence in a trial must complete the trial unless they die or are otherwise unable to act. If that happens, subrules (2) and (3) set out how the trial may be completed by another judge. There was no corresponding provision in the previous rules.
(2) If a judge who has begun to hear evidence at a trial dies or is otherwise unable to act, (a) the trial must be heard by another judge, and (b) the other judge may (i) start the trial again and re-hear all the evidence, or (ii) with the consent of the parties, continue the trial at the point at which the trial had stopped.	
(3) A judge who continues a hearing under subrule (2) (b) (ii) may give directions for hearing evidence as the judge considers necessary.	

Division 5 – Informal Trial Pilot Project Rules

123.1 Informal trial pilot project registry

The rules set out in this Division apply in the Kamloops informal trial pilot project registry, as set out in rule 6 (d) *[parts that apply in certain registries]*.	Rule 123.1 sets out that Kamloops is the informal trial pilot project registry. Division 5 applies only to the Kamloops registry. Division 5 will come into effect in Kamloops on May 16, 2022.

124 Purpose of informal trial

The purpose of an informal trial is to provide a trial process in which the trial judge is able	The informal trial pilot will test a new process that is designed to enable a judge to take a

to take a facilitative role to direct, control and manage the conduct of the trial.	facilitative role to direct, control and manage the conduct of the trial. It is intended to particularly assist parties who are representing themselves in the trial process.

125 Availability of informal trial

The court may refer parties to an informal trial if (a) the parties consent to the informal trial, and (b) the judge conducting the trial agrees that the informal trial is appropriate.	Rule 125 provides that the informal trial process is only available in cases where both parties consent and the judge conducting the trial agrees the process is appropriate.

126 Preliminary matters for informal trial

At least 7 days before the first day of an informal trial hearing, each party must file and exchange with each other party (a) a written consent, and (b) any information required by the court.	Rule 126 specifies that parties must exchange their written consent to the use of the informal trial process.

127 Informal trial process

(1) At an informal trial, (a) the trial judge must (i) explain the informal trial process to the parties and the lawyers for the parties, if any, and (ii) confirm that the parties (A) have elected an informal trial with knowledge and understanding of the process, and (B) have not been threatened to agree to an informal trial or been promised	Rule 127 sets out the procedure for an informal trial. Subrule (1) (a) describes the role of the judge at the beginning of the informal trial. Subrule (1) (b) requires the parties at the informal trial to swear or affirm that any information already exchanged between them and any statements that will be made during the trial are true. Subrule (1) (c) describes that the judge may ask the parties to explain the issues in dispute and may ask questions about any relevant issues. Subrule (1) (d) sets out that the judge may allow a witness other than a party to give evidence.

anything in exchange for agreeing to an informal trial, (b) the parties must swear or affirm that (i) the information provided under rule 126 [*preliminary matters for informal trial*], and (ii) any statements made during the informal trial are true and may be subsequently used as evidence during the informal trial and trial, (c) the trial judge may request that each party explain the issues in dispute and, during the explanation of each party, the trial judge may inquire about any relevant issue or matter, and (d) at the request of a party or on the trial judge's own initiative, the trial judge may allow a witness other than a party to give evidence, including a report under section 211 [*orders respecting reports*] of the *Family Law Act* or expert evidence.	
(2) A trial judge at an informal trial may (a) identify the issues to be resolved, (b) make directions or orders regarding the type and form of evidence to be provided and any witnesses needed at trial, (c) make any orders that are required before trial, including (i) a protection order, (ii) any order that may be made at a family management conference, family settlement conference or trial	Subrule (2) sets out what a judge may do at an informal trial including what orders or directions the judge may make. Subrule (2) (c) underscores that the trial judge may make a protection order, any order that can be made at family management, family settlement, or trial preparation conference, and a final order under rule 128 (2) (facilitated resolution).

preparation conference, and (iii) a final order in respect of a facilitated resolution under rule 128 (2) [*facilitated resolution*], and (d) make any other interim or final order.	
(3) A trial judge at an informal trial (a) may admit any evidence that is relevant, material and reliable, even if the evidence might be inadmissible under strict rules of evidence, and (b) must determine the appropriate weight to be given to any particular evidence.	Subrule (3) sets out that the trial judge at an informal trial may admit any evidence that is relevant even if it might be inadmissible under strict rules of evidence and must determine the weight given to each piece of evidence.

128 Facilitated resolution

(1) During the informal trial, the trial judge may attempt to facilitate a resolution of some or all of the issues.	Rule 128 sets out that a judge at an informal trial may try to assist parties to reach an agreement, and if an agreement is reached the judge may make a final order based on the terms of the agreement.
(2) If the parties reach a facilitated agreement during the informal trial, the trial judge may make a final order on the terms agreed to by the parties.	

129 Continuation of hearing in informal trial

The continuation of an informal trial must be conducted in accordance with any directions made by the trial judge.	If an informal trial is to be continued, it must be conducted according to any directions made by the judge who heard the earlier informal trial.

130 Court may direct trial

(1) If a trial judge determines at any time before or during an informal trial that the informal trial is inappropriate, the trial judge may direct that a proceeding	Rule 130 sets out that a trial judge may direct that the trial continue as a regular trial under Division 2 of this Part of the rules if the judge determines that the informal trial is not appropriate for the case.

continue under Division 4 [*Trial Processes*].	If a judge makes an order under subrule (1), they must determine what to do with any evidence provided during the informal trial and provide any directions that will guide the further conduct of the trial. Also, the same judge must conduct the rest of the trial.
(2) If a trial judge makes a direction under subrule (1), (a) the trial judge must determine the use to be made of any evidence already entered at the informal trial, if any, and may provide further directions, and (b) the trial judge is seized of the matter and must hear the continuation of the trial.	

PART 10 – ENFORCEMENT

Division 1 – Applying for Orders

131 Application of Part

(1) The rules set out in this Part apply in all registries.	
(2) For certainty, a family justice manager has no authority under this Part.	Rule 131 (2) underscores that enforcement matters are addressed before a judge rather than before a family justice manager.

132 Filing agreements

A party may file, using Form 26 [*Request to File an Agreement*], a copy of a written agreement referred to in the following provisions of the *Family Law Act*: (a) section 15 [*when parenting coordinators may assist*]; (b) section 44 (3) [*agreements respecting parenting arrangements*]; (c) section 58 (3) [*agreements respecting contact*];	Rule 132 explains how to file the written agreements listed. Applying to enforce a written agreement under rule 135 requires that the agreement be filed.

(c.1) section 92 (e), (f) and (g) [agreements respecting property division]; (d) section 148 (2) [*agreements respecting child support*]; (e) section 163 (3) [*agreements respecting spousal support*].	

133 Filing parenting coordinator's determination

A party may file, using Form 27 [*Request to File Determination of Parenting Coordinator*], a copy of a determination by a parenting coordinator referred to in section 18 [*determinations by parenting coordinators*] of the *Family Law Act*.	Rule 133 explains how to file a parenting coordinator's determination. Applying to enforce a parenting coordinator's determination under rule 135 requires that the determination be filed. These rules introduce a specific form for filing a parenting coordinator's determination.

134 Filing orders

A party may file, using Form 28 [*Request to File an Order*], a copy of any of the orders described in the following provisions: (a) section 18 [*registration of extraprovincial or foreign order*] of the *Interjurisdictional Support Orders Act*; (b) section 195 [*Provincial Court enforcement of Supreme Court orders*] of the *Family Law Act*; (c) Rule 15-3 (6) [*enforcement in Provincial Court*] of the Supreme Court Family Rules.	Rule 134 explains how to file an interjurisdictional or Supreme Court order. Applying to enforce an order under rule 135 or to set aside the registration of a foreign order under rule 136 requires that the order be filed. There is no corresponding provision in the previous rules.

135 Applying for orders about enforcement

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 29 [*Application About Enforcement*], including a copy of the	Rule 135 sets out the process for applying for orders concerning the matters listed in (a) to (d). Under the previous rules, these types of orders were sought using a Notice of Motion. The new rules introduce a stand-alone form.

agreement, determination or order to be enforced: (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 *Family Law Act*: (i) section 61 [*denial of parenting time or contact*]; (ii) section 63 [*failure to exercise parenting time or contact*]; (iii) section 228 [*enforcing orders respecting conduct*]; (iv) section 230 [*enforcing orders generally*]; (v) section 231 [*extraordinary remedies*]; (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 *Family Law Act*: (i) section 61; (ii) section 63; (iii) section 212*[orders respecting disclosure]*; (iv) section 213 *[enforcing orders respecting disclosure]*; (v) section 228; (vi) section 230; (d) determining whether arrears are owing under a support order or agreement made under the *Family Law Act* and, if so, the amount of the arrears.	The Application About Enforcement is to be used only to enforce an agreement or order **not** to change the terms of an order or agreement that is not working for the parties. If a party needs to change an agreement or order about a family law matter, the party can apply for a family law matter order under Part 3 – Application About Family Law Matters, rule 24 (b) or (c) for an order to change or cancel all or part of an existing final order about a family law matter or an order to set aside or replace all or part of an agreement about a family law matter.

136 Applying to set aside interjurisdictional order

(1) In this rule, **"designated authority"** has the same meaning as in the *Interjurisdictional Support Orders Act*.	
(2) A party who is applying for an order under section 19 (3) [*foreign orders after registration*] of the *Interjurisdictional Support Orders Act* to set aside the registration of a foreign order under that Act must file and serve on the designated authority, by registered mail at least 30 days before the date referred to in the application for the court appearance, an application about enforcement in Form 29 [*Application About Enforcement*], including a copy of the foreign order to be enforced.	Rule 136 sets out the process for applying to set aside the registration of an order under the *Interjurisdictional Support Orders Act* from a foreign jurisdiction (outside of Canada).
(3) The adult who serves an application under subrule (2) must (a) complete a certificate of service in Form 7 [*Certificate of Service*], and (b) file the certificate at least 10 days before the date referred to in the application for the court appearance.	

137 Replying to application for order under this Division

(1) If a party is served with an application under this Division and chooses to reply, the party (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 19 [*Written Response to Application*].	Rule 137 describes how to reply if served with an application under Part 10, Division 1. 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 19, however it is not required. A written reply is used in addition to, not in place of, attending court.
(2) If a party chooses to file a written response in reply under subrule (1) (b),	In the written response, a party can agree to one or more of the orders requested in the

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.	application or disagree, stating the reason for disagreement and proposing an alternative order they would agree to. If the party wants an order about a different matter that has not been applied for, the party can file their own application about that matter.

Division 2 – Enforcement of Support Orders Under the *Family Maintenance Enforcement Act*

138 Definitions for this Division

In this Division:	Rule 138 sets out the definitions that apply to this division.
"Act" means the *Family Maintenance Enforcement Act*;	
"debtor" means a person required under a maintenance order to pay maintenance under the Act;	
"support order" has the same meaning as "maintenance order" in the Act, including an agreement deemed to be a maintenance order as referred to in that definition.	

139 Proceeding may be held separately

(1) A proceeding under this Division may be held separately from any other proceedings under these rules.	Rule 139 sets out that *FMEA* proceedings can be held separately from other proceedings and that the filing party has a choice in which registry the matter is heard. This rule is new. The Family Maintenance Enforcement Program, with input from registries, recommended that parties have a choice of registry to enable the debtor to participate.
(2) The filing party may choose one of the following registries for a hearing under this Division: (a) the registry where the existing case is filed; (b) the registry closest to the debtor's last known address.	

140 Enforcement of support orders or agreements under *Family Maintenance Enforcement Act*

(1) A party who is applying for the following garnishing order, summons or warrant, as applicable, to enforce a support order under the Act must file an application for garnishment, summons or warrant in Form 30 [*Application for Garnishment, Summons or Warrant*] and supporting documents: (a) a summons in Form 31 [*Summons – General*] requiring the debtor to attend court or a warrant for arrest in Form 32 [*Warrant for Arrest*], authorizing the apprehension of the debtor to bring the debtor before the court, under section 14 (2) [*failure to provide statement of finances*] of the Act, if a debtor fails to comply with an order to file a statement of finances or prescribed document, or both, made under section 14 (1) (a) of the Act; (b) a garnishing order under section 18 [*garnishment*] of the Act to seize and attach, without further application or order, any debts due and owing by the garnishee to the debtor; (c) a summons to a default hearing in Form 33 [*Summons to a Default Hearing*] to require the attendance of the debtor at a default hearing under section 19 [*summons for default hearing*] of the Act if the debtor defaults on a payment required by a support order; (d) a summons under section 22 (1) (a) [*failure to report*] of the Act in Form 31 [*Summons – General*] or	Rule 140 sets out how to apply to enforce an *FMEA* support order or agreement.

warrant for arrest under section 22 (1) (b) of the Act in Form 32 [*Warrant for Arrest*] if the debtor fails to report by (i) failing to complete a statement of income and expenses and report to the court, the director or a person designated by the court, in accordance with an order under section 21 (1) (a) [*default hearing*] of the Act, or (ii) failing to provide particulars of each change of residential address, place of employment or business address to the court, the director or a person designated by the court, in accordance with an order under section 21 (1) (b) of the Act; (e) a summons to a committal hearing in Form 34 [*Summons to a Committal Hearing*] requiring the attendance of the debtor to a committal hearing under section 23 [*committal hearing*] of the Act if the debtor fails to pay, by a date specified in an order under section 21 (1) (d) or (11) (a) of the Act, the full amount required by an order under section 21 (1) (e) of the Act; (f) a warrant of execution under section 27 [*warrant of execution*] of the Act if the debtor defaults on a payment required by a support order; (g) a warrant in Form 32 [*Warrant for Arrest*] for the arrest of the debtor under section 31 (a) [*arrest of absconding debtor*] of the Act if	

there are reasonable and probable grounds for believing that the debtor is about to leave British Columbia in order to evade or hinder the enforcement of a support order.	
(2) Unless the documents are served in accordance with subrule (3) or (4), the party who applied for the summons under subrule (1) must arrange for the personal service of the summons by having an adult who is not a party leave a copy of the following documents with the debtor at least 7 days before the date for the court appearance referred to in the summons: (a) the issued summons; (b) the application; (c) any supporting documents.	Subrule (2) sets out the service requirements for a summons under subrule (1). The 7-day notice requirement is consistent with other notice requirements and enables a party to make arrangements to attend. See also rule 141: If a party does not attend after being issued a summons under rule 140, the judge may issue a warrant for their arrest. Under the previous rules, the notice requirement was 3 days, rather than 7 days.
(3) A clerk may have the documents referred to in subrule (2) served personally by a peace officer.	
(4) A judge may order another method of service for the documents referred to in subrule (2).	

141 Issuing and enforcing warrants for arrest for failure to attend enforcement proceeding

(1) If a party who is served with a summons issued under rule 140 (1) [*enforcement of support orders or agreements under Family Maintenance Enforcement Act*] does not attend court as required by the summons, the judge may issue a warrant for arrest in Form 32 [*Warrant for Arrest*] for the arrest of the party.	Rule 141 sets out additional rules for summons and arrest warrants issued pursuant to rule 140. Subrule (1) explains that a judge may issue an arrest warrant for a party that does not attend court after being issued a summons under rule 140.
(2) A warrant issued under subrule (1) or rule 140 (1) (a) or (g) remains in force until (a) the party named in the warrant attends court regarding proceedings related to the enforcement of support, or	Subrule (2) explains how long an arrest warrant remains in force.

(b) the warrant is cancelled.	
(3) If arrested, the party named in a warrant issued under subrule (1) or rule 140 (1) (a) or (g) must (a) be brought before a justice as soon as possible, and (b) be released when the party signs a release in Form 25 [*Release from Custody*] that requires the party's attendance in court.	Subrules (3) to (5) explain what happens when a party is arrested.
(4) The registry must provide notice to the party who applied for the summons or the warrant issued under rule 140 (1) of the new hearing date set out in the release form referred to in subrule (3) (b).	
(5) If the party named in a warrant does not attend court on a hearing date set out in a release form referred to in subrule (3) (b), the judge may issue a warrant for arrest in Form 32 [*Warrant for Arrest*] for the arrest of the party and order that the party be brought to a judge promptly on the arrest.	

142 Applications for orders under Family Maintenance Enforcement Act

(1) A party who is applying for one of the following orders must file and serve on each other party and every other person who may be affected by the order, at least 7 days before the date referred to in the application for the court appearance, an application in Form 35 [*Application for Order Under the Family Maintenance Enforcement Act*] and supporting documents: (a) requiring a person to provide to the director correspondence and searchable information in the possession or control of that person under section 9 [*orders respecting correspondence and searchable information*] of the Act;	Rule 142 sets out the process and types of orders that a party can apply for under the *Family Maintenance Enforcement Act*. This rule introduces a new 7-day notice requirement. Subrule (1)(m) requiring security of any form from the debtor is also a new provision.

(b) extending the time for filing a statement of finances with the court under section 13 (4) [*statement of finances required by court*] of the Act; (c) requiring the debtor to file a statement of finances or prescribed documents under section 14 (1) [*failure to provide statement of finances*] of the Act; (d) requiring the debtor to pay an amount on failing to file a statement of finances or, if required by section 12 or 13 of the Act, prescribed documents under section 14 (1) (b) of the Act; (e) providing that a corporation is jointly and separately liable with the debtor for payments required by the support order under section 14.2 (2) [*a corporation controlled by the debtor or by the debtor and immediate family members*] of the Act; (e.1) suspending, changing or cancelling under section 23 (7.1) or (7.3) of the Act an order to imprison a debtor, which was made at a hearing heard in the debtor's absence; (f) requiring payment by an attachee who failed under section 16 (3) [*withdrawal of notice of attachment*] or 24 (6) [*attachment orders*] of the Act to pay in accordance with a notice of attachment or to respond in accordance with the regulations; (g) providing that a notice of attachment has no effect because the attachee is no longer liable or that the notice of attachment contains or is based on a material	

error, under section 16 (5) of the Act; (h) changing an order made at a default hearing under section 21 (1) or (2) [*default hearing*] of the Act; (i) changing the amount exempt from attachment under an attachment order or notice of attachment; (j) setting aside an attachment order made under section 24 of the Act; (k) discharging or postponing the registration of a support order registered against land under section 26 (10) [*registration in land title office*] of the Act; (l) requiring that the Director of Maintenance Enforcement direct the Insurance Corporation of British Columbia to disregard, under section 29.2 (2) [*withdrawing the director's notice*] of the Act, a notice stating that the debtor is in default and that an action under section 29.1 (1) of the Act is to be taken in relation to (i) the debtor's driver's licence, or (ii) a licence and corresponding number plates for any motor vehicle or trailer owned by the debtor; (m) requiring security in any form from the debtor under section 30.1 [*order requiring security for maintenance payments*] of the Act; (n) requiring an individual or authorized representative of a corporation, partnership or proprietorship to attend a default	

hearing or committal hearing and to file financial information under section 39 (1) [*third parties compellable*] of the Act.	
(2) A party who applies for the following orders under section 46 [*order restraining harassment*] of the Act must file and serve on each other party and every other person who may be affected by the order, at least 7 days before the date referred to in the application for the court appearance, an application in Form 35 [*Application for Order Under the Family Maintenance Enforcement Act*] and supporting documents: (a) restraining any person from molesting, annoying, harassing, communicating with or attempting to molest, annoy, harass or communicate with a creditor, a debtor or the Director of Maintenance Enforcement, a person to whom the director has delegated a power, duty or function under section 2 [*Director of Maintenance Enforcement*] of the Act or an employee of that person; (b) requiring a person named in an order under paragraph (a) (i) to enter into a recognizance in Form 36 [*Recognizance – Family Maintenance Enforcement Act*], with or without sureties, or to post a bond, and (ii) to report to the court, or a person named by the court, at the times and places and for the period the court directs.	Subrule 2 sets out the process for applying for a restraining order under section 46 of the *FMEA*. The details regarding the process of and effect of applying for an order under section 46 of the *FMEA* are new additions to the rules.

(3) A restraining order under subrule (2) must be in Form 37 [*Restraining Order – Family Maintenance Enforcement Act*].	

142.1 Replying to application for order under this Division

(1) If a party is served with an application under this Division and chooses to reply, the party (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 19 [*Written Response to Application*].	Rule 142.1 describes how to reply if served with an application under Part 10, Division 2. 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 19, however it is not required. A written reply is used in addition to, not in place of, attending court.
(2) If a party chooses to file a written response in reply under subrule (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.	

143 Trial preparation conference

A judge may direct that a trial preparation conference be scheduled before the hearing of an application for an order under rule 142 [*applications for orders under Family Maintenance Enforcement Act*].	Rule 143 explains that a judge may direct that a trial preparation conference be held for applications for *FMEA* orders under rule 142. See Part 9, Division 3 for more information about trial preparation conferences.

144 Service of documents under this Division

(1) The following documents require personal service by an adult who is not a party leaving a copy of the document with the person to be served: (a) a general summons; (b) a summons to a committal hearing; (c) a request for court enforcement under the Act.	Rule 144 describes the service requirements under this division. Subrule (1) lists the documents that require personal service.

(2) Documents that do not require personal service under subrule (1) must be served as follows: (a) if there is an address, an email address or a fax number provided for the address for service on the court file for the person to be served, there may be service (i) by leaving the document at the person's address for service, (ii) by mailing the document by ordinary mail to the person's address for service, (iii) by emailing the document to the email address, or (iv) by faxing the document to the fax number; (b) if there is no address for service on the court file for the person to be served, there may be personal service (i) by having an adult leave the documents with that person, or (ii) as otherwise ordered by the court.	Subrule (2) explains the process for serving documents that do not require personal service.
(3) The court may order that a document be served by a peace officer.	Subrule (3) underscores that the court may order that a peace officer serve a document.

145 General rules in respect of hearing of matters under this Division

(1) Evidence for a hearing may be provided (a) orally on oath or affirmation, or (b) by affidavit.	Rule 145 is a general rule about hearings concerning orders under the *FMEA*. Subrule (1) explains that evidence may be given orally or by affidavit.
(2) If a party does not attend a hearing, the hearing may proceed without that party.	Subrule (2) underscores that a hearing may proceed without a party should that party fail to appear.

(3) A party may apply to transfer a court file begun under this Division by using the process set out in Division 2 [*Case Management Orders*] of Part 5 [*Applying for Other Orders*].	Subrule (3) states that a party can apply to transfer a court file using the same process used to apply for case management orders in Part 5. Parties who apply for an order to transfer a file to another registry must file an Application for Case Management Order with supporting evidence or documents and provide at least at least 7 days' notice before the date set for the hearing (rule 64).

PART 11 – CONSEQUENCES

146 Application of Part

The rules set out in this Part apply in all registries.	

147 Non-compliance with rules

(1) A judge may do one or more of the following if a party does not comply with these rules or an order made by a judge or family justice manager under these rules: (a) disregard a document filed in the course of the proceedings; (b) change or cancel an order; (c) order a court appearance to be cancelled or adjourned or to continue as if the party were not present, whether the party is actually present or not; (d) require that the party meet a requirement by a specified date; (e) require that the party pay (i) any other person for all or part of the expenses reasonably and necessarily incurred by that other person as a result of the non-compliance, (ii) an amount not exceeding $5,000 to or for the benefit of any other	Rule 147 substantially sets out the types of consequences that a judge can impose when a party has not complied with the rules. The previous rules did not specify that a judge could require payment of expenses or a fine as a result of non-compliance with rules.

person, or a spouse or child whose interests were affected by that person's actions, or (iii) a fine not exceeding $5,000; (f) make any order or give any directions that the judge considers necessary and advisable in the circumstances, including an order dismissing or granting an application made.	
(2) Unless a judge otherwise orders, a failure to comply with these rules must be treated as an irregularity.	Subrule (2) is new and underscores that a failure to comply must be treated as an irregularity unless ordered otherwise.

148 Failure of party to attend court appearances

(1) Subject to rule 147 [*non-compliance with rules*], if a party fails to attend a court appearance at the time scheduled for that court appearance, the judge may, after receipt of any evidence of service of notice the judge considers appropriate, do one or more of the following: (a) dismiss, cancel or proceed with the court appearance; (b) draw any inference from the failure to attend that the judge considers appropriate; (c) grant some or all of the orders sought; (d) issue a summons in Form 31 [*Summons – General*]	Rule 148 sets out the types of consequences that a judge can impose when a party does not attend a scheduled court appearance after being served with notice. The new rules address the failure of any party, not just a replying party, to attend a court appearance.
(2) If no party attends a court appearance, the judge may dismiss the application.	Subrule (2) underscores that a court can dismiss an application if no party attends a hearing or trial.

149 Issuing and enforcing warrants for arrest for failure to attend court appearance

(1) If a party who is served with a summons or is present in court when the date for a court appearance is set does not attend the court appearance, the judge may	Rule 149 addresses warrants for arrest for failure to attend a court appearance other than in relation to *FMEA* as set out in rule 141.

issue a warrant for arrest in Form 32 [*Warrant for Arrest*] for the arrest of the party.	Subrule (1) states a judge can issue an arrest warrant for a party who fails to attend a hearing or trial after being served with a summons or where the party was present in court when the hearing or trial date was set.
(2) A warrant issued under subrule (1) remains in force until (a) the party named in the warrant attends court either voluntarily or under the warrant, or (b) the warrant is cancelled.	Subrule (2) states the warrant remains in effect until the named party attends court or until the warrant is cancelled.
(3) If arrested, the party named in a warrant issued under subrule (1) must (a) be brought before a justice as soon as possible, and (b) be released when the party signs a release in Form 25 [*Release from Custody*] that requires the party's attendance at court.	Subrule (3) states a party who is arrested under this rule must be brought before a judge as soon as possible and be released after they have signed a release form that requires them to attend at court.
(4) The registry must provide notice to each other party of the new hearing date set out in the release form referred to in subrule (3) (b).	Subrule (4) states the registry is responsible for providing notice to the party of the new hearing date stated in the release form.
(5) If the party named in a warrant does not attend court on a hearing date set out in a release form referred to in subrule (3) (b), the judge may issue a warrant for arrest in Form 32 [*Warrant for Arrest*] for the arrest of the party and order that the party be brought to a judge promptly on the arrest.	Subrule (5) states if the party again does not attend court, the judge can issue another warrant for arrest.

150 Hearings about extraordinary remedies under section 231 of *Family Law Act*

(1) In this rule, "hearing about an extraordinary remedy" means a hearing in which a judge decides whether to make any of the following orders under section 231 [*extraordinary remedies*] of the *Family Law Act*: (a) an order that a person be imprisoned for a term of no more than 30 days if the person failed to comply with an order under the	Rule 150 describes the orders a judge may make at a hearing about an extraordinary remedy, pursuant to section 231 [*Extraordinary remedies*] of the *FLA*. There is no corresponding provision in the previous rules. Subrule (1)(a) explains that imprisonment is available as a remedy where a party has failed to comply with an order and no order

Family Law Act and no other order will be sufficient to secure the person's compliance; (b) an order requiring a police officer to apprehend a child from a guardian who has wrongfully denied another person parenting time or contact with the child and to take the child to that other person; (c) an order requiring a police officer to apprehend a child from a person having contact with the child who has wrongfully withheld the child from the child's guardian and to take the child to the guardian.	would be sufficient to secure compliance with the order. This subrule paraphrases subsections (1) and (2) of section 231 of the *FLA*. Subrule (1)(b) explains that if a person is wrongfully denied parenting time or contact with a child, a judge can order a police officer to take the child to the person entitled to parenting time or contact. This subrule restates subsection (4) of section 231 of the *FLA*. Subrule (1)(c) explains that if a person who has contact with a child wrongfully withholds the child from their guardian, a judge can order a police officer to take the child to the guardian. This subrule restates subsection (5) of section 231 of the *FLA*. A party can apply for the relief under subrule (1)(a) using the Application about Enforcement under Part 11 and the relief under subrule 1 (b) and (c) using the Application about Priority Parenting Matter under Part 5.
(2) A judge may make directions as to the conduct of a hearing about an extraordinary remedy, including directions that the hearing be conducted as a trial.	
(3) An order made under section 231 (2) [*extraordinary remedies*] of the *Family Law Act* for the imprisonment of a person must be in Form 38 [*Order for Imprisonment*].	

151 Warrants related to orders for imprisonment under section 231 (2) of *Family Law Act*

(1) If the court is of the opinion that an order for imprisonment under section 231 (2) [*extraordinary remedies*] of the *Family Law Act* may be necessary, the court may	

issue a warrant in Form 32 [*Warrant for Arrest*] that the person be apprehended and brought before the court.	
(2) If a person referred to in subrule (1) is arrested and brought before the court, the court in a summary manner may determine whether imprisonment is necessary.	
(3) No determination may be made under subrule (2) without the person being given a reasonable opportunity to show why imprisonment is not necessary.	
(4) The court may order the release of a person apprehended under subrule (1) on receiving an undertaking in Form 25 [*Release from Custody*] from that person.	

152 Suspension of extraordinary remedy

The court at any time may direct that an imprisonment ordered under section 231 (2) [*extraordinary remedies*] of the *Family Law Act* be suspended for the period or on the terms or conditions the court may specify	Rule 152 describes the authority of the court to suspend an order for imprisonment made as an extraordinary remedy under the FLA. There is no corresponding provision in the previous rules.

153 Release of person

On application by or on behalf of a person imprisoned under section 231 (2) [*extraordinary remedies*] of the *Family Law Act*, the court may release that person, whether or not the period of the committal has elapsed.	This rule explains that a person imprisoned as an extraordinary remedy can apply for early release. There is no corresponding provision in the previous rules.

PART 12– GENERAL RULES

Division 1 – General Procedural Rules

154 Application of Part

The rules set out in this Part apply in all registries.	

155 Deficient forms

(1) A clerk may refuse to accept a form for filing if it is not in the correct form or if the form is not completed in accordance with the instructions.	Rule 155 sets out when a clerk may refuse to accept a form, providing clarity to parties and court registries. There is no corresponding provision in the previous rules.
(2) A party may apply for an order under rule 62 [*case management orders – judge*] or 63 [*case management orders – family justice manager*] to permit the filing of a form that is deficient.	Subrule (2) allows a party to apply for a case management order waiving or modifying the requirements under the rules and permitting a deficient form to be filed.

156 Requesting conference or hearing

(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 39 [*Request for Scheduling*], unless otherwise directed by the court: (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) [*court may make interim orders*] of the *Family Law Act*; (g) a party is applying for an interim order under section 216 or 217 [*interim orders before changing,*	Rule 156 sets out the process for a party to get before a judge or family justice manager in circumstances other than an application or adjournment to a specific date. This is a new rule that formalizes previous practice in some registries that used an administrative form to reschedule these appearances. Rule 156 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 39 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. Under the previous rules, the Notice of Motion was used to apply for an interim order.

suspending or terminating orders] of the *Family Law Act* after attendance at a family management conference.	
(2) A party requesting that a court appearance be scheduled must serve the form under subrule (1) on each other party at least 7 days before the date referred to in the application for the court appearance.	Subrule (2) sets out the notice requirements related to Form 39.

157 Judge may waive or modify requirements in rules

A judge may, at any time, waive or modify (a) any requirement under these rules, including a requirement related to service or giving notice to a person under these rules, or (b) a time limit set by these rules or by an order of the court, even after the time limit has expired.	Rule 157 sets out that judges can waive or modify requirements and time limits at any time. This provision is similar to the previous rule 20(2).

158 Judge may give directions

A judge may give directions on any procedural matter that is not provided for in these rules or an enactment.	Rule 158 sets out that judges can give directions on procedural matters not covered in the proposed rules or in legislation. This rule is similar to the previous rule 20(8).

158.1 Judge may require notice about consensual dispute resolution

If a judge has made an order or directed that a party participate in consensual dispute resolution with a family justice counsellor under rule 56 *[directions or orders to attend]* or rule 108 (2) (e) (i) *[family settlement conferences]*, the judge may require the parties to obtain written notice from the family justice counsellor indicating the following: (a) if it was determined that consensual dispute resolution was	Rule 158.1 carries forward previous rule 20(15). The Rule permits family justice counsellors outside of early resolution registries to confirm parties attended consensual dispute resolution.

completed and, if so, the date of completion; (b) if it was determined that consensual dispute resolution was not able to be accessed or was not appropriate; (c) the kinds of family law matters that were addressed during consensual dispute resolution; (d) the kinds of family law matters that are outstanding.	

159 Judge may change, suspend or cancel orders made in absence of party

(1) A judge may change, suspend or cancel an order made in the absence of a party if the judge determines that (a) the absent party applied in accordance with subrule (2) for the change, suspension or cancellation of the order within a reasonable time, and (b) either of the following apply: (i) the absent party did not receive notice of the application under which the order was made; (ii) there is a good reason to change, suspend or cancel the order.	Rule 159 describes when a judge may change, suspend or cancel an order that was made when a party was absent, as well as the process the absent party must use to apply for the order to be changed, suspended or cancelled. There is no similar provision in the previous rules.
(2) To apply to change, suspend or cancel an order made under subrule (1), the absent party must file and serve on each other party the following at least 7 days before the date referred to in the application for the court appearance: (a) an application for a case management order in Form 10 [*Application for Case Management Order*]; (b) any supporting evidence or documents.	

160 Practice directions

The chief judge of the court may issue practice directions consistent with these rules and their purpose.	Rule 160 is similar to the previous rule 20(13).

161 Child's views

If a case involves a child, the child's views must be considered unless it is inappropriate to do so.	Rule 161 reflects the language in s.37(2)(b) of the *FLA* and underscores that the court must consider the child's views unless it is inappropriate to do so, without prescribing or limiting how the child's views will be obtained. There is no similar provision in the previous rules.

162 Child's lawyer

(1) If a case involves a child and the child is represented by a lawyer in the case, the lawyer for the child must (a) file and serve on the parties Form 40 [*Notice of Lawyer for Child*] when the lawyer starts representing the child, and (b) file and serve on the parties Form 41 [No*tice of Removal of Lawyer for Child*] when the lawyer stops representing the child.	Rule 162 sets out the procedural requirements and entitlements for lawyers representing children. There are no provisions in the previous rules specifically about children's lawyers. This rule was included to clarify the role and obligations of children's lawyers and the information they are entitled to receive.
(2) The lawyer for a child (a) must be notified of all hearings, conferences and trial dates relating to the case, (b) must be served all documents that the parties are served, and (c) may attend all hearings, conferences and trial dates relating to the case.	
(3) For the purposes of these rules, a lawyer may start representing a child at any time during a case.	

163 Party's lawyer

(1) For the purposes of these rules, a lawyer may start representing a party in a case by a party or the lawyer (a) providing the lawyer's contact information and address for service of documents on an application or reply, or (b) filing and serving on each party a notice of lawyer for party in Form 42 [*Notice of Lawyer for Party*].	Rule 163 describes how it is communicated that a lawyer is representing or has stopped representing a party on a matter under these rules. Subrule (2) clarifies that a lawyer may represent a party for all issues in a case or only for specific purposes. Form 42 is used to describe the matters that a lawyer is representing a party on. This is a new rule, which supports unbundled legal services and addresses the challenge other parties and the court have in knowing when a lawyer begins and stops representing a party.
(2) A lawyer who represents a party under subrule (1) may represent the party (a) for all issues in a case, or (b) for one or more limited purposes identified in the notice of lawyer for party filed under subrule (1) (b).	
(3) For the purposes of these rules, a lawyer stops representing a party in a case if one of the following applies: (a) the party or the lawyer files and serves on each party a notice of removal of lawyer in Form 43 [*Notice of Removal of Lawyer for Party*]; (b) the party or a new lawyer for the party files and serves on each party a notice of lawyer in Form 42 [*Notice of Lawyer for Party*] identifying the new lawyer; (c) the limited purpose for which the lawyer was representing the party, as described in the notice of lawyer for party filed under subrule (1) (b), has ended.	

163.1 Default method of attendance

(1) Court appearances must be attended in person.	Rule 163.1 is a new rule that provides that the default method of attendance at a court appearance is attending in person.
(2) Despite subrule (1), the chief judge may direct that a class of court appearances may or must be attended by telephone, video conference or other means of electronic communication.	Subrule (2) allows the chief judge to issue a direction to set a different or additional default method of attendance at a court appearance, including attending by telephone, video conference or other means of electronic communication such as an audioconference.
(3) A direction under (2) may be different for different court registries, types of court appearances, classes of persons or circumstances.	Subrule (3) clarifies that the direction made by the chief judge in subrule (2) may specify a method of attendance at a court appearance based on the court registry, the type of court appearance, class of person or particular circumstances.

164 Attendance by means of electronic communication

(1) Despite rule 163.1, the court may allow a person to attend a court appearance by any method of attendance that the court specifies.	Although Rule 163 requires attendance at a court appearance to be in person or according to another direction from the chief judge, Rule 164 explains that the court can permit a person to attend a court appearance by another method of attendance in an individual case. A person wishing to use another method of attendance can apply under Rule 65 using the Application for Case Management Order Without Notice or Attendance Form 11. There are no similar provisions under the previous rules.
(2) The court may consider the following in making an order or direction under subrule (1): (a) the distance between the person's residence and the location of the court appearance; (b) difficulty in attending because of illness or disability;	Subrule (2) sets out possible factors that a court may consider in making an order or direction to attend through electronic communication.

(c) the financial cost associated with attending; (d) the expense incurred, or savings realized, by using electronic communication; (e) any concerns related to security, including a risk of family violence; (f) any difficulty in conducting the court appearance that may arise from using electronic communication.	
(3) For the purposes of these Rules, a reference to attending, appearing, giving, being before a judge, justice or family justice manager, being in court or being at a place or location is not to be interpreted as requiring in-person attendance.	Subrule (3) provides a list of other terms under the Rules that are not to be interpreted as requiring attendance in person.

165 Copies permissible instead of originals

With the permission of the judge or the family justice manager, as applicable, a copy of a document may be used in court instead of the original.	Rule 165 allows a copy of a document instead of the original to be used in court with the permission of a judge or family justice manager. This rule is carried forward from the previous rules, but now also includes the family justice manager.

166 Confidentiality of information

A party must not use or disclose any information of any other parties contained in a record provided or entered as evidence under these rules except to the extent necessary to resolve a case under these rules.	Rule 166 prohibits parties from using or disclosing information about the other party except as necessary to resolve a family law matter. This rule expands on the previous rule 20(9) which only governed confidentiality of financial information.

Division 2 – General Procedure for Orders

167 Effective date of orders

An order takes effect at the time it is made unless ordered otherwise.	Rule 167 underscores that an order takes effect at the time it is made unless ordered otherwise. This rule carries forward the previous rule 18(1).

168 Preparation of orders

(1) If one or more of the parties are represented by a lawyer, any one of the lawyers must prepare an order made at a court appearance in Form 44 [*Order – General*], unless another form is required by these rules, and provide it to any other lawyers for the other parties or, if the parties are unrepresented, to the registry (a) within 14 days of the date the order is made, or (b) within the period permitted by the court.	Rule 168 sets out the procedure for the preparation of orders. Subrule (1) explains that a lawyer representing one of the parties is responsible for preparing the order using the prescribed form and establishes a time within which the order must be prepared. This rule differs from the previous rule 18(2) which required the lawyer representing the party who the order was made in favour of (if any) to prepare the order.
(2) Unless the court orders otherwise, an order that is prepared by a party's lawyer and is not made by consent under section 219 [*persons may consent to order being made*] of the *Family Law Act* must be approved and signed (a) by the party's lawyer, and (b) if any other party is represented by a lawyer, by the other party's lawyer.	Subrule (2) describes when an order must be signed by a party's lawyer. This rule is carried forward from the previous rule 18(4).
(3) If the other party's lawyer does not approve and sign an order prepared in accordance with subrule (1), reasons for not signing must be provided to whoever prepared the order (a) within 14 days of the date the order was provided to that other party, or (b) within the period permitted by the court.	Subrule (3) explains that if the other party's lawyer does not approve and sign the order, they must provide reasons within the specified timeframe. The requirement to provide reasons for not approving and signing an order is new.

(4) A party who is not represented by a lawyer is not required to sign an order, unless (a) ordered otherwise by the court, or (b) required otherwise under these rules.	Subrule (4) explains that a party who is not represented is not required to sign orders unless ordered by the court or required under these rules.
(5) If no party is represented by a lawyer, a clerk must prepare an order made at a court appearance (a) within 14 days, or (b) within the period permitted by the court.	Subrule (5) states that if no parties are represented by a lawyer, the order must be prepared by the clerk within the specified timeframe.
(6) After an order is signed in accordance with subrule (2), it must be delivered to the registry to be signed by the judge or family justice manager, as applicable, and filed.	Subrule (6) describes what is to happen after the order is signed.
(7) After an order is filed under subrule (6), the registry must provide a filed copy of the order to each party, or each party's lawyer, who has provided an address for service.	Subrule (7) describes the registry's obligation to distribute copies of filed orders to the parties or their lawyers.

169 Designate may sign

An order to be signed by a judge or family justice manager under these rules may be signed by a designate of the judge or family justice manager.	Rule 169 explains that an order can be signed by a designate of a judge or family justice manager. This is to prevent delays in orders if a judge or family justice manager is away or unavailable when the order is prepared. This rule expands the previous rule 18(6.1), which only allowed a designate to sign in the context of a protection order issued under Part 9 of the *FLA*.

170 Correction of orders

Any judge may correct, at any time, a clerical mistake or omission in an order.	Rule 170 carries forward the previous rule 18(8).

Division 3 – Affidavits and General Rules for Filing

171 Form of affidavits

(1) Unless a rule provides otherwise, an affidavit must be in Form 45 [*Affidavit – General*].	Rule 171 provides the requirements for filing affidavits. Affidavits must be in the specified form (*Affidavit – General*) and follow the formal requirements listed in subrule (2).
(2) An affidavit must (a) be expressed in the first person and include the name, address and occupation of the person swearing or affirming the affidavit, (b) state whether the person swearing or affirming the affidavit is a party or the lawyer, agent, director, officer or employee of a party, (c) be divided into paragraphs numbered consecutively and have page numbers, and (d) have page numbers for the exhibits if the affidavit has any exhibits.	
(3) An affidavit is made when (a) the person swearing or affirming the affidavit (i) signs the affidavit, or (ii) if the person is unable to sign the affidavit, places that person's mark on it, and (b) the person before whom the affidavit is sworn or affirmed completes and signs a statement confirming that the affidavit was sworn or affirmed in the person's presence.	Subrule (3) explains that affidavits are made at the time the affidavit is signed and at the time the confirmation of the swearing or affirming of the affidavit is signed.
(4) The person before whom an affidavit is sworn or affirmed must identify each exhibit referred to in the affidavit by signing a certificate placed on or attached to the exhibit.	Affidavits referring to exhibits must follow the specific requirement set out in subrule (4).

(5) Subject to subrule (6), an affidavit must state only what a person swearing or affirming the affidavit would be permitted to state in evidence at a trial.	Subrule (5) states that an affidavit must not contain statements that would be impermissible to state in evidence at a trial.
(6) An affidavit may contain statements as to the information and belief of the person swearing or affirming the affidavit, if the source of the information and belief is given.	Subrule (6) explains when affidavits containing statements as to the information and belief of the person making the affidavit are permissible (i.e. as long the source of the information and belief is stated).

172 Filing unsworn documents

(1) In this rule, "unsworn document" means any of the following documents that have not been sworn or affirmed: (a) a financial statement in Form 4 [*Financial Statement*]; (b) a guardianship affidavit in Form 5 [*Guardianship Affidavit*]; (c) an application about a protection order in Form 12 [*Application About a Protection Order*] that has an attached Schedule 1 [*Affidavit for Protection Order*]; (d) an affidavit in Form 45 [*Affidavit – General*].	Rule 172 describes what documents may be filed as unsworn documents, and when they can be filed without being sworn or affirmed. If an unsworn document is filed, the person who made it must be available later to swear or affirm that its contents are true. This rule reduces barriers that prevent accessing the court process when it is difficult for a person to swear or affirm a document before a commissioner for taking affidavits. There are no similar provisions in the previous rules.
(2) An unsworn document may be filed even though the person who made the document has not sworn or affirmed to its contents if (a) the person has signed the document, and (b) it is not practicable for the person to swear or affirm to the contents of the document before the document is filed.	
(3) If an unsworn document is filed under subrule (2), the person who made the document must be available to swear or affirm that the contents of the document are true, as may be required by a judge or family justice manager, including at a subsequent court appearance.	

173 Requirement to file additional copies if not filing electronically

Unless the party files electronic documents in accordance with Division 7 [*Electronic Filing*], a party who files a document under these rules must file (a) one copy for the court, (b) one copy for the filing party, (c) one copy for each party other than the filing party, and (d) if applicable, one copy for each lawyer for a child.	Rule 173 requires that a party who files documents must file copies for each of the parties listed unless they are filing the documents electronically. Division 7 of this Part provides requirements for electronic filing. This rule is similar to previous rule 13(4), but differs by specifically setting out that the court, filing party, each other party and any lawyer for a child receive a copy.

174 Who can search court files

(1) Unless the court otherwise orders, only the following persons may search a court file under these rules: (a) a party to the court file; (b) a lawyer, whether or not the lawyer represents a party, and including a lawyer for a child; (c) a family justice counsellor; (d) a person authorized by a judge; (e) a person authorized in writing by a party to the court file or by the party's lawyer.	Rule 174 prohibits anyone except the parties listed from searching a court file. Subrule (1) is similar to previous rule 20(10).
(2) Despite subrule (1), any person may access the following information about a case, unless the court otherwise orders: (a) the names of the parties as identified in the case; (b) the case file number; (c) the registry at which the court file is located; (d) the date the case was started.	Subrule (2) allows any person basic identifying information about a case, which will help people to identify whether there is an existing relevant case. There is no similar provision in the previous rules.

Division 4 – Service

175 Address for service

(1) Each party who files an application or reply must provide an address for service where the party can receive notice or service of documents.	Subrule (1) sets out that there must be an address for each party so that documents can be served on them.

(2) An address for service may be an address other than the party's home address.	Subrule (2) underscores that the address for service does not have to be the home address of a party. A party may choose to use the address of their lawyer, a work address, or other address where they can receive documents.
(3) Each party is responsible for checking, on a regular basis, for the receipt of notice or service of documents at that party's address for service, including any email address or fax number that was provided for service.	Subrule (3) explains that it is the party's responsibility to check whether they were served with any documents. There is no similar provision in the previous rules.
(4) If a party's address for service changes, the party must file a notice of change of address in Form 46 [*Notice of Address Change*] and serve a copy on each other party as soon as possible.	Subrule (4) sets out that if a party's address changes, the party must file a notice for the address change and serve a copy of the notice on the other party.
(5) If a party's address for service is outside British Columbia, the party must provide an email address for service.	Subrule (5) sets out that, where the address for service is outside of BC, the party must provide an email address where documents can be served. There is no similar provision in the previous rules.

176 Ordinary Service

Except when a document must be provided to another person using personal service, a document may be provided (a) by leaving the document at the person's address for service, (b) by mailing the document by registered mail to the person's address for service, (c) by mailing the document by ordinary mail to the person's address for service, (d) by emailing the document to the person's email address for service, or (e) by faxing the document to the person's fax number for service.	Rule 176 sets out that where personal service is not required, a document may be served by leaving it at the address for service, or by ordinary mail, email or fax. This rule is a change from the previous rule 9(1)(a)(i) that required leaving the documents with the party's lawyer or with the party to be served.

177 Personal service of certain documents

The following documents require personal service by an adult who is not a party leaving a copy of the document with the person to be served: (a) an application about a family law matter; (b) a summons or subpoena; (c) an application about a protection order; (d) a protection order, if the person against whom the protection order application is made was not present in court; (e) a request for court enforcement under the *Family Maintenance Enforcement Act*; (f) any document that the court has determined requires personal service; (g) any application that is to be served on a party who has not provided an address for service.	Rule 177 describes which documents require personal service. Personal service is done by an adult who is not a party. While most aspects of this rule are similar to the previous rules, the ability for the court to determine a document requires personal service and the requirement for a document to be personally served on a party who had not provided an address for service are new.

178 Summons

Unless otherwise ordered by the court, a summons under these rules must be served at least 7 days before the date set in the summons for the court appearance.	Rule 178 sets out that a summons requires at least 7 days' notice, which allows time for a party to make arrangements to attend court. Under the previous rules, the requirement was at least 3 days' notice.

179 Service completed

A document is deemed to have been served on a person as follows: (a) if served by leaving a copy at an address for service (i) at or before 4 p.m. on a day that is not a Saturday or holiday, the document	Rule 179 describes when a document is deemed to be served. There are no similar provisions in the previous rules setting out the details of completion of service.

is deemed to be served on the day of service, or (ii) on a Saturday or holiday or after 4 p.m. on any other day, the document is deemed to be served on the next day that is not a Saturday or holiday; (b) if served by sending a copy by ordinary mail to an address for service, on the 14th day after it is mailed; (c) if served by transmitting a copy by email to the email address provided in the address for service (i) at or before 4 p.m. on a day that is not a Saturday or holiday, the document is deemed to be served on the day of transmission, or (ii) on a Saturday or holiday or after 4 p.m. on any other day, the document is deemed to be served on the next day that is not a Saturday or holiday; (d) if served by transmitting a copy by fax to the fax number provided in the address for service (i) at or before 4 p.m. on a day that is not a Saturday or holiday, the document is deemed to be served on the day of transmission, or (ii) on a Saturday or holiday or after 4 p.m. on any other day, the document is deemed to be served on the next day that is not a Saturday or holiday; (e) if served by personal service	

(i) at or before 4 p.m. on a day that is not a Saturday or holiday, the document is deemed to be served on the day of service, or (ii) on a Saturday or holiday or after 4 p.m. on any other day, the document is deemed to be served on the next day that is not a Saturday or holiday.	

180 Documents served on the Director of Maintenance Enforcement

A document may be served on the Director of Maintenance Enforcement by mailing the document to the postal address provided by the director.	Rule 180 carries over the provision in the previous rules that a document can be served on the Director of Maintenance by mailing it to the postal address provided by the director.

181 Documents served on a person who is not a party

A document other than a summons or subpoena may be served on a person who is not a party by leaving the document with the person or by mailing by ordinary mail the document to that person's postal address.	Rule 181 sets out how to serve a document other than a subpoena or summons on a person who is not a party. This rule differs from the previous rule 9(1)(c) which required the documents be mailed by registered mail.

182 Alternative methods of service

(1) If it is not practicable to serve a document in accordance with these rules, a party may apply under rule 62 [*case management orders – judge*] or 63 [*case management orders – family justice manager*] for an order by a judge or family justice manager, as applicable, that the document (a) must be served by a peace officer, or	Subrule (1) sets out that where it is not practicable to serve a document according to these rules, a party can apply for a case management order that the document be served by a peace officer or, in some circumstances, using an alternative method of service.

(b) may be served using an alternative method of service, if the court is satisfied that the person to be served (i) cannot be found after a diligent search, (ii) is evading service of the document, or (iii) is temporarily outside British Columbia.	
(2) If an order is made that permits an alternative method of service for a document, a copy of the order, the application under subrule (1) and any supporting documents must be served with the document, unless the permitted method of service is notice to be given by advertisement.	Subrule (2) describes the document that must be served if an order for an alternative method of service is made.
(3) If the court orders notice to be given by advertisement, that advertisement must be in Form 47 [*Notice by Advertisement*] and the party who applied for the order must pay for the advertisement.	Subrule (3) sets out the form that must be used for advertisement by notice, and who must pay for the advertisement.

183 Proving service

(1) Subject to subrule (2), service of a document may be proved by filing a certificate of service in Form 7 [*Certificate of Service*] and attaching a copy of the document served.	Rule 183 explains how to prove a document was served. See also rule 184 [*oral proof of service*] and rule 185 [*admissibility of other evidence of service*].
(2) Service of the following documents may be proved by filing the applicable affidavit: (a) for a summons or subpoena, an affidavit of personal service in Form 48 [*Affidavit of Personal Service*]; (b) for an order about a protection order, an affidavit of personal service of a protection order in Form 49 [*Affidavit of Personal Service of Protection Order*].	

(3) Service of a document on a lawyer or articled student may be proved by filing a copy of the document signed by the lawyer or articled student or by a partner or employee of the firm of the lawyer or articled student.	

184 Oral proof of service

Instead of requiring proof of service under rule 183 [*proving service*], the court may allow a person to prove by sworn or affirmed oral evidence that the person has served a document.	Rule 184 sets out an alternate way to prove service other than the ways specified under rule 183. The court may allow a person to prove service of a document by swearing or affirming to the court orally that they have served the document. See also rule 185 regarding admissibility of other evidence of service.

185 Admissibility of other evidence of service

Nothing in rule 184 [*oral proof of service*] restricts the admissibility of any other evidence of service that the court may consider appropriate in the circumstances.	Rule 185 is similar to previous rule 9(11).

186 Service outside British Columbia

An application or other document may be served on a person outside British Columbia if the order sought in the application is within the jurisdiction of the court under section 10 [*real and substantial connection*] of the *Court Jurisdiction and Proceedings Transfer Act* or Division 7 [*Extraprovincial Matters Respecting Parenting Arrangements*] or 8 [*International Child Abduction*] of Part 4 of the *Family Law Act*.	Rule 186 explains that as long as the order sought in the application is within the court's jurisdiction, an application or a document may be served on someone living outside BC. This rule is similar to previous rule 9(12).

187 Service effective if acknowledged

Despite any requirement about service under this Part, service of a document is deemed to be effective if the party who was served gives	There is no similar provision in the previous rules. Rule 187 explains that written acknowledgement of receiving the document constitutes service on a party.

written acknowledgement of receiving the document.	

Division 5 – Changing a Filed Document

188 Changing filed application about family law matter, reply or reply to counter application

(1) A party may change anything in an application about a family law matter, a reply or a reply to a counter application, (a) without a court order, before the first family management conference, or (b) with a court order or consent of the parties, at any time.	Rule 188 provides that a party may change anything in an application, reply or reply to a counter application within the specified timeframes. There are no similar provisions in the previous rules.
(2) A party may apply under rule 64 [*applying for case management orders*] to a judge or a family justice manager for an order to change anything in an application about a family law matter, a reply or a reply to a counter application.	Subrule (2) describes how to apply for a case management order to change anything in an application about a family law matter, reply or reply to a counter application. A judge or family justice manager can issue an order correcting or amending a filed document. See also rules 189 and 190 which set out service requirements of changed applications and replies and how the other party can respond.
(3) If a party makes a change as described in subrule (1), the application about a family law matter, reply or reply to a counter application must (a) indicate at the top of the document that the document has been changed, (b) indicate the date on which the change to the document is made, (c) include an indication of the changes being made to the document by (i) underlining anything that is being added to the document, and	Subrule (3) describes how changes are to be indicated on the document.

(ii) striking out anything that is being deleted from the document, and (d) include a reference to the order that authorizes the change, if applicable.	

189 Service of changed application about family law matter, reply or reply to counter application

An application about a family law matter, a reply or a reply to a counter application that is changed under rule 188 [*changing filed application about family law matter, reply or reply to counter application*] must be served on each other party within 7 days of filing the changed application about a family law matter, reply or reply to counter application.	Rule 189 sets out the service requirements for a changed application about a family law matter, reply or counter application. The changed documents must be served on other parties within 7 days of filing.

190 Reply to change

(1) Subject to subrule (2) and rule 15 [*intention to proceed in certain cases after one year*], a party who has been served a changed application about a family law matter or reply under rule 189 [*service of changed application about family law matter, reply or reply to counter application*] and who chooses to file a reply or reply to counter application must file and serve the reply document within 14 days of being served the changed application about a family law matter or reply, as applicable.	Rule 190 sets out the process for replying to a changed application about a family law matter, reply or counter application. The reply must be filed and served within 14 days, unless the change included adding a new child or spousal support application, in which case the timeline is 30 days.
(2) If an application about a family law matter or reply has been changed under rule 188 [*changing filed application about family law matter, reply or reply to counter application*] to add a new application about child support or spousal support, a party who has been served the changed application or reply and who chooses to file a reply must file	

and serve the following within 30 days of service of the changed application: (a) the reply document; (b) the applicable additional documents described in rule 25 [*additional requirements when applying for certain orders*].	

Division 6 – Discontinuing an Application, Reply or Reply to Counter Application

191 Discontinuing an application about family law matter, reply, or reply to counter application

(1) A party may discontinue all or part of an application, a reply or a reply to a counter application by doing the following: (a) filing a notice of discontinuance in Form 50 [*Notice of Discontinuance*] in accordance with subrules (2) and (3), as applicable; (b) serving the notice of discontinuance on each other party before the earlier of the following dates: (i) 14 days after the party filed the notice; (ii) the date of the next scheduled court appearance.	Rule 191 is a new rule that provides for a party to discontinue all or part of their application, reply or reply to a counter application. It includes the process and timelines for discontinuing pleadings.
(2) If a trial preparation conference is scheduled, a notice of discontinuance may be filed under subrule (1) (a) before the trial preparation conference, or (b) after the trial preparation conference, with the consent of	Subrule (2) provides the timelines for filing a notice of discontinuance if a trial preparation conference is scheduled.

the other parties or with permission of the court.	
(3) If a trial preparation conference is not scheduled, a notice of discontinuance may be filed under subrule (1) (a) at least 30 days before the scheduled trial date, or (b) less than 30 days before the scheduled trial date, with the consent of the other parties or with permission of the court.	Subrule (3) provides the timelines for filing a notice of discontinuance if a trial preparation conference is not scheduled.
(4) A party may only discontinue an application about a family law matter, a reply or a reply to a counter application under this rule if the application or reply was made by the party.	Subrule (4) explains that a party can only discontinue their own application, reply or reply to counter application.
(5) The discontinuation of an application about a family law matter, a reply or a reply to a counter application by a party under this rule does not affect any application or reply made by another party.	Subrule (5) explains that if a party discontinues their application, reply or reply to counter application, it does not affect anything filed by another party.
(6) Subject to the limitation periods set out in sections 147 (4) (b) [*duty to provide support for child*] and 198 (2) [*time limits*] of the *Family Law Act*, the discontinuation of an application about a family law matter by a party under this rule does not prevent the party from filing a new application about the same family law matter at a later date, unless a judge orders otherwise.	Subrule (6) clarifies that a party can file a new application about the same family law matter at a later date but they will still be subject to the limitation periods set out in the *FLA*.

Division 7 – Electronic Filing

192 Electronic Filing

(1) A person filing documents in a registry by means of electronic filing must (a) enter into an agreement with the Court Services Branch of the Ministry of Attorney General respecting the terms and	Rule 192 sets out the general procedures for electronic filing. The rule has been simplified from the previous rule 22. Subrule (1) explains that a person filing electronically must enter into an agreement with the Court Services Branch and submit

conditions under which those filings may be made, and (b) submit documents for filing in accordance with that agreement.	documents in accordance with the agreement.
(2) A person may electronically transmit a document other than a certified copy of an order to a registry for filing.	Subrule (2) is new and states that any document except a certified copy of an order can be filed electronically. The previous rules had a longer list of documents that could not be filed electronically.

193 Electronic filing of affidavits or other signed documents

(1) An affidavit or other signed document that is being filed for evidentiary purposes, if submitted for filing electronically, must clearly identify the signatory and must be accompanied by a statement, in Form 51 [*Electronic Filing Statement*], of the lawyer acting for the person on whose behalf the document is submitted for filing or, if that person is unrepresented, by a statement of that person, in that electronic filing statement, indicating that (a) the original paper version of the document appears to bear an original signature of the person identified as the signatory and the person making the electronic filing statement has no reason to believe that the signature on the document is not the signature of the identified signatory, and (b) the version of the document that is being submitted for filing electronically appears to be a true copy of the original paper version of the document and the person making the electronic filing statement has no reason to believe that it is not a true copy of the original paper version.	Rule 193 sets out the procedure for electronic filing of signed documents for evidentiary purposes. Electronic filing of signed documents for evidentiary purposes requires an accompanying statement as described in subrule (1) (a) and (b) from the lawyer or, if unrepresented, the person filing the document in Form 51. The person submitting the document electronically must keep the original document until an event specified in subrule (2) occurs. This rule is carried forward from the previous rules 22(6) and (7).

(2) A person who, under subrule (1), submits a document for filing electronically under these rules must (a) keep the original paper version of the document until the earliest of (i) the date on which the proceeding, including any appeals, is finally disposed of, (ii) the date on which the appeal period for the proceeding has expired, if no notice of appeal respecting the proceeding is filed within that period, and (iii) the date on which a judge orders that the original paper version be filed, and (b) if an order is made under paragraph (a) (iii) of this subrule, file the original paper version promptly after that order is made.	

194 Fax filing

(1) A clerk may accept for filing any document, other than a certified copy of an order, that has been transmitted to the registry by fax.	Rule 194 substantially carries over the procedures for filing by fax set out in the existing rule 5.1(2-4) except it now applies to all registries to facilitate access. Any document except a certified copy of an order can be filed by fax.
(2) A clerk may refuse to accept a document for filing that is transmitted by fax for any of the following reasons: (a) the document is not accompanied by a fax cover sheet in Form 52 [*Fax Filing Cover Page – Provincial Court Family*]; (b) the document relates to more than one court file;	A clerk can refuse to accept a document for filing by fax for the reasons listed in subrule (2). This subrule does not contain the provision in existing rule 5.1(3)(c) which allowed clerks to refuse a filing if the filing exceeded 20 pages in length.

(c) in the opinion of the clerk, the document is illegible and cannot be used by the court; (d) the document is incomplete; (e) the document should have been transmitted to another registry; (f) the document does not otherwise conform to practice and procedure under these rules and any applicable enactment.	
(3) A document that is transmitted by fax and received by the registry will be filed as soon as possible unless the document is refused under subrule (2).	
(4) A person who, under subrule (1), submits a document for filing by fax under these rules must (a) keep the original paper version of the document until the earliest of (i) the date on which the proceeding, including any appeals, is finally disposed of, (ii) the date on which the appeal period for the proceeding has expired, if no notice of appeal respecting the proceeding is filed within that period, and (iii) the date on which a judge orders that the original paper version be filed, and (b) if an order is made under paragraph (a) (iii) of this subrule, file the original paper version promptly after that order is made.	Subrule (4) is new and requires that the person filing the document by fax must keep the original document until one of the specified events occurs.
(5) If a clerk accepts for filing a document that has been transmitted by fax, the clerk must send a confirmation of the filing to the person who transmitted the document by doing one of the following:	Subrule (5) and (6) are new provisions under these rules that formalize requirements included in the Provincial Court's Practice Direction Gen 01 Fax Filing Registries – Family and Small Claims.

(a) transmitting the confirmation by fax to the person; (b) providing the confirmation in a manner agreed to by the clerk and the person.	Subrule (5) explains that if a clerk accepts a document for filing, the clerk will send a confirmation to the person who submitted the fax.
(6) A confirmation under subrule (5) must include (a) a cover sheet, (b) the first page of the document that was filed, showing the date stamp and file number, and (c) any other page that was altered by the court or the registry.	Subrule (6) explains what the confirmation from subrule (5) must include.

PART 13 – TRANSITION

Division 1 – Former Rules

195 Definitions for Part 13

In this Division:	The rules in Part 13 are all new and are intended to provide clarity about the application of these rules to cases that were begun under the previous rules.
"effective date of these rules" means the date on which this rule comes into force;	
"former rules" means the Provincial Court (Family) Rules, B.C. Reg. 417/98;	
"pre-existing proceeding" means a proceeding that was started under the former rules but not concluded before the effective date of these rules.	

196 These rules apply to pre-existing proceedings

(1) A pre-existing proceeding continues under and in accordance with these rules as though the proceeding had been started under these rules.	Rule 196 establishes that proceedings started under the previous rules are to continue under these rules. Subrule (2) provides further detail about how forms and notices of motions are to be dealt with.

(2) For greater certainty, for the purposes of subrule (1), (a) a step taken under the former rules in a pre-existing proceeding is deemed to have been taken under these rules, (b) a form filed under the former rules for a purpose relating to a pre-existing proceeding must be treated as if it were the corresponding form that would be filed under these rules for that same or a similar purpose, (c) a notice of motion that was filed under the former rules continues under these rules as if it were an application for an order or direction, and (d) if a form was filed under the former rules but not served before the effective date of these rules, the form must be served in accordance with the applicable requirements relating to service under these rules.	

197 Judge may make case management order to resolve difficulty or doubt

A judge, on application or on the judge's own initiative, may make orders or directions under Division 2 [*Case Management Orders*] of Part 5 [*Applying for Other Orders*] the judge considers appropriate if (a) there is doubt about the application or operation of these rules to a pre-existing proceeding, or (b) any difficulty, injustice or impossibility arises as a result of the application of rule 196 [*these rules apply to pre-existing proceedings*].	Rule 197 explains that a judge may make a case management order if it is not clear how these rules apply to a pre-existing proceeding or it would create a difficulty, injustice or impossibility if these rules were applied.

198 Registry may temporarily accept certain forms under former rules

For the period of 30 days after the effective date of these rules, the registry may accept for filing either of the following forms under the former rules in substitution for the related form under these rules: (a) a reply in Form 3 [*Reply*]; (b) a financial statement in Form 4 [*Financial Statement*] that is filed with a reply.	For 30 days after these rules are implemented on May 17, 2021, registries may accept the previous reply form and the previous financial statement filed with a reply. Rule 198 allows people who received the previous application to obtain an order just prior to implementation of the rules to reply using the corresponding reply form.

Division 2 – Former Family Justice Registries

199 Definitions

In this Division:	The rules in this Division provide clarity about the application of the rules to cases that were begun in a family justice registry.
"effective date of this Division" means May 1, 2026;	
"family justice rules" mean rule 39 and every rule in Part 6, as those rules read immediately before the effective date of this Division;	
"former family justice registry" means (a) effective November 1, 2025, the Vancouver (Robson Square) registry, (b) effective May 1, 2026, the Kelowna registry, and (c) effective May 1, 2026, the Nanaimo registry.	

200 Continued application of rules respecting family justice registries

(1) The family justice rules continue to apply in relation to a family law matter started in a former family justice registry.	Rule 200 establishes that proceedings started in former family justice registry are to continue under the former rules. Subrule (2) provides further detail about how Form 21 is dealt with.
(2) Form 21, as it read immediately before the effective date of this Division, may continue to be used in relation to a family	

management conference for a case in a former family justice registry on the effective date of this Division.	

APPENDIX 1 – EARLY RESOLUTION REGISTRIES

Appendix 1 lists all of the early resolution registries to which Part 2 applies.

Item	Early Resolution Registry
1	Abbotsford
2	Ahousaht
3	Bella Bella
4	Bella Coola
5	Cambell River
6	Castlegar
7	Chilliwack
8	Clearwater
9	Courtenay
10	Cranbrook
11	Creston
12	Duncan
13	Fernie
14	Golden
15	Gold River
16	Grand Forks
17	Invermere
18	Kamloops
19	Kelowna
20	Klemtu
21	Lillooet
22	Merritt
23	Nakusp
24	Nanaimo
25	Nelson
26	New Westminster
27	North Vancouver
28	Pemberton
29	Penticton
30	Port Alberni
31	Port Coquitlam
32	Port Hardy
33	Powell River
34	Princeton
35	Revelstoke
36	Richmond
37	Rossland
38	Salmon Arm

Item	Early Resolution Registry
39	Sechelt
40	Surrey
41	Tofino
42	Ucluelet
43	Vancouver (Robson Square)
44	Vernon
45	Victoria
46	Western Communities

APPENDIX 2 – FORMS

The rules include specific processes and forms for different types of orders that may be needed. The distinct application forms support proportional processes, provide for opportunities to collect only the information needed for the order, and enable better case management. Some forms or options on the forms can be used for a range of relief while others are to be used for very specific relief. Refer to the rules for more information about when a particular application can be used.

There will be circumstances where a party needs to complete multiple forms at one time. The forms will repeat core information that would be required to support the application if it was filed on its own. Individuals completing the forms using the online forms assistant will not need to repeat core information as the online forms assistant has the advantage of carrying over this information between forms.

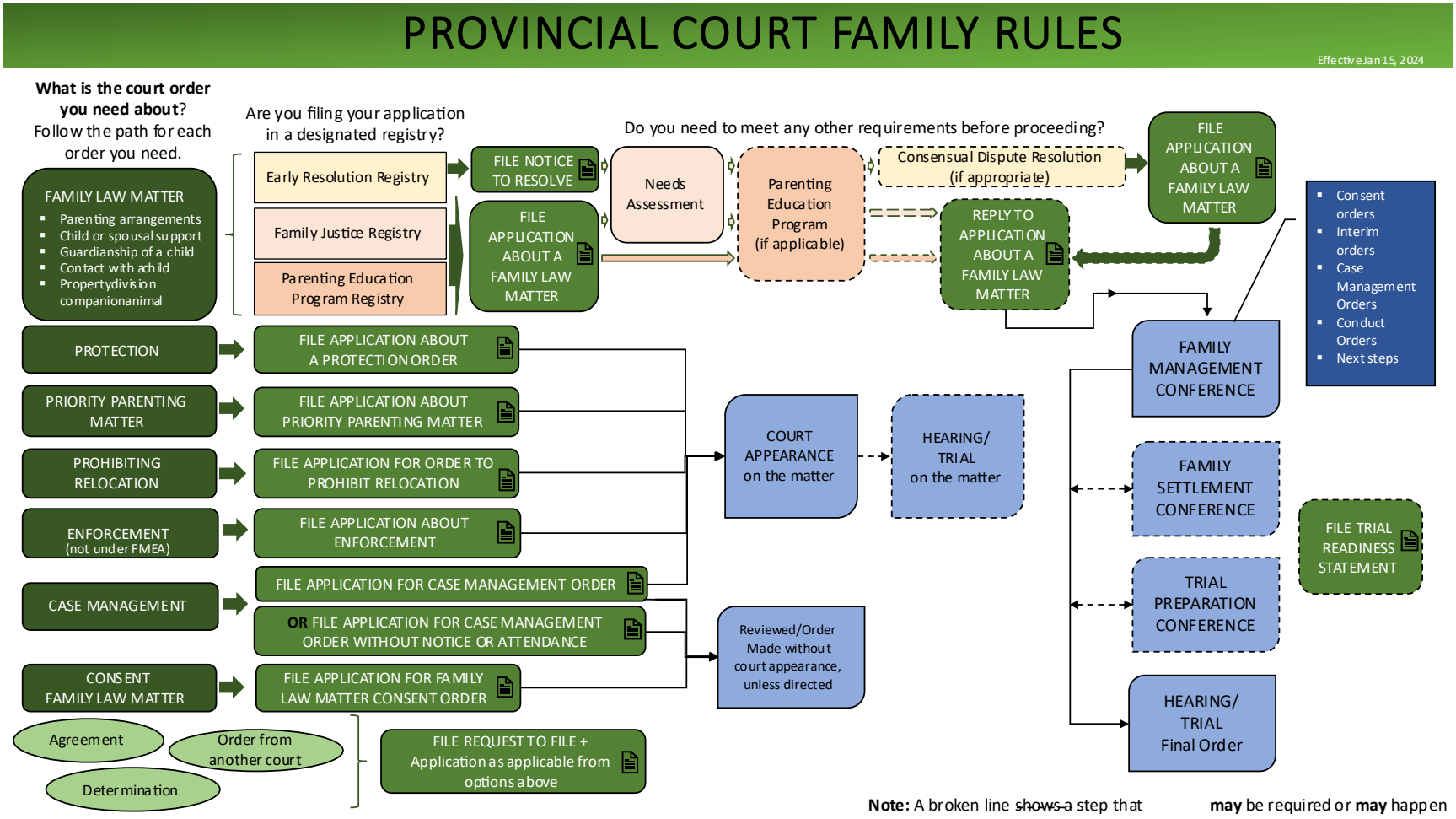
The information collected through the forms allows a party to tell their story in a meaningful way – providing basic facts the court needs, preparing the party for evidence or information that will be required for the order to be made, and helping to ensure the parties and cases are court ready.

Form Number:	Form Name:	Applicable Rule(s):
Form 1	*Notice to Resolve a Family Law Matter*	Rule 10
Form 2	*Notice of Intention to Proceed*	Rules 15 and 42
Form 3	*Application About a Family Law Matter*	Rule 24
Form 4	*Financial Statement*	Rules 3, 25, 28 and 172
Form 5	*Guardianship Affidavit*	Rules 26, 51 and 172
Form 6	*Reply to an Application About a Family Law Matter*	Rule 28
Form 7	*Certificate of Service*	Rules 2, 27, 68, 77, 136 and 183
Form 8	*Reply to a Counter Application*	Rule 34
Form 9	*Application for Permission and Review of Family Justice Manager Order or Direction*	Rule 58
Form 10	*Application for Case Management Order*	Rules 54, 55, 64, 83 and 159
Form 11	*Application for Case Management Order Without Notice or Attendance*	Rules 65 and 78
Form 12	*Application About a Protection Order*	Rules 67, 68 and 172
Form 13	*Protection Order*	Rule 70
Form 14	*Order Terminating a Protection Order*	Rule 73
Form 15	*Application About Priority Parenting Matter*	Rule 76
Form 16	*Application for Order Prohibiting the Relocation of a Child*	Rule 80

Form Number:	Form Name:	Applicable Rule(s):
Form 17	*Application for a Family Law Matter Consent Order*	Rule 81
Form 18	*Consent Order*	Rules 81 and 83
Form 19	*Written Response to Application*	Rules 86, 137 and 142.1
Form 20	*Notice of Exemption from Parenting Education Program*	Rules 39, 40, 94, 100, 102 and 103
Form 21	*Referral Request*	Rules 39, 95 and 96
Form 22	*Trial Readiness Statement*	Rule 110
Form 23	*Subpoena to Witness*	Rule 118
Form 24	*Warrant for Arrest After Subpoena*	Rule 119
Form 25	*Release from Custody*	Rules 119, 141, 149 and 151
Form 26	*Request to File an Agreement*	Rule 132
Form 27	*Request to File a Determination of Parenting Coordinator*	Rule 133
Form 28	*Request to File an Order*	Rule 134
Form 29	*Application About Enforcement*	Rules 135 and 136
Form 30	*Application for Garnishment, Summons or Warrant*	Rule 140
Form 31	*Summons – General*	Rules 32, 140 and 148
Form 32	*Warrant for Arrest*	Rules 140, 141, 149 and 151
Form 33	*Summons to a Default Hearing*	Rule 140
Form 34	*Summons to a Committal Hearing*	Rule 140
Form 35	*Application for Order Under the Family Maintenance Enforcement Act*	Rule 142
Form 36	*Recognizance – Family Maintenance Enforcement Act*	Rule 142
Form 37	*Restraining Order – Family Maintenance Enforcement Act*	Rule 142
Form 38	*Order for Imprisonment*	Rule 150
Form 39	*Request for Scheduling*	Rule 156
Form 40	*Notice of Lawyer for Child*	Rule 162
Form 41	*Notice of Removal of Lawyer for Child*	Rule 162
Form 42	*Notice of Lawyer for Party*	Rule 163
Form 43	*Notice of Removal of Lawyer for Party*	Rule 163
Form 44	*Order – General*	Rule 168
Form 45	*Affidavit – General*	Rules 171 and 172
Form 46	*Notice of Address Change*	Rule 175
Form 47	*Notice by Advertisement*	Rule 182
Form 48	*Affidavit of Personal Service*	Rule 183
Form 49	*Affidavit of Personal Service of Protection Order*	Rule 183

Form Number:	Form Name:	Applicable Rule(s):
Form 50	*Notice of Discontinuance*	Rule 191
Form 51	*Electronic Filing Statement*	Rule 193
Form 52	*Fax Filing Cover Page – Provincial Court Family*	Rule 194

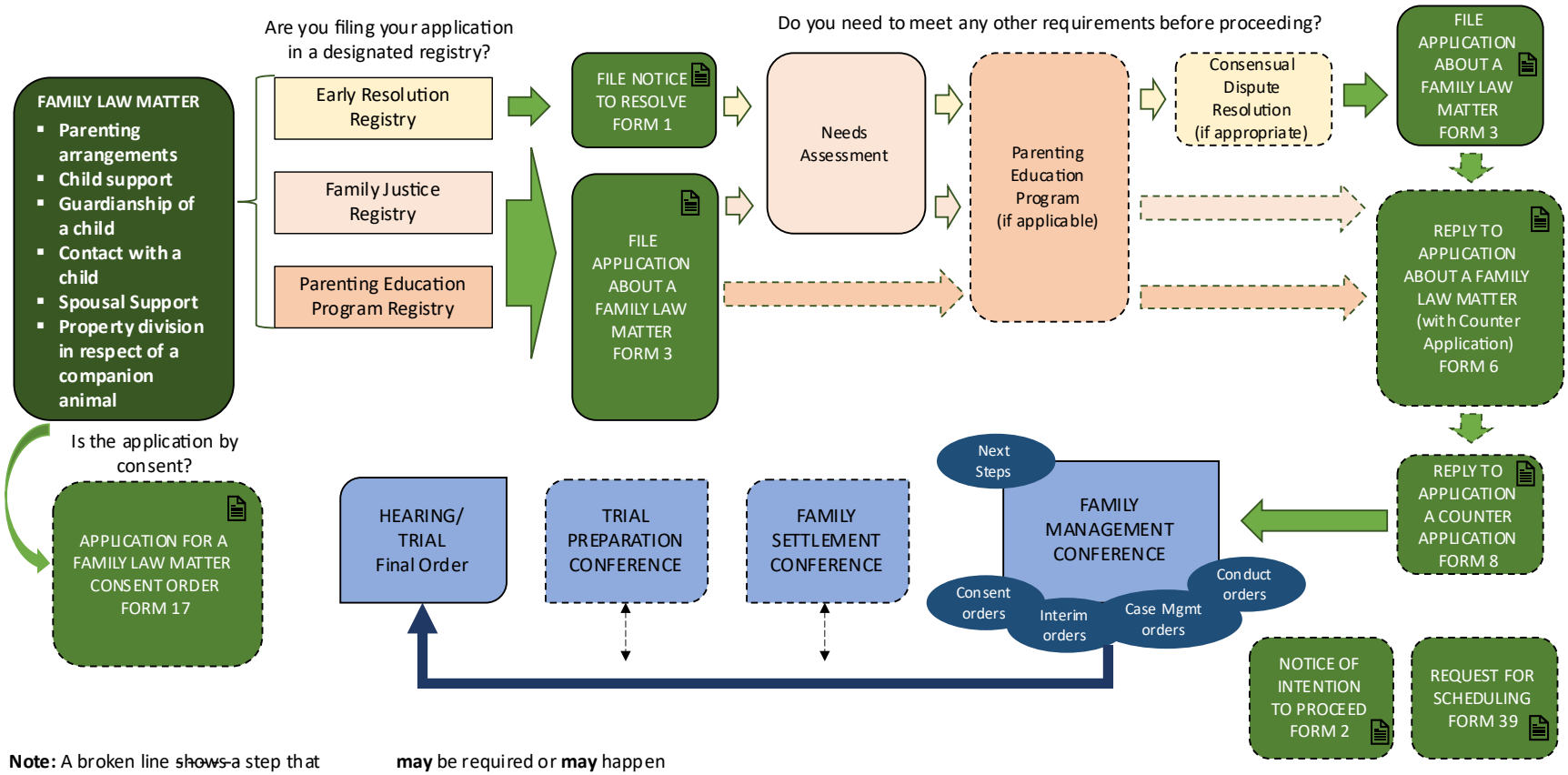
APPENDIX B – OVERVIEW: PROVINCIAL COURT FAMILY RULES



PROVINCIAL COURT FAMILY RULES | Designated Registries

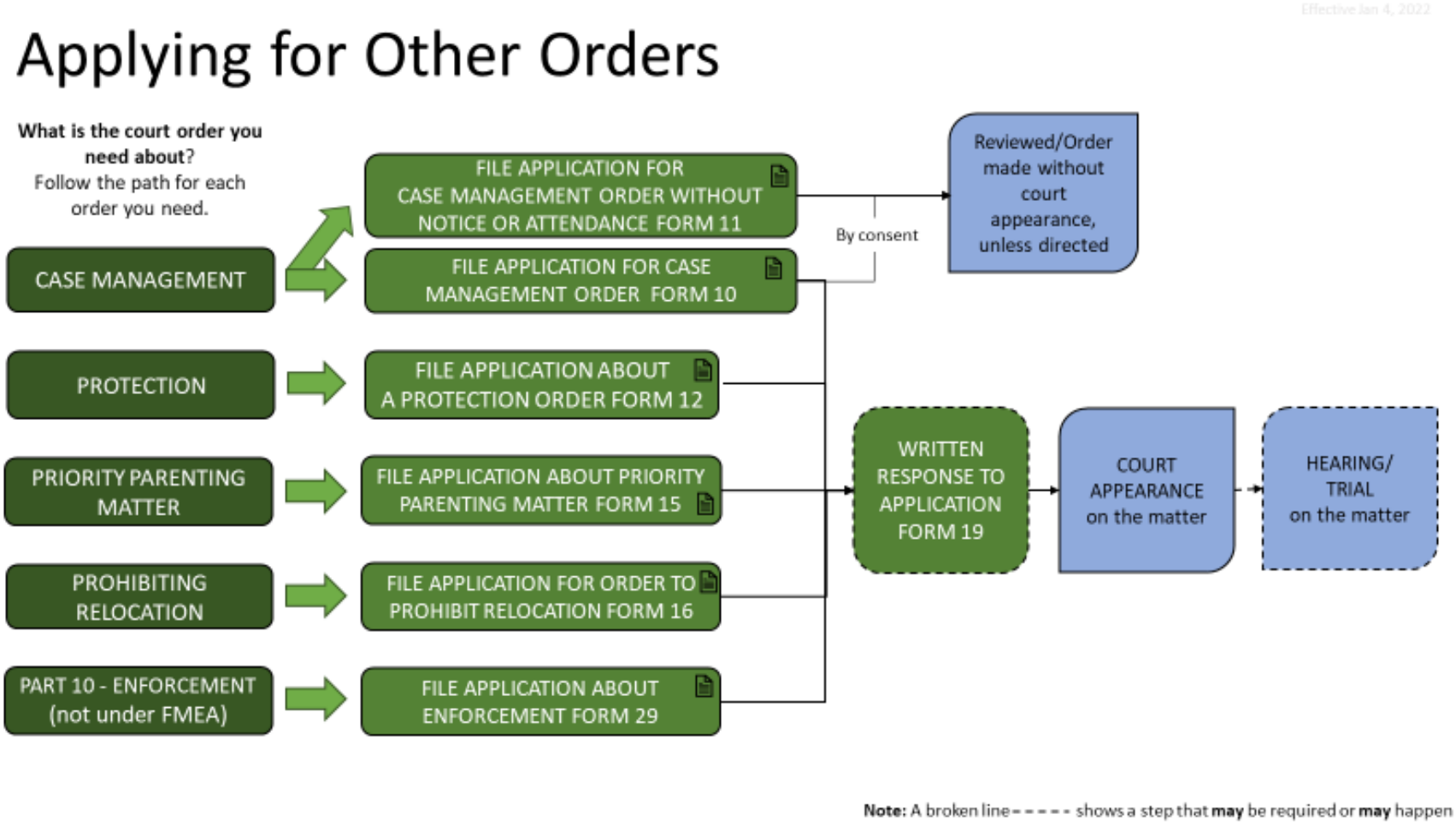
Part 2 Early Resolution Registry	Part 7 Parenting Education Program Registry
Abbotsford, Ahousaht, Bella Bella, Bella Coola, Campbell River, Castlegar, Chilliwack, Clearwater, Courtenay, Cranbrook, Creston, Duncan, Fernie, Golden, Gold River, Grand Forks, Invermere, Kamloops, Kelowna, Klemtu, Lillooet, Merritt, Nakusp, Nanaimo, Nelson, New Westminster, North Vancouver, Pemberton, Pentincton, Port Alberni, Port Coquitlam, Port Hardy, Powell River, Princeton, Revelstoke, Richmond, Rossland, Salmon Arm, Sechelt, Surrey, Tofino, Ucluelet, Vancouver (Robson Square), Vernon, Victoria, and Western Communities	All other court registries
Note: There are exceptions to the requirements set out in the Rules for specific circumstances or parties.	
Before filing an application or reply about a family law matter: • File a Notice to Resolve a Family Law Matter (one party) • Participate in a needs assessment • Complete a parenting education program • Participate in consensual dispute resolution if appropriate	**Before attending a family management conference on a family law matter:** • Complete a parenting education program • Voluntary participation in a needs assessment and consensual dispute resolution **Effective May 01, 2026**

Applying for Family Law Matters

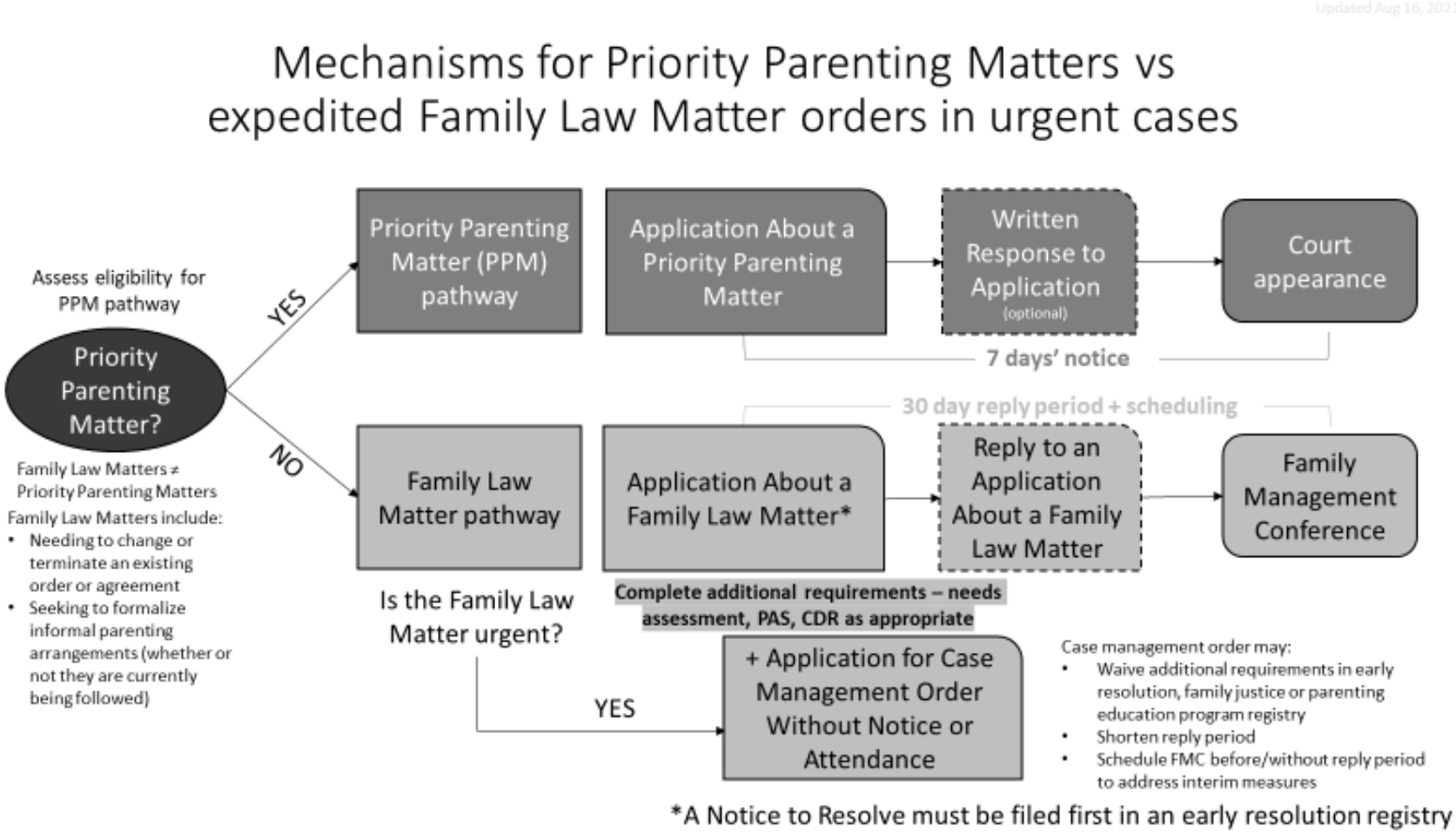


Note: A broken line ~~shows~~ a step that **may** be required or **may** happen

APPENDIX E – APPLYING FOR OTHER ORDERS



APPENDIX F – MECHANISMS FOR PRIORITY PARENTING MATTERS VS EXPEDITED FAMILY LAW MATTER ORDERS IN URGENT CASES



APPENDIX G – MECHANISM FOR EXPEDITED FLA ORDERS IN URGENT CFCSA/FLA CASES