Family Justice Services

Manual of Operations

©Family Justice Services Division
Justice Services Branch
Ministry of Justice

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1. Mission, Role, Principles and Standards

1.1 Mission Statement

The mission of Family Justice Services Division is to deliver services that promote the timely and just resolution of family disputes within a comprehensive family justice system.
1.2 Statement of Principles

The Family Justice Services Division:

1. Recognizes the best interests of the child as the only consideration in decisions respecting guardianship, parenting arrangements and contact with a child.

2. Recognizes the diversity of family structures and provides opportunities, when appropriate, to promote healthy family relationships after separation.

3. Supports the principle that families have the right to determine the resolution of their disputes, within the confines of the law.

4. Effectively assesses all clients for incidents of family violence and provides appropriate services based on that assessment, consistent with the Family Law Act and Violence Against Women in Relationships policy (VAWIR).

5. Gives priority for services to persons in greatest need.

6. Delivers service from facilities designed to respect the privacy and security of each family member.

7. Promotes and provides effective service delivery to families through:

   • An integrated family justice system;
   • Innovative dispute resolution services that are responsive to the needs of families;
   • Education and access to understandable legal and court services; and
   • Effective mechanisms for the enforcement of court orders.

8. Delivers service by staff who are knowledgeable about the dynamics of family disputes and child development.

9. Provides training and development for staff to promote excellence and professional integrity.
1.3  **Role of the Family Justice Counsellor**

1. The family justice counsellor provides short-term counselling, dispute resolution services, parent information sessions and court-ordered reports for families experiencing separation and divorce, consistent with the mission and principles of the Family Justice Services Division.

2. Family justice counsellors are appointed by the minister according to section 10(1) of the [Family Law Act](#).

3. Family justice counsellors are included in the definition of family dispute resolution professional in the Family Law Act.

4. Family justice counsellors prepare Section 211 Views of the Child and Section 211 Full reports pursuant to sections 10(3) and 211 of the Family Law Act.
1.4 **Standards**

1.4.1 **Client services**

Clients are advised that information and dispute resolution services are available through Family Justice Services to families experiencing separation and divorce for issues including:

- Guardianship;
- Parenting arrangements including parental responsibilities, parenting time and relocation;
- Contact including contact by non-guardian parents and also by non-parents (e.g. grandparents or other relatives) in situations where the parents are not an intact family; and
- Child and spousal support, including information and referrals to Family Maintenance Enforcement Program.

1.4.2 **Dispute resolution services**

1. Dispute resolution services recognize that the best interests of the child govern decisions respecting guardianship, parenting arrangements and contact with a child.

2. Family justice services are delivered in a manner that provides for the safety of clients and their children.

3. When family justice counsellors provide services pursuant to section 10(2) of the Family Law Act, confidentiality is maintained according to sections 11 and 12 of the Family Law Act.

4. Family justice counsellors fulfil the duties required of family dispute resolution professionals in the Family Law Act to:

   - Assess whether family violence is present. If it appears to be present, assess the safety of the party or their family member and the ability of the party to negotiate a fair agreement;

   - Discuss the advisability of using different types of family dispute resolution and inform the party about resources that may help to resolve the dispute; and
• Inform the party that agreements or orders concerning guardianship, parenting arrangements and contact with a child must be made only in the best interests of the child.

5. Family justice counsellors provide complaint process information to clients who have concerns about delivered services.

6. Family justice counsellors may attend court to provide dispute resolution services only with prior approval of their local manager.

7. Family justice counsellors collaborate with other agencies and assist with the development and implementation of protocols relevant to Family Justice Services Division.

1.4.3 **Section 211 Views of the Child and Full Reports**

1. A Section 211 Views of the Child report is completed within four weeks of assignment to a family justice counsellor and a Section 211 Full report is completed within eight weeks.

2. Family justice counsellors who have received approved report writer training by the Province of British Columbia prepare Section 211 reports.

3. Upon initial contact by the Section 211 report writer, clients are given information about how and to whom their concerns regarding the report should be directed.

4. Section 211 reports are impartial and any recommendations included in a report are based on the best interests of the children.

5. Section 211 reports are based on first-hand interviews and—when appropriate—observations of the interaction between clients and children.

6. Family justice counsellors review Section 211 reports with clients before the reports are submitted to court.

1.4.4 **Parent information sessions**

1. Family justice counsellors, when appropriate, promote Parenting After Separation (PAS) sessions and provide information about how to register for the sessions.

2. Family justice counsellors, as directed by the local manager, attend PAS sessions and make presentations on family justice services, the role of the family justice counsellor, and Child Support Guidelines.
1.4.5 **Definition of “client” and “clients”**

1. The titles “client” and “clients” are used throughout this manual to identify members of the public who are assisted by the Family Justice Services Division.

2. “Clients” may refer to people including but not limited to parents, step-parents, guardians, grandparents and other family members.

3. A client may be male or female, payor or recipient of support, applicant or respondent to a court application, and may refer to a person who is a client of another agency.
1.5 Service Options

1.5.1 Introduction

1. Family Justice Services Division provides services for families experiencing separation and divorce. The service options described in this section are brief service, brief counselling, and dispute resolution.

2. Any person may access brief service and brief counselling.

3. A client will only be referred to a family justice counsellor for an intake interview and potentially dispute resolution service if their issues fall within the division’s mandate and the client meets a priority for dispute resolution services (refer to section 3.4, Priority for Dispute Resolution Services).

1.5.2 Brief service

1. Brief service is a short conversation with a client, typically by telephone, to provide information or referral to another agency.

2. It is limited to one or two contacts that, on average, amount to 15 minutes of service.

3. This activity does not result in an application to court or intake for dispute resolution.

1.5.3 Brief counselling

1. Brief counselling is a conversation with a client—typically in person—to provide information or brief counselling that assists the client to deal more effectively with family issues.

2. This activity is generally a one-time intervention when clients do not require subsequent services and does not lead to dispute resolution.

3. Family justice counsellors may meet with the client on one or more occasion that, on average, totals one hour of service.

1.5.4 Dispute resolution

1. Dispute resolution involves family justice counsellors opening a FIS2 family record for mediation or shuttle mediation services that assist clients to reach a voluntary, mutually acceptable resolution of some or all of the issues.
2. Before undertaking dispute resolution, family justice counsellors screen for violence or other factors that might lead to an unfair agreement or create an unsafe environment.

3. Refer to chapter 4, Dispute Resolution.
2. Safety and Protection

2.1 Overview

2.1.1 Description

1. Family violence is addressed in the Family Law Act in provisions that support identifying and responding to violence. Family justice counsellors comply with the legal obligations set out in the act and observe the Ministry of Justice Violence against Women in Relationships policy (VAWIR), a comprehensive response by the justice system to the crime of violence within a relationship.

2. The Family Law Act broadly defines family violence to include:

   (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, 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.

3. VAWIR policy similarly defines violence against women in relationships and other terms that refer to family violence as:

   “physical or sexual assault, or the threat of physical or sexual assault against a current or former intimate partner whether or not they are legally married or living together at the time of the assault or threat. Domestic violence includes offences other than physical or sexual assault, such as criminal harassment, threatening, or mischief, where there is a
reasonable basis to conclude that the act was done to cause, or did in fact cause, fear, trauma, suffering or loss to the intimate partner.”

4. Like the treatment of family violence in the Family Law Act, VAWIR policy is intended not only to address violence against women in heterosexual relationships, but also applies when the victim is male or both partners are of the same gender.

5. Both the Family Law Act and VAWIR impose a legal obligation on family dispute resolution professionals, including family justice counsellors, to assess whether family violence may be present. When family violence is an issue, the family dispute resolution professional considers whether it threatens the safety of the client or a family member, or the ability of clients to negotiate a fair agreement. Family justice counsellors screen for violence and other power and control imbalances in every family case.

6. It is vital for family justice counsellors to identify family violence. This is not only to help ensure the safety of family members, but also because family violence violates the basic assumptions of mediation. Family violence requires special approaches and safeguards in the delivery of services to families.

7. Additional references to family violence in this manual include:
   • Section 1.2, Statement of Principles;
   • Section 1.4, Standards;
   • Section 2.1.4, Conflict between orders;
   • Section 4.1.4, Screen for violence;
   • Section 4.3, Assessment Form;
   • Section 6.2, Emergency Applications to Court; and
   • Chapter 7, Section 211 Views of the Child and Full Reports.

2.1.2 Goals of family justice counsellor

The family justice counsellor:

• Considers and promotes the safety and well-being of family members;

• Provides information to clients regarding safety plans, including protection orders, for all family members;
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- Educates families about the effects of violence on adults and children;
- Explains to clients how family violence is considered in the context of the best interests of the children;
- Refers family members to appropriate services;
- Assists families to develop parenting plans in an environment free from coercion and intimidation; and
- Refers persons seeking information, protection orders and other services related to family violence to a victim services agency, legal counsel, the police, and other resources if they do not fall within the division’s mandate. Refer to section 2.4.2, Protection orders.

### 2.1.3 Dynamics of family violence

1. Family justice counsellors have specialized knowledge about the dynamics of family violence and the effect on families and children. They:
   - Discuss the family’s situation, including the children’s experience of violence, their concerns and needs; and
   - When appropriate, assist with a referral to therapeutic programs and other community services.

2. Family justice counsellors are aware that people who experience family violence:
   - Often do not recognize that they have been living in an abusive situation;
   - May blame themselves and deny or minimize the realities; and
   - May need help in understanding the dynamics of violence, control and abuse in a relationship.

3. Family justice counsellors are sensitive to concerns in relation to safety and protection. Concerns or needs may arise from language or cultural differences, sexual orientation, disability, isolation and other factors.

4. Family justice counsellors seek information and, when needed, assistance to understand and respond to concerns and needs. Refer to section 4.1.7, Appropriateness of dispute resolution.
2.1.4 Conflict between orders

1. If there is a conflict or inconsistency between a Family Law Act order that is unrelated to protection and a protection order made under the Family Law Act or a similar order from another jurisdiction, or a protection order made under the Criminal Code, the conflicting terms of the non-protection order are suspended until the conflict has been removed or the protection order terminated. Family justice counsellors offer information and guidance. However, clients with questions about conflicting orders who need clarification may require referral to legal counsel, police, victim services, community corrections, or the courts.

2. When more than one protection order exists and terms of the orders conflict, family justice counsellors make the client aware of the priority of orders outlined in the Breach of Conditions section (pages 11-12) of the Violence Against Women in Relationships policy. An excerpt from this section states: “If the terms of an order under the Child, Family and Community Service Act or the Family Law Act (family court) conflict with those of a criminal court order, the more restrictive terms ... are paramount.”

3. If more than one protection order is in place, family justice counsellors do not determine for clients which order is in effect. Clients with questions about conflicting orders who need clarification are referred to legal counsel, police, victim services, community corrections, and the courts.

2.1.5 Interview with abusive client

When interviewing clients who may be abusive, family justice counsellors take steps to ensure their own safety.

2.1.6 Family justice centre escape and safety plan

Each family justice centre has a defined escape and safety plan to provide a safe environment for both clients and staff. Refer to Workers’ Compensation Board OHS policy.

2.1.7 Community co-ordination

Each local manager or designate participates in the local Violence Against Women in Relationships committee and other family violence community co-ordination efforts.
2.2 Screening and Assessing for Violence

2.2.1 Screening and assessing every case

1. As part of the initial needs determination, two questions that screen for history and immediate risk of family violence are asked of every client. Refer to section 3.3, Initial Needs Determination.

2. Prior to offering dispute resolution services, family justice counsellors contact clients separately, interview them individually, and assess for violence, power and control imbalances using the Family Justice Services Assessment form. Refer to section 4.3, Assessment Form.

3. To assess family dynamics, screening and assessment are essential in every case.

4. Family justice counsellors do not offer joint mediation if they determine on the basis of the assessment that it is inappropriate for the parties to attend a mediation session together (e.g. family violence is present or has recently occurred, or because there is a history of family violence accompanied by safety concerns and fear). In this case, the family justice counsellor may offer shuttle mediation if it is a suitable alternative that does not jeopardize the parties, their children and family members.

5. People express themselves in many ways, not just through words. Through their contact with families, family justice counsellors watch for verbal and non-verbal cues and body language that may indicate coercion, fear or intimidation.

6. When working by telephone, extra care is necessary because the family justice counsellor’s ability to observe is diminished.

7. When one of the clients lives outside British Columbia, family justice counsellors refer to section 4.1.3, Clients outside B.C.

2.2.2 Rationale for screening and assessing every case

1. As family dispute resolution professionals, family justice counsellors are obligated by the Family Law Act to assess whether family violence is present. If it appears that family violence is present, there is an obligation to assess the safety of the client and family members, and the client’s ability to negotiate a fair agreement.

2. Family justice counsellors must be aware of violence and power dynamics before they can determine what type of services are appropriate for a family. If one partner is negotiating under duress or intimidation, there can be no fair settlement.
3. Family violence is considered in the context of the best interests of the child, including whether family violence is directed toward the child or another family member and whether there is an impact of family violence on the child’s safety, security or well-being.

4. Because issues concerning guardianship, parenting arrangements and contact can exacerbate an already volatile situation, family justice counsellors who prepare Section 211 Views of the Child and Full reports must know whether family violence exists. This helps the court understand the capacity of each parent to care for the children and promote the safety of all family members. Refer to section 7.3.1, Inquiring about issues of family violence.

2.2.3 Procedures: Initial contact

1. Screening for violence is required during every initial contact with a client by asking the following questions:
   - Do you feel there is an immediate risk of violence in your family?
   - Has the other person ever caused you to be concerned for your own safety or your children’s safety?

2. These questions are asked during the initial needs determination (refer to section 3.3) or during the first interview with a Rule 5 client (refer to section 14.2.8, Screening for family violence).

2.2.4 Procedures: Intake interview

1. As described in section 4.3, Assessment Form, each client completes the Client Intake form and the Family Justice Services Assessment form (refer to appendices 1.16 and 1.19) prior to an intake interview with a family justice counsellor. The assessment form includes 10 questions that elicit information about the nature and extent of family violence. Other questions in the form are indirectly related to power and control dynamics.

2. The family justice counsellor follows up with additional probing questions if clients indicate in their responses that violence is currently an issue or has been an issue. Suggested probing questions are included in the Assessment Form Users' Guide.

2.2.5 Procedures: If violence is revealed

If a client reveals that violence is a factor in the relationship, family justice counsellors follow these procedures:
1. Assess whether there is an immediate risk of violence. If so, encourage the person to call the police. If he/she has not called the police or taken precautions, refer the person to resources for support.

2. If the client has been assaulted or threatened, encourage the client to report to police, receive medical treatment for injuries, and contact a community-based victim services program.

3. Ask if criminal or civil protection orders are in effect or being sought.

4. Explain criminal and civil provisions of the law regarding family violence.

5. Record safety concerns and ensure that individual intake interviews are scheduled and structured to provide safety.

6. Refer to section 2.4, Immediate Safety Concerns and section 6.2, Emergency Applications to Court.
2.3 **Children and Violence**

2.3.1 **Introduction**

1. Family justice counsellors consider whether there are historical or current family violence issues when assisting clients with parenting arrangements or contact.

2. Family justice counsellors explain to clients how the Family Law Act incorporates family violence in the best interests of the child test, and what factors a court must consider when family violence is an issue.

2.3.2 **Parenting time and contact**

When assisting parents with parenting time or contact, family justice counsellors:

1. Carefully structure arrangements between a child and parent to limit exposure to conflict between the parents and help ensure the safety of everyone concerned.

2. Identify supervised parenting time or supervised contact as an option when there is evidence of current or recent family violence or threat of violence.

3. Explain to clients that the focus of the Family Law Act is on the best interests of children and clients have a right to apply to the court for parenting time or contact.

4. When the victim or children are reluctant, family justice counsellors do not negotiate parenting time or contact with a person who has been violent. This applies especially in the weeks or months directly following the separation or an incident of family violence.

5. Inform the client of alternatives and the right to make an application to court when family justice counsellors become aware of the following:
   - History of violence or abusive behaviour;
   - Child is adamant in refusing to visit the abusive parent; or
   - Parent has threatened to harm or flee with the child or used the child to communicate threats to the other parent.
6. If a parent or guardian believes an existing agreement or order for parenting time or contact poses a danger to the child, family justice counsellors explain how to make an application to court to change the agreement or order. Family justice counsellors inform the parent or guardian that the Family Law Act recognizes denial of parenting time or contact is not wrongful in limited circumstances including when there is a reasonable belief that the child may suffer family violence if time with the child is exercised.

7. If the child needs protection, family justice counsellors report to the Ministry of Children and Family Development (MCFD) and document in FIS2. Refer to section 2.3.4, Child protection. Family justice counsellors consult with the local manager before disclosing information to MCFD. If the matter is urgent and the local manager is unavailable, the family justice counsellor makes the disclosure and advises the local manager as soon as possible.

### 2.3.3 Abducting or withholding a child

1. If child abduction is a concern, sections 282 and 283(1) of the Criminal Code regarding the role of the police in child abduction is explained to clients.

2. Family justice counsellors also explain the remedies available under sections 61 and 231 of the Family Law Act. Under section 61, when a guardian withholds a child and wrongfully denies parenting time or contact, the court may make a variety of orders including: the supervised transfer to the child from one party to another; that the guardian report to court; or that the guardian give security or pay a fine. If the court determines that a child has been wrongfully withheld, under s.231 the court may order a police officer to apprehend and take the child to the person entitled to parenting time or contact.

3. Refer to section 6.2, Emergency Applications to Court in this manual.

### 2.3.4 Child protection

1. If family justice counsellors have reason to believe that a child needs or is likely to need protection as described in section 13 or 14 of the Child, Family and Community Services Act, they report it to the Ministry of Children and Family Development (MCFD).

2. If the child is in immediate danger, family justice counsellors call the police and report the concern to MCFD.

3. The above sections apply to parents and/or spouses under the age of 19 years when family justice counsellors have reason to believe that the parent or spouse needs or is likely to need protection.
4. Family justice counsellors consult with the local manager before disclosing information to MCFD or police. If the matter is urgent and the local manager is unavailable, the family justice counsellor makes the disclosure and advises the local manager as soon as possible.
2.4 Immediate Safety Concerns

2.4.1 Criminal offences

1. If an alleged assault, threat, criminal harassment (stalking) or intimidation has occurred, it is essential to convey that everyone has a basic right not to be subjected to family violence and that these activities are criminal offences.

2. The client may be anxious or frightened and require help from a family justice counsellor to contact police, medical and community services.

3. The client is informed that the criminal justice system takes violence in families seriously. It is the responsibility of the police and Crown counsel, not the victim, to lay and pursue criminal charges.

4. The victim is referred to Crown counsel or Victim Services if there are questions about preserving evidence.

5. Family justice counsellors inform the victim of the right to lay a private information with a justice of the peace.

2.4.2 Protection orders

1. Family justice counsellors explain to clients that protection orders are available under the Family Law Act and may be applied for, regardless of whether there are criminal proceedings.

2. Family justice counsellors explain to clients that protection orders:
   - Are available if family violence is likely to occur;
   - May be applied for by any at-risk family member as defined in the Family Law Act;
   - May be applied for even if no other applications have been filed with the court;
   - May include provisions that restrain or limit the person from communicating with the family member, attending the family member’s home or another place, following the family member, prohibit possession of weapons, require the person to report to court, and other provisions necessary to protect the at-risk family member’s safety;
   - Expire one year after the date of the order, unless the order specifies otherwise; and
   - Are registered in the Protection Order Registry.
3. Protection orders may be applied for without notice. Refer to section 6.2, Emergency Applications to Court. If a protection order is made without notice, the party against whom it has been made may apply to have it set aside, changed or terminated.

4. Family justice counsellors explain to clients that protection orders made under the Family Law Act are enforced pursuant to the Criminal Code. If the term of a protection order is contravened, it will be addressed in the criminal justice system and may result in criminal charges and a criminal record.

5. Family justice counsellors may assist clients who fall within the mandate of the Family Justice Services Division to apply for a protection order. Refer to section 1.3, Role of the Family Justice Counsellor.

6. When people seeking a protection order are not eligible for other services available through the division, the family justice counsellor refers them to a victim services agency, legal counsel, the police, or other resource that will assist them with their application. However, if there is an immediate safety concern and assistance is not available through a referral, the family justice counsellor, in consultation with the local manager, may assist with an application for a protection order.

2.4.3 Disclosing immediate safety concerns

1. When there are immediate safety concerns, family justice counsellors make reasonable efforts to inform the person at risk and/or the police for the person’s protection.

2. These efforts to inform are recorded in the FIS2 family record. Refer to section 9.2.3, Documenting disclosure of client information.

2.4.4 Safety plan

1. When a client is currently at risk, family justice counsellors provide information and make a referral to a specialized victim services program if one is available.

2. When such services are not available, family justice counsellors assist the client to develop a safety plan. This assistance is noted in the FIS2 family record.

2.4.5 Limitations of legal process

1. Family justice counsellors explain to clients that starting legal action does not necessarily give protection.
2. Court procedures and possible outcomes are discussed so the client has a realistic understanding of timeframes and results.

### 2.4.6 Recording

1. Safety concerns are recorded fully in the FIS2 family record. Any staff person who comes in contact with the case will be aware of safety concerns.

2. Refer to section 10.1.7, Information about safety.
2.5 Dispute Resolution and Violence

2.5.1 Dispute resolution

1. As described in section 4.3, Assessment Form, all clients are asked to complete the Family Justice Services Assessment form (refer to appendix 1.16) before meeting with a family justice counsellor for an intake interview. One of the objectives of the form is to screen for family violence and level of conflict. Scoring the form can help the family justice counsellor to assess whether the client is a suitable candidate for mediation.

2. In cases when family violence has occurred and the client is requesting dispute resolution services, family justice counsellors:

   - Determine if the violence is recent or historical;
   - Recognize that over time, intimidation can reduce a person’s capacity to make independent decisions and recognize preferences and needs;
   - Consider whether shuttle mediation, participation of a support person, or using separate sessions (i.e. caucusing) may create a process that supports the clients to participate fully and voluntarily; and
   - Counsel the clients, using separate sessions when appropriate, to ensure each party is participating voluntarily and has the ability to negotiate a fair agreement.

3. If the family justice counsellor or either client believes that the process or decisions are not fully voluntary and fair, dispute resolution is terminated. Refer to section 4.1, Overview, and especially section 4.1.7, Appropriateness of dispute resolution.

4. If the family justice counsellor has concerns about whether to provide dispute resolution, the local manager must be consulted.

2.5.2 Violence or intimidation in dispute resolution

1. When family justice counsellors suspect—that intimidation or violence may be a factor in the relationship, or that coercion is being used to get one partner to agree to dispute resolution or an agreement, family justice counsellors:

   - Stop a joint session if one is in progress;
   - Interview each client separately, starting with the one who may be at risk;
• Explain the concern and focus on the safety of that client;
• Ask screening questions to reassess the nature and extent of violence in the relationship and whether there is an immediate risk to the client or children;
• Review the limits of confidentiality with the client; and
• Assess the appropriateness of continuing dispute resolution.

2. When interviewing the potentially abusive client, the family justice counsellor explains:
• The basis of concern about the couple’s capacity to negotiate fairly, particularly in joint sessions;
• Options for addressing relationship issues; and
• Safety of all family members is the primary concern.

3. If the abusive partner acknowledges the family violence, the family justice counsellor informs about community resources for abusive partners.

4. If the abusive partner does not acknowledge the violence, but the family justice counsellor is satisfied that it exists, the family justice counsellor informs the clients that dispute resolution cannot continue and court is an alternative.
3. Initial Intake and Determination of Service

3.1 Overview

1. Initial intake is the initial evaluation of client issues and needs and offering information and/or service alternatives. The process begins during the client’s first contact with the family justice centre and concludes with referral to a family justice counsellor for additional information or dispute resolution, or referral to other resources. The initial intake and determination of service is distinct from the assessment interview that includes a comprehensive assessment of the appropriateness of the clients and their issues for dispute resolution services (refer to section 4.4, Assessment Interviews).

2. The stages of initial intake are:
   - Client’s first contact with the family justice centre; and
   - Initial needs determination and referral to family justice services or other resources.

3. The policy and procedures in this chapter are based on the principles and standards that are the foundation for all family justice services, and reflect the six principles set out in the final report of the Intake Working Group, An Intake Model for Family Justice Services. These are:
   - Accessibility—clients connect quickly with a person who responds to their inquiry;
   - The client is in contact with a minimal number of staff during the intake process;
   - Skilled professionals conduct intake using available tools, in a courteous, empathetic manner;
   - Respectful of client autonomy;
   - Individualized and proportional response to meet client’s actual needs in fullest way possible; and
   - Promotes dispute resolution.
3.2 First Contact with Family Justice Centre

1. Each family justice centre has local office procedures for managing initial client contacts with the family justice centre. These procedures take into account the staff complement of the particular office. They include:

   - Answering telephone calls and retrieving voicemail messages including use of FIS2 task functionality;
   - Minimum standards for returning client calls;
   - Meeting with or assigning walk-in clients;
   - Sharing electronic calendars to schedule client appointments; and
   - Providing clients with direct telephone numbers.

2. Responses to inquiries and requests are made within one business day following the request or inquiry. This is a minimum standard of service. If the inquiry or request indicates family violence or safety concerns are present, an immediate referral is made to a family justice counsellor or local manager.

3. Additional details about the role of administrative support staff in this stage of the intake process are outlined in the Administrative Services Procedures Manual.
3.3 Initial Needs Determination

3.3.1 Description of initial needs determination

1. During the intake process, initial needs determination occurs when the family justice counsellor returns the first telephone inquiry from a client or meets with a drop-in client. An initial discussion with the client probes the reason for contacting the family justice centre and describes services and resources that might be helpful.

2. The initial needs determination is conducted by the Family Justice Services Division employee who responds to the client’s inquiry, either in person or by telephone. Each family justice centre is responsible for establishing a process to conduct the initial needs determination in a manner that best accommodates its staff configuration.

3. Details of each initial needs determination correspond to the individual needs presented by clients. The following basic elements are part of the initial needs determination with every client:

   • Review role and mandate of Family Justice Services Division;
   • Inquire about previous contact with a family justice centre and explain confidentiality;
   • Initial violence screen;
   • Identify client needs; and
   • Refer client to appropriate services.

3.3.2 Initial needs determination documentation

1. The Client Intake form (refer to appendix 1.19) is the document that guides the initial needs determination. Questions in bold type are asked of every client during the initial needs determination, and responses are recorded in FIS2 as described in chapter 10, Administration. Local office procedures establish how responses are recorded on the Client Intake form, and how the paper copy of the form is filed and stored.

2. The Initial Needs Determination Checklist (refer to appendix 1.20) may be completed to ensure that all aspects of the initial needs determination are completed. Local office procedures establish how the checklist is used within the initial needs determination process, and how completed checklists are filed and stored.
3. The Initial Needs Determination Interview Guide (refer to appendix 1.21) may be consulted during the initial needs determination process. The guide provides a one-page overview of the process, a series of questions, and referral resources pertaining to each of the issues categories with which family justice counsellors directly assist. The guide identifies common issues that are outside the scope of service.

### 3.3.3 Review role and scope of service

1. The role and mandate of Family Justice Services Division (refer to section 1.3, Role of the Family Justice Counsellor) are briefly explained to the client. Early in the conversation, family justice counsellors clarify whether the issues of a client appear to be within the scope of service.

2. Clients are advised that information and dispute resolution services are available through Family Justice Services Division to families experiencing separation and divorce. These services cover the following issues:
   - Guardianship;
   - Parenting arrangements including parental responsibilities, parenting time and relocation;
   - Contact including contact by non-guardian parents and non-parents (e.g. grandparents or other relatives) when the parents are not part of the family; and
   - Support, including calculating and varying child support amounts, child support issues related to step-parents and children over the age of 19, special expenses, spousal support, and information and referrals to the Family Maintenance Enforcement Program.

3. Clients seeking assistance with adoption or written agreements establishing parentage in situations involving assisted reproduction are referred to legal counsel. If there is a breakdown in the family relationship after the child is born, family justice counsellors may provide information and dispute resolution services as described above.

4. Clients whose issues are out of scope may be referred to appropriate resources (refer to page 2 of the Initial Needs Determination Interview Guide, appendix 1.21).

### 3.3.4 Previous contact and confidentiality

1. The client is asked about previous contact with a family justice centre. A check is done on FIS2.
2. The division’s confidentiality policy is briefly explained. The client is advised that all information obtained while providing services, except for information about child protection matters or risk of serious harm, is confidential. The information cannot be disclosed unless specific exceptions apply that are provided for in the Family Law Act. For additional details, refer to chapter 9, Confidentiality.

### 3.3.5 Screen for family violence

1. As part of the division’s broader policy on family violence (refer to chapter 2, Safety and Protection), clients are asked the following two questions during every initial needs determination:
   - Do you feel there is an immediate risk of violence in your family?
   - Has the other person ever caused you to be concerned for your own safety or your children’s safety?

2. Client responses to family violence screening questions are recorded in FIS2.

3. If the client answers either of the family violence screening questions affirmatively, probing questions are asked to determine whether the client needs support with safety planning or an application for a protection order. Clients requiring immediate assistance with safety planning and protection orders are referred to duty counsel or a family justice counsellor.

### 3.3.6 Determine client needs

1. The needs of the client are determined through questions intended to guide the conversation. These questions ensure that information needed to make an effective referral is obtained.

2. The Initial Needs Determination Interview Guide (refer to appendix 1.21) suggests a list of questions categorized by issue type.

### 3.3.7 Service referrals

1. After the client’s needs have been determined, the client is referred to appropriate resources. If the client requires more information or dispute resolution services for an issue that falls within the division’s scope of service (refer to section 3.3.3), the client may be referred to a:
- Family justice counsellor for an assessment interview (refer to section 4.4, Assessment Interviews); or
- Child support officer if support is the only issue.

2. If the client is seeking assistance with issues that are outside the scope of service, they are referred to another resource or service agency that meets their needs. The Initial Needs Determination Interview Guide (refer to appendix 1.21) lists common inquiries for assistance outside the division’s service parameters. The guide also suggests potential referral resources.

3.3.8 Conclude initial needs determination

1. The initial needs determination is concluded when information is provided to the client and appropriate referrals are made.

2. The initial needs determination is documented in FIS2 as a brief service or brief counselling, as described in section 10.1.4, Brief service/brief counselling service. Additional pertinent information obtained during the initial needs determination is entered in FIS2.

3. If the Initial Needs Determination Checklist is used to ensure that all aspects of the initial needs determination process are completed, the checklist is used according to local office practice.

3.3.9 Returning clients

1. Clients who request subsequent service more than six months after their DR service in FIS2 is complete typically undergo full initial intake and needs determination. This may vary slightly depending on local office procedures.

2. Subject to availability and workload, clients are assigned to the same family justice counsellor for both the initial needs determination and dispute resolution services when they return within six months of their DR service being completed. If they return more than six months after the DR service was completed, reassignment depends on local office procedures. Family justice counsellors discuss with the local manager if they believe it is inappropriate or unproductive for clients to be reassigned to them.

3. When clients return for service a short time after their file is closed (i.e. within six months) and they are reassigned to their previous family justice counsellor, a modified initial needs assessment may be conducted to determine changes in their situation since the last service.
3.3.10 Length of service

1. Family justice counsellors explain to the client the expectation that dispute resolution is a time-limited service.

2. A DR service remains open for three months.

3. A family justice counsellor may extend a dispute resolution for another 30 days to complete the service, upon consultation with their local manager. The reasons for extending the service must be documented in the FIS2 family record.

4. Services should not be provided for more than six months for one client family, excluding exceptional client circumstances with the approval of the local manager.

3.3.11 Location

1. Clients requesting the services of a family justice counsellor may attend the family justice centre most convenient to them.

2. Clients must not be restricted to using the family justice centre where they live, where they previously attended, or where a court file is located.

3. During the initial interview, family justice counsellors discuss with clients how services may best be provided when clients live in different locations or wish to attend different family justice centres.
3.4 **Priority for Dispute Resolution Services**

3.4.1 **Focus on persons of modest means**

1. The Family Justice Services Division focuses on providing assistance to persons of modest means.

2. This section outlines the priority of service for delivering dispute resolution to family justice centre clients.

3.4.2 **Income and inaccurate income information**

1. Family justice counsellors ask for estimated personal income information from the person initiating a request for service during the initial needs determination.

2. No substantiating documentation of income is required to determine priority for intake.

3. If it becomes evident while providing dispute resolution that the client who requested service reported inaccurate income and was not eligible for priority service, the family justice counsellor may refer the client to another service instead of proceeding with dispute resolution. The inaccuracy must be noted in the file.

4. If the person returns for service at a later time, the discrepancy may be discussed and the person asked to provide proof of income before receiving priority service.

3.4.3 **First priority**

1. Clients who meet all criteria for eligibility for family legal aid and are formally referred by a legal aid office.

2. Clients who are enrolled in and referred by the Family Maintenance Program to family justice counsellors to resolve issues related to guardianship, parenting arrangements, and contact.

3.4.4 **Second priority**

Clients who are financially eligible for family legal aid, but do not qualify for coverage of issues requiring resolution.
3.4.5 Third priority

1. Clients who are not eligible for legal aid but are of modest means according to the following income amounts:

<table>
<thead>
<tr>
<th>Number of Family Members*</th>
<th>Annual Net Income**</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 or fewer</td>
<td>$37,000</td>
</tr>
<tr>
<td>5</td>
<td>$42,000</td>
</tr>
<tr>
<td>6</td>
<td>$47,000</td>
</tr>
<tr>
<td>7 or more</td>
<td>$51,000</td>
</tr>
</tbody>
</table>

* “Family Members” include a parent or person looking after the children and children who live with that person.

** “Income” is the person’s net annual income from all sources, not including income of a new spouse.

2. The amounts are adapted from Statistics Canada’s 2012 data on low income after tax cut-offs in urban and rural communities. Amounts have been rounded off to simplify their application.

3.4.6 Fourth priority

Clients who do not fit in one of the first three priority categories but who make an “urgent need” request (refer to section 3.5.2 for definition of “urgent need”) for services from the family justice centre.
3.5 Fourth Priority Exceptions

3.5.1 Introduction

The procedures in this section apply to people who request family justice counsellor services according to the fourth priority and are not receiving services from the family justice centre.

3.5.2 Urgent need requests

Family justice counsellors assess that the client does not have a lawyer and has an “urgent need” according to one of the following circumstances:

1. Threat of abduction of a child.

2. Need for information and assistance with respect to the safety of a child or the child’s parent.

3. Need for assistance with guardianship, parenting time or contact because parenting time or contact has been repeatedly denied.

4. Need for assistance to obtain or change an existing order respecting guardianship, parenting arrangements or contact because there is a risk of harm to a child.

5. Need to have child support established and no appropriate alternate service is available.

6. The client’s need for services cannot be met by other resources.

3.5.3 Consult local manager

1. Family justice counsellors consult their local manager before higher priority service is provided.

2. If the local manager is unavailable, higher priority service may be provided and the local manager advised as soon as possible.
3.6 Referrals Related to the Family Maintenance Program

3.6.1 Referrals from Family Maintenance Program

Upon receipt of a referral from the Family Maintenance Program (FMP) and with the consent of clients, family justice counsellors work with FMP staff to ensure that family issues concerning guardianship, parenting arrangements and support are resolved in a co-ordinated manner.

3.6.2 Referrals to Ministry of Social Development

1. When family justice counsellors become aware that a client entitled to child or spousal support is receiving B.C. employment and assistance or planning to apply for such assistance, they inform the client about the Employment and Assistance Act requirement that family maintenance rights are assigned to government as a condition of eligibility to receive income assistance.

2. Family justice counsellors refer clients to their employment and assistance worker or family maintenance worker, Ministry of Social Development and Social Innovation, regarding child support issues.
3.7 Other Initial Contact Issues

3.7.1 Interpreters

1. When a language barrier exists, family justice counsellors assist clients to obtain the services of an interpreter through a local interpretation or multicultural agency.

2. Family justice counsellors consult local family justice centre policy about obtaining interpreters.

3. If no service is available in the community, a friend or relative may interpret.

4. Minor children under the age of 19 cannot be used as interpreters.

3.7.2 Initial email contact

1. If a person obtains a family justice counsellor’s email address and uses it to make a preliminary inquiry or request for service prior to initial contact, the family justice counsellor responds within one business day.

2. Family justice counsellors send an email response referring the person to the main family justice centre phone number and the JusticeBC Web Site (Family Justice): www.justicebc.ca/en/fam/.

3. If the person contacts the family justice centre, staff follow the initial needs determination process outlined in this chapter, Initial Intake and Determination of Service.

3.7.3 Client comments

1. Client comment cards are available in every Family Justice Services office where services are provided.

2. Clients do not have to identify themselves on the comment card.

3. Client cards are reviewed by the local manager and divulged to family justice centre staff, when appropriate. Refer to appendix 3.3, Client Comment Card.
4. Dispute Resolution

4.1 Overview

4.1.1 Description

1. Family dispute resolution means a process used by parties to a family law dispute to attempt to resolve one or more of their disputed issues outside court. There are different types of family dispute resolution, including the service provided by Family Justice Services Division, and services provided by other professionals such as parenting coordinators, private mediators, arbitrators and collaborative family lawyers.

2. Providing family dispute resolution services is the mission of Family Justice Services Division and the core of services provided by the division. Refer to chapter 1, Mission, Role, Principles and Standards.

3. This chapter is divided into the following:
   - 4.1, Overview;
   - 4.2, Issues in Dispute Resolution;
   - 4.3, Assessment Form;
   - 4.4, Assessment Interviews;
   - 4.5, Initial Contact with the Other Client;
   - 4.6, Agreement to Mediate (ATM) Form;
   - 4.7, Mediation and Shuttle Mediation; and
   - 4.8, Finalizing Agreements.

4. The division’s statement of principles and standards are central to the practice of dispute resolution. Refer to sections 1.2 and 1.4.

4.1.2 Dispute resolution mandate

1. Family justice counsellors provide family dispute resolution services to assist in the resolution of guardianship, parenting arrangements, contact and support issues following
separation. Dispute resolution services are not available to intact families. Refer to section 3.3.3, Review role and scope of service.

2. When parentage is disputed, family justice counsellors provide information about services to determine the parentage of the child. They refer clients to legal advice if parentage is disputed due to assisted reproduction. Clients need to assure family justice counsellors that any disputes concerning parentage are resolved before dispute resolution services proceed.

3. Family justice counsellors help clients focus on the needs and best interests of the children.

4. When appropriate, family justice counsellors offer assistance to help families deal with feelings of grief and loss, as well as their immediate physical and financial situation. Assistance may include making referrals.

4.1.3 Clients outside B.C.

1. When one of the clients lives outside British Columbia, family justice counsellors:
   - Describe Supreme Court and provincial court options, reciprocal enforcement and the Interjurisdictional Support Orders Act. Refer to section 6.1.4, Reciprocal matters—family justice counsellor role; and
   - Help clients resolve the issues when the children are habitually resident in British Columbia and dispute resolution is appropriate. When dispute resolution is appropriate, family justice counsellors assist parties with written agreements and consent orders.

4.1.4 Screen for violence

1. Initial screening for violence or safety concerns is completed during initial needs determination. Refer to chapter 3, Initial Intake and Determination of Service.

2. Prior to offering dispute resolution, family justice counsellors contact and interview clients separately. They screen for violence and other power and control imbalances using the assessment form. This step is essential in every case to assess the dynamics operating in the family and the parents’ capacity to reach a fair and voluntary agreement.

3. Prior to meeting with a family justice counsellor for an assessment interview (refer to section 4.4, Assessment Interviews), each client is asked to complete the Family Justice Services Assessment form. The family justice counsellor reviews the assessment form
with the client during the initial intake interview and asks additional probing questions if it appears that family violence is an issue. Refer to section 4.3, Assessment Form.

4. Observation for signs of intimidation and violence continue throughout shuttle mediation and mediation.

5. In shuttle mediation by telephone, extra care is necessary because the family justice counsellor’s ability to observe non-verbal behaviour is diminished.

6. If violence is indicated, the clients must be seen in person to assess the situation. Refer to chapter 2, Safety and Protection.

4.1.5 Geographic distance

1. When clients are separated by distance, they are encouraged to attend the nearest family justice centre.

2. When this is not possible, dispute resolution may be conducted by telephone, using shuttle mediation only.

4.1.6 Special concerns

Family justice counsellors:

1. Are sensitive at all times to special concerns and needs that may arise from language or cultural differences, sexual orientation, disability, isolation, and other factors.

2. Seek information and, when needed, provide assistance to understand and respond to special concerns and needs.

4.1.7 Appropriateness of dispute resolution

1. It is appropriate to initiate dispute resolution if both clients can commit themselves to the process without coercion and co-operate to equitably settle the issues.

2. Dispute resolution is not offered when a client presents any of the following factors and the family justice counsellor assesses there is a reasonable likelihood that it will adversely affect the clients’ ability to negotiate a fair agreement:

   • Power imbalance;

   • Safety issues related to family violence; and
3. A parent and a third party who is not a parent (e.g. a grandparent) may request dispute resolution services concerning guardianship and parenting arrangements in situations where the other parent is claimed to be dead or unknown. Family justice counsellors may provide information, including information about court processes, however providing dispute resolution for the purpose of the third party obtaining guardianship will only be appropriate if the family justice counsellor is provided with a:

- Death certificate confirming the other parent is deceased; or
- Court order exempting the parent and third party from serving the other parent with notice of the s.51(2) guardianship application.

### 4.1.8 Impartiality

1. Family justice counsellors understand the importance of demonstrating impartiality in all aspects of dispute resolution.

2. If a client expresses a concern of bias, family justice counsellors address the issue with the client to resolve the concern.

3. If the concern is not resolved, the client is referred to the local manager. Refer to section 11.1, Complaints Management Principles for a list of principles to be followed when addressing a client’s concerns or formal complaint.

### 4.1.9 Child protection

1. Family justice counsellors explain to clients that their responsibility to report child protection concerns takes precedence over client/family justice counsellor confidentiality. Refer to section 9.2.2, Exceptions to confidentiality.

2. Family justice counsellors have neither the responsibility nor the training to investigate whether a child needs protection.

3. After reporting child protection concerns to the Ministry of Children and Family Development (MCFD), family justice counsellors provide dispute resolution services only when they—in consultation with the local manager—believe this is appropriate and the social worker informs the family justice counsellor that dispute resolution services will not conflict with MCFD’s involvement with the family.

4. The social worker’s advice is recorded on the case file.
4.1.10 Protection orders

1. If a civil or criminal protection order states that the clients are to have no direct or indirect contact, family justice counsellors may provide information to both clients. When there is a protection order that prohibits contact, the family justice counsellor may not contact the other party to see if they are interested in DR services (refer to section 4.5, Initial Contact with the Other Client).

2. Family justice counsellors may inform clients that the protection order might be amended to allow for contact through a third party.

3. Family justice counsellors may provide dispute resolution services if all of the following three points are met:
   - Protection order allows contact through a third party or family justice counsellor;
   - Person protected by the order voluntarily requests or agrees to dispute resolution. Refer to chapter 2, Safety and Protection; and
   - Dispute resolution is appropriate and can be provided in a safe environment.

4. To protect clients’ safety, clients may not participate in an in-person joint session when there is a protection order.

5. If agreement is reached, family justice counsellors remind clients that the protection order remains in effect.

6. If an agreement is reached regarding guardianship, parenting arrangements, or contact, family justice counsellors do not prepare section 219 consent orders or written agreements.

7. When clients have lawyers, the terms of the agreement may be documented in a memorandum of understanding (refer to appendix 1.11) for their lawyers.

8. Family justice counsellors interview each client individually after a possible agreement is reached. The purpose is to examine the implications of the proposed agreement before completing a memorandum of understanding.

9. If clients wish to apply to court for an order, the family justice counsellor informs them that they must note in the application that a protection order exists and that a court appearance is required.

10. If there is an agreement about stand-alone child support matters, it may be documented in a memorandum of understanding, a section 219 consent order or a written agreement.
4.1.11 Conduct orders

1. If a conduct order has been made pursuant to the Family Law Act concerning one or both clients, family justice counsellors provide dispute resolution services in a manner that complies with the terms of the order.

2. If the conduct order compels the parties to attend mediation, dispute resolution services are delivered according to Family Justice Services Division policies and procedures. Notwithstanding the conduct order, it is the role of family justice counsellors to assess whether mediation is appropriate, taking into consideration the initial intake and determination of service, the results of the assessment form, and the assessment interview.

3. If the conduct order prohibits communication between the parties or interferes with the dispute resolution process, the family justice counsellor may inform clients of the possibility of amending the conduct order.

4.1.12 Referral to other services

1. When another agency or service is qualified and available to assist family members, family justice counsellors offer to make a referral. Family justice counsellors need to be familiar with available resources.

2. Family justice counsellors inform clients that the Family Justice Services Division does not monitor the quality of these services.

3. Clients with children are referred to the in-person Parenting After Separation Program. If the program is not available in the clients’ communities, a referral is made to the Online Parenting After Separation program. Refer to section 8.2, Parenting After Separation Program.

4.1.13 Interaction with parenting co-ordinators

1. Family justice counsellors may provide clients with information about parenting co-ordination and refer clients who are interested to the BC Parenting Co-ordination Roster Society (www.bcparentingcoordinators.com).

2. If the court orders the clients to use a parenting co-ordinator, family justice counsellors do not assist with matters that may be subject to a determination by the parenting co-ordinator, until the order is no longer in effect.

3. If clients engage a parenting co-ordinator by agreement, rather than court order, family justice counsellors do not assist with matters that may be subject to a determination by the parenting co-ordinator, until the parenting co-ordination agreement is no longer in effect.
4. If the clients have a written agreement that states they will use a parenting co-ordinator to resolve disputes and they wish to engage in dispute resolution without a parenting co-ordinator, family justice counsellors may assist. A resulting amendment to the agreement or new agreement includes an acknowledgment that the clients agree to the amendment or new agreement without the services of a parenting co-ordinator. Refer to template clauses in appendix 1.12.

4.1.14 Referrals to family arbitrators

Family justice counsellors may provide clients with information about family arbitration. They refer clients who are interested to the British Columbia Arbitration and Mediation Institute (www.bcami.com).

4.1.15 Referrals to non-government family mediators

1. Clients may only be referred to:
   - Mediators who are members of Mediate BC’s family roster (www.mediatebc.com); and
   - Family Mediation Canada certified mediators (www.fmc.ca).

2. These referrals may be made either by directing the client to the websites of these organizations or by providing up-to-date hard copy handouts of the websites.

3. Other than family mediators referred to in section 4.1.15(1), clients are not referred to family mediators by individual or organizational name.

4. When making a referral and discussing with clients how they may assess alternative family mediator resources, each client is provided with a copy of the information sheet: Choosing a Family Mediator. Refer to appendix 1.1, Choosing a Family Mediator.

4.1.16 Choosing court action

1. If, during dispute resolution, one or both clients pursue resolution of the dispute outside the mediation process, family justice counsellors review other out-of-court dispute resolution options. These options include collaborative family law, parenting co-ordination, and family arbitration.

2. If one or both clients pursue dispute resolution in court, family justice counsellors provide information and an overview of the court process. If the clients are proceeding in Supreme
Court, the family justice counsellor provides information about the Notice to Mediate (Family) Regulation.

3. When applicable, family justice counsellors may assist with an application to provincial court and refer clients to legal resources.

4.1.17 Length of service

1. Family justice counsellors explain to the client the expectation that dispute resolution is a time-limited service.

2. A DR service remains open for three months.

3. A family justice counsellor may extend a dispute resolution for another 30 days to complete the service, upon consultation with their local manager. The reasons for extending the service must be documented in the FIS2 family record.

4. Services should not be provided for more than six months for one client family, excluding exceptional client circumstances with the approval of the local manager.

4.1.18 Terminating service

1. Family justice counsellors may terminate service if they believe:
   
   • Their work with the family is having no positive effect;
   
   • One or both of the parties is not providing full and true information (i.e. is withholding information or is knowingly providing false information);
   
   • The proposed agreement would jeopardize the safety or well-being of children or one of the clients; or
   
   • One or both clients are verbally abusive or threatening to the family justice counsellor or another staff person.

2. The family justice counsellor discusses the case with the local manager preferably before terminating service, or as soon as possible.

3. Reasons for terminating the service are explained to the clients and documented on the FIS2 family record.

4. Clients are advised about other resources.
4.1.19 Accessing Court Services Online

1. Court Services Online is an electronic centralized database operated by the Court Services Branch. It supports civil case management and includes case tracking of record information for all Provincial and Supreme Court family court files. Court Services Online offers users online search and access to Provincial and Supreme Court family case information from all court registries in the province.

2. Pursuant to the Court Services Online eDocuments Electronic Access Agreement between the Family Justice Services Division and Court Services Branch, family justice counsellors have read-only access to Court Services Online. This enables them to view the electronic court record, but not to modify or delete the court record information as it exists in Court Services Online. Access is restricted specifically to family justice counsellors.

3. Access is limited to Supreme Court and Provincial Court records pertaining to the Family Law Act, Family Maintenance and Enforcement Act, and Interjurisdictional Support Orders Act. Family justice counsellors do not have access to Supreme Court records in which there is a claim pursuant to the Divorce Act, even if there is also a claim or order made pursuant to one of the acts for which access has been granted.

4. Family justice counsellors are authorized to access court record information in Court Services Online when the following conditions are met:
   - A party to the court record provides written approval by signing the Consent to Access Court Services Online form (refer to appendix 1.18); and
   - The information will be used for a legitimate employment-related purpose.

5. Pursuant to the Court Services Online eDocuments Electronic Access Agreement, the Family Justice Services Division conducts regular audits to ensure compliance with the terms of the agreement. The process set out in the accompanying Compliance Audit Protocol is followed.

6. Information accessed through Court Services Online by a family justice counsellor is subject to confidentiality provisions set out in chapter 9, Confidentiality. As described in section 9.2.2, Exceptions to confidentiality, copies of court documents to which a client is a party may be disclosed to the client. This includes information that the family justice counsellor may have accessed through Court Services Online.

7. For details concerning this policy, refer to the Court Services Online Practice Guidelines.

4.1.20 Email communication

1. Family justice counsellors may use email with clients for the following limited purposes:
• Make initial contact with a second client for the purpose of inviting them to participate in a dispute resolution process if neither a mailing address or telephone number are available;

• Communicate messages regarding administrative issues such as appointment dates/times and confirming contact information; and

• Forward documents to clients that would otherwise have been sent by regular mail.

2. Before using email with a client for administrative purposes or sending documents, family justice counsellors review Family Justice Services Division (FJSD) email policy with the client, including the following points:

• Email may be used for administrative purposes and exchanging documents that would have been sent by mail;

• Documents sent to clients are for review. Revisions are done by the family justice counsellor and a final copy is forwarded to the client for signature;

• Email cannot be used for negotiation purposes; and

• FJSD cannot guarantee the privacy of emails or attachments. It is not responsible for loss or damage resulting from unauthorized access.

3. Family justice counsellors document in the FIS2 family record that the client consents to use of email.

4. Family justice counsellors only email clients documents that would otherwise have been sent by regular mail. A list of approved documents is appended to the Practice Guidelines – Distributing Documents to Clients by Email.

5. Family justice counsellors may not ask other staff to email clients on their behalf.

6. There must be a record of any email that is sent to a client. The date and content of the email is copied and pasted into the FIS2 family record and/or the email is printed and saved in the physical family file. A notation is made in the FIS2 family record indicating the date and subject matter of the email.

7. Draft documents are stamped or watermarked “DRAFT” on each page. All documents that require signatures (including draft versions) are printed, scanned on the multifunction device, and saved as PDF files. These PDF files are attached to an email. This procedure prevents the file from being edited by the recipient.

8. Family justice counsellors may not negotiate, engage in email conversations, or provide dispute resolution by email. This restriction is required, because the ability to observe
signs of violence and other power and control imbalances is diminished in the absence of oral or visual cues (refer to section 4.1.4, Screen for violence).

9. Family justice counsellors withdraw email services for clients who refuse to abide by the email policy.

10. For additional details concerning this policy, refer to the Practice Guidelines – Distributing Documents to Clients by Email, located in the Policies and Reports section of the FJSD intranet website.
4.2 Issues in Dispute Resolution

4.2.1 Guardianship (revised: Dec-15)

1. The Family Law Act permits parents who are not a child’s guardian, because they have never lived with or regularly cared for the child, to become a guardian by making an agreement with all of the child’s guardians. Family justice counsellors may provide dispute resolution services in these circumstances and document the outcome in a written agreement.

2. The Family Law Act requires a non-parent who is seeking to formalize guardianship of a child to apply for a court order.

3. Parents and non-parents seeking a court order appointing them as a child’s guardian, by consent or otherwise, must comply with the requirements of the Family Law Act section 51(2), the Family Law Act Regulation and the court rules. Family justice counsellors offer general information about the forms and process, including referring clients to online resources. When clients are eligible for family justice services, family justice counsellors offer dispute resolution services and provide assistance with court documents, including consent order packages. For further details about assisting clients with s.51(2) guardianship applications refer to section 6.1.12, Application for order appointing a guardian.

4. Family justice counsellors inform clients that parents who are not already a child’s guardian as a result of having lived with or regularly cared for the child may enter into an agreement for guardianship rather than being appointed a guardian by court order.

5. Clients are not eligible for dispute resolution services in cases where a non-parent is seeking to formalize guardianship of a child who is 12 years of age or older. In these cases:
   - Clients are informed of section 51(2) of the Family Law Act and the requirement for the child’s written approval;
   - Family justice counsellors do not assist with obtaining the child's written approval; and
   - Family justice counsellors may offer general information about the court forms and process, including referring clients to online resources, but do not further assist with a section 51(2) guardianship application.

6. Family justice counsellors refer clients to legal advice if the clients are seeking assistance appointing a testamentary or standby guardian.

7. Family justice counsellors refer clients to legal advice if the clients are seeking assistance with temporary assignment of parental responsibilities pursuant to s. 43(2) of the Family Law Act.
4.2.2 Child Support (revised: Dec-15)

1. Family justice counsellors provide clients with an overview of the guidelines, tax changes and legislative requirements for financial disclosure as required by the Child Support Guidelines.

2. Family justice counsellors offer to assist clients to process consents, agreements and applications in provincial court. They refer clients requiring assistance with applications to Supreme Court to appropriate resources.

3. Family justice counsellors request and receive the following documents from clients prior to assisting them in child support disputes:
   - Completed T-1 general tax return for the last three taxation years; or
   - Notice of assessment/reassessment from the Canada Customs and Revenue Agency for the last three taxation years; or
   - Most recent statement of earnings indicating the total earnings paid in the year to date, including overtime, or when such a statement is not provided, a letter from the employer setting out the annual salary or remuneration.

4. When the client is self-employed, the following documentation is requested by the family justice counsellor and must be provided by the client:
   - Financial statements that have been submitted to the Canada Customs and Revenue Agency for the last three taxation years. (The financial statement shows a breakdown of salaries, wages or other payments, profits from shares or benefits paid to the client.)

5. When the clients cannot provide the required documents, family justice counsellors give the clients information about how to acquire the documents.

6. If clients disagree about income, family justice counsellors refer them to appropriate resources to determine income.

7. Family justice counsellors do not assist clients to determine child support if the:
   - Above required documents are not available;
   - Income calculation is complex and requires interpretation;
   - Income needs to be imputed;
• Clients wish to agree to a child support amount that is below the table amount in the Child Support Guidelines except in the circumstances outlined in item 8 of section 4.2.2 below;

• Client lives in a country other than Canada;

• Payor's income includes student loans/grant;

• Recipient's income includes student loans/grants and either client is claiming undue hardship; or

• Payor controls a corporation.

8. The Child Support Guidelines provide for certain circumstances when the table amounts may not be appropriate. These include cases:

• When the clients are defined as having shared custody (i.e. the child spends at least 40 per cent of the time with each client);

• Involving step-parents; or

• Involving a child over the age of 19.

9. When working with clients in the above identified circumstance(s), family justice counsellors may assist the clients to determine a child support amount that is less than the table amount, provided that the family justice counsellors:

• Provide information regarding the Child Support Guidelines sections that are relevant to the clients’ circumstances;

• Continue to have regard for the table amount in his/her discussions with the clients;

• Use their professional judgment to assess whether the agreed upon amount is fair and reasonable prior to formalizing the agreement in a consent order, written agreement, or memorandum of understanding; and

• Do not assist the clients to determine a child support amount that is less than the table amount for any payor who is the child's parent when dealing with cases involving step-parents. Family justice counsellors explain that the payment of child support by a step-parent does not affect the parent's responsibility to pay the table amount of child support.

10. Family justice counsellors may document an agreement that child support be paid retroactively for a specified period of time before the agreement is signed. The timeframe
must not exceed 12 months, and it must have occurred in the 12 months preceding the date of the agreement.

11. A written agreement or consent order might not address retroactive child support if the parties do not agree on the amount payable, or if there is retroactive child support that exceeds the 12-month period permitted by FJSD policy; refer to 4.2.2, item 10. Family justice counsellors inform clients that an agreement which is silent on existing retroactive child support may subsequently be interpreted by the court as having already resolved any retroactive child support. The Wording Guide offers suggested wording that clarifies the parties do not intend their agreement to prevent them from later seeking retroactive child support, including special expenses. This clause should be included in written agreements or consent orders when:

- There may be retroactive child support, however the parties do not want to address it in their agreement or consent order at this time; or

- The parties are documenting retroactive child support in their agreement, however there may be additional retroactive child support that extends beyond the 12 month period permitted by FJSD policy.

12. Family justice counsellors do not document child support arrears amounts or provisions for the repayment of child support arrears.

13. Family justice counsellors may inform clients that guardians who are not the child’s parents may have an obligation to pay child support that is secondary to any obligations of the child’s parents. Family justice counsellors do not assist clients to seek support from non-parent guardians.

14. Family justice counsellors may assist clients to document an agreement that the child’s parent(s) pay support to a non-parent with whom the child is residing (e.g., an aunt, grandmother or other relative). The child support payable by each parent would be determined according to their individual income and the Child Support Guidelines tables.

15. The Family Law Act sets out provisions that the court may order concerning the payment of child support. Family justice counsellors do not assist with the following:

- Paying child support in a lump sum amount;

- Registering a charge against property to secure payment of child support obligations;

- Designating a beneficiary and/or paying premiums for a life insurance policy; and

- Establishing that the obligation to pay child support continues after the death of the payor. Family justice counsellors inform clients that in some cases child support
obligations may continue after the payor’s death. They refer clients with additional questions to legal advice.

16. Family justice counsellors may assist clients seeking documentation that an obligation to pay child support has ended in the following circumstances:

- when the child is at least 19 years of age and is no longer a child for the purposes of child support; or

- when the child is at least 19 years of age and would otherwise be eligible for continued child support (i.e. because they are attending post-secondary education) except they are a spouse through marriage or living in a marriage-like relationship for two years.

Family justice counsellors do not assist clients to end child support obligations when a minor child is a spouse or has withdrawn from their parents’ or guardians’ care. They refer these clients to legal advice and court.

17. In accordance with Provincial Court (Family) Rules, the required documentation is attached to all consent orders and copies are kept on the physical family file.

18. Financial documentation is not required to be filed with a written agreement. A copy of this information is kept on the physical family file.

### 4.2.3 Hardship

1. In some situations, the application of the Child Support Guidelines may cause undue hardship to either the parent or the child. Family justice counsellors inform the clients about section 10(2) of the Child Support Guidelines. It outlines two preconditions that must be met for an undue hardship claim.

2. Clients are informed that the court determines whether there is proof of circumstances for undue hardship. With the consent of both clients, family justice counsellors may assist to apply the standard of living test.

### 4.2.4 Use of specialized software

1. ChildView® specialized software is available as a tool to assist with the calculation of support.

2. Family justice counsellors only use the software program when both clients have consented to its use and all required financial documentation is produced. Prior to using the software program, family justice counsellors ensure that both clients have signed the
Consent for ChildView® Documents and Support Calculations form. Refer to appendix 1.2.

3. Printed ChildView® reports from the program must be placed in the physical family file along with the Consent for ChildView® Documents and Support Calculations form that is signed by both clients.

4. Printouts must not be released to clients without this consent.

4.2.5 Spousal Support (issued: May-14)

1. Family justice counsellors provide general information about spousal support and assist clients, who agree that one client is entitled to spousal support, to negotiate a spousal support amount and duration according to the Spousal Support Advisory Guidelines (SSAG). Family justice counsellors may offer clients a client information sheet, Spousal Support & the Spousal Support Advisory Guidelines. Family justice counsellors refer clients who have questions about entitlement, including whether they are a “spouse” as defined in the Divorce Act or Family Law Act, to legal advice.

2. Clients must have SSAG ranges calculated using ChildView® or DIVORCEmate software before a family justice counsellor may assist them to negotiate spousal support amounts and duration. The clients may obtain a SSAG range through legal counsel, or through a family justice counsellor or child support officer trained to calculate SSAG ranges. To determine which family justice counsellor or child support officer is designated to calculate SSAG ranges for a particular family justice centre, consult the SSAG Referral Roster posted on the Family Justice Services Division SharePoint site. Request a SSAG range calculation from a member of the SSAG Referral Roster using the SSAG Calculation Referral Form (refer to appendix 1.23). Both clients must sign the Consent for ChildView® Documents and Support Calculations before the range can be calculated (refer to appendix 1.2).

3. “Exceptions” in the SSAG refers to recognized categories of circumstances where the ranges for duration and/or amount may not be appropriate. Given the complexity of these cases, clients are referred to legal advice when they describe circumstances that fall within the exceptions. Family justice counsellors and child support officers may provide these clients with a ChildView® range calculation upon the clients’ request, but do not assist clients to determine a spousal support amount. More information about exceptions is available to clients in the client information sheet, Spousal Support & the Spousal Support Advisory Guidelines. The Practice Guidelines – Spousal Support contain detailed information for family justice counsellors about the SSAG exceptions:

- Compelling financial circumstances in the interim period;
• Excessive family debt payments;
• Illness/disability of the recipient spouse;
• Compensatory exception in short marriages without children;
• Property division: reapportionment of property or division of pension income;
• Basic needs/hardship: without child support, custodial payor formula;
• Non-taxable payor income;
• Non-primary parent to fulfil parenting role under the custodial payor formula;
• Special needs of child; and
• Small amounts, inadequate compensation under the with child support formula.

4. When helping clients whose circumstances do not fall within a SSAG exceptions category to consider spousal support amounts and duration from within their SSAG range, the family justice counsellor explains factors that may either increase or decrease the amount and duration of spousal support and explores with clients whether “restructuring” is appropriate in their circumstances. For more details about restructuring, which may only be done if the “without child support” formula has been used, refer to the Practice Guidelines – Spousal Support.

5. The spousal support amount and duration must meet the low end of the SSAG range. If restructuring has been used, the total value of the spousal support must remain within the range when amount is multiplied by duration. Clients may agree to a spousal support amount that is above the high end of the range. Before documenting an agreement that exceeds the high end of the range, family justice counsellors encourage the clients to seek legal advice and consider whether both clients are entering into the spousal support agreement voluntarily, without coercion.

6. When the SSAG range has been calculated using the “with child support” formula, the duration is used for the purpose of establishing a review date, rather than setting an end date. Upon review, the spousal support amount may be changed to a nominal amount, using the suggested clause in the Wording Guide. End dates are only used when the SSAG range has been calculated using the “without child support” formula, or upon review when there are no longer dependent children.
4.2.6 Contact

1. Family justice counsellors assist parents who are not guardians with agreements or applications for a court order regarding contact. Family justice counsellors explain the differences between being a guardian with parenting time and parental responsibilities compared to a parent with contact.

2. Family justice counsellors assist non-parents seeking an agreement or order regarding contact when the family is experiencing separation or divorce and is eligible for family justice services. Family justice counsellors document the terms of any agreement for contact with a non-parent in a memorandum of understanding, written agreement or consent order that is separate from any document containing the terms of an agreement between the child’s parents or guardians. Refer to appendix 1.8 Written Agreement - Contact with a Non-Parent.
4.3 **Assessment Form**

### 4.3.1 Description

1. Prior to meeting with a family justice counsellor for an assessment interview, clients are asked to complete the Family Justice Services Assessment form (refer to appendix 1.16.) The assessment form is a tool that screens for level of conflict, financial issues, substance use and mental health issues, family violence, child protection and adjustment. The family justice counsellor completes the Assessment Form–Scoring and Referrals (formerly Part III) to determine service options (refer to appendix 1.17).

2. Detailed instructions regarding the administration and scoring of the assessment form are contained in the User’s Guide.

3. The scope of issues canvassed in the Family Justice Services Assessment form assists family justice counsellors in determining what services and external referrals are most appropriate for the client.

### 4.3.2 Completing the form

1. The Family Justice Services Assessment form is usually completed by clients in the reception area before their appointment with a family justice counsellor. (Refer to appendix 1.16.) If the Client Intake form is not filled out during the initial needs determination, the client may be asked to complete it at the same time.

2. Clients are asked to answer questions on the form to the extent they feel comfortable doing so. The family justice counsellor reviews unanswered questions with the client during the assessment interview and records the client’s response. Both the client and the family justice counsellor may document additional comments or examples on the form.

3. If clients decline to answer questions, family justice counsellors explore the reasons. They explain that the purpose of the form is to help identify appropriate service options and referrals. It also meets the legal obligation of family justice counsellors to screen for family violence. Family justice counsellors consult with their local manager if clients decline to answer a number of questions and if they are concerned about the clients’ ability to participate openly in dispute resolution.

4. Clients with literacy issues and for whom English is a second language may have difficulty completing the form. English as a second language (ESL) clients may be assisted by an interpreter. (Refer to section 3.7.1, Interpreters.) In other circumstances, family justice counsellors may review the questions with clients and record the responses.
5. If the client is unable to attend the family justice centre in person, family justice counsellors may complete the form with the client using the telephone. If the assessment is completed over the phone, it is preferable that the client has an opportunity to review the form before the interview. During the assessment, family justice counsellors review each question with the client.

4.3.3 Reviewing the form

1. Before beginning the assessment interview, family justice counsellors review the form and notes areas that are incomplete or of concern.

2. During the assessment interview, family justice counsellors:
   - Seek responses to unanswered questions;
   - Ask additional probing questions regarding questions with responses in columns 3 and 4 (suggested probing questions are included in the User’s Guide); and
   - Ask additional probing questions if there were affirmative responses to the questions on family violence or child protection. (Suggested probing questions are included in the User’s Guide.)

4.3.4 Scoring the form

1. At the end of the assessment interview, family justice counsellors may use the Assessment Form–Scoring and Referrals (see appendix 1.17) to score the client’s responses in the Family Justice Services Assessment form. The score determines the level of conflict and risk in recommending mediation. As described in the User’s Guide, best practice is that family justice counsellors score responses when they have:
   - Less than one year of experience;
   - Uncertainty about whether the client is a good candidate for mediation; or
   - Determined the client is not a good candidate for mediation. In this case, the scoring exercise may support that decision.

2. Moderate-high and high scores in specified questions concerning family violence (questions 16-19) always rule out mediation, except in extenuating circumstances. Family justice counsellors consult with their local manager about these circumstances.
3. Each client completes his or her own assessment form. If family justice counsellors meet both clients for assessment and a comparison of their responses reveals discrepancies, they use the higher score.

4.3.5 Documentation

1. The completed Family Justice Services Assessment form is placed in the client’s physical file. Refer to appendix 1.16.

2. If the client returns for service, family justice counsellors review the assessment form with the client to ensure that the information is still accurate. If the client returns for service after six or more months, the client completes a new assessment form.
4.4 Assessment Interviews

4.4.1 Description

1. The assessment interview occurs between family justice counsellors and clients after the initial needs determination. It is conducted separately with each client.

2. The purpose of the assessment interview is to go into more depth regarding the role of a family justice counsellor, confidentiality, issues to be resolved, and available options.

3. Family justice counsellors set the tone for the interview and direct its focus toward the needs of the children and parents, relevant legislation and services. The interview includes information gathering, in-depth screening for violence, and other factors that affect dispute resolution techniques and procedures.

4.4.2 Income information

The annual net income of the person requesting service is recorded in the FIS2 family record. Refer to chapter 3, Initial Intake and Determination of Service.

4.4.3 Reconciliation

Family justice counsellors try to ascertain whether the couple could benefit from marriage or relationship counselling. If the couple requests such counselling, family justice counsellors make a referral.

4.4.4 Best interests of the children

1. Family justice counsellors explain to clients that all agreements or court orders concerning guardianship, parenting arrangements or contact with the children must be made in the best interests of the children only.

2. Family justice counsellors help clients to consider information about each child that is relevant to section 37 of the Family Law Act. All needs and circumstances are taken into account when considering the best interests of the children, including:

   - Child’s health and emotional well-being;

   - Views of the child, unless it would be inappropriate to consider them;

   - Child’s relationship with other people;
• History of the child’s care;
• Child’s need for stability;
• Ability of the child’s guardians to exercise their responsibilities towards the child;
• Impact of family violence on the child;
• Impact of family violence on the perpetrator’s ability to meet the child’s needs;
• Guardians’ ability to co-operate; and
• Civil or criminal proceedings relevant to the child’s safety, security or well-being.

3. Family justice counsellors support clients to maintain focus on their children’s best interests throughout the dispute resolution process.

4.4.5 Reasons for separation

Reasons for separation are discussed to determine dynamics that might affect dispute resolution.

4.4.6 Confidentiality

Family justice counsellors explain confidentiality, according to sections 10-13 of the Family Law Act and section 3 of the Family Law Act Regulation. Refer to chapter 9, Confidentiality.

4.4.7 Sharing information between clients

1. Family justice counsellors discuss the disclosure of information between clients that is necessary for the dispute resolution process. Clients are advised that the Family Law Act establishes a legal duty to provide each other with full and true information. They also advise that agreements and orders may be set aside if there is a failure to disclose information.

2. It is preferable that the client, rather than the family justice counsellor, reveals the information to the other client.

3. Because openness is necessary for dispute resolution, clients are asked to clearly identify to the family justice counsellor matters they wish to keep from other family members.
4. The client decides whether information is given. The family justice counsellor may withdraw service when the client withholds information that could result in an unfair settlement.

4.4.8 Dispute resolution for parents under 19

If one or both parents are under age 19, family justice counsellors may assist them by providing information and offering dispute resolution. Refer to section 4.8.3, Preparing agreements for parents under 19.

4.4.9 Access to dispute resolution services external to FJSD

Family justice counsellors inform clients that they can access dispute resolution services external to the Family Justice Services Division at any time while they are receiving family justice services through the division. These services may include: parenting co-ordination; collaborative law; family arbitration; or the court.

4.4.10 Referral for legal advice

1. Family justice counsellors inform clients that they have the right to obtain legal advice at any time during the dispute resolution process and should do so, especially before signing an agreement or consent.

2. When clients do not have a lawyer, family justice counsellors explain how to obtain legal aid or access the Lawyer Referral Service.

4.4.11 Financial disclosure

If child support is an issue, family justice counsellors explain that both clients may be required to provide financial information. The Family Law Act requires each party to a family law dispute to provide full and true information to the other party when resolving a dispute. Failure to do so may result in the agreement or order being changed or set aside.

4.4.12 Previous orders or agreements

It is the responsibility of clients to obtain copies of court documents. Family justice counsellors assist when necessary. With a client’s consent, family justice counsellors may search Court Services Online for information about court orders, as per section 4.1.19, Accessing Court Services Online.
4.5 Initial Contact with the Other Client

4.5.1 Description

1. Chapter 3, Initial Intake and Determination of Service outlines initial contact procedures when a client attends a family justice centre.

2. Family justice counsellors contact the other client when they determine that dispute resolution is appropriate after considering the results of the Family Justice Services Assessment form and assessment interview. They undertake the same screening and assessment process as with the first client, and offer the same services.

4.5.2 Contacting clients

When the first client pursues dispute resolution, family justice counsellors discuss how best to contact the other client.

4.5.3 Timeliness

1. Family justice counsellors initiate contact with the other client when requested, within five working days from the date that the request is made.

2. When family justice counsellors are not successful in contacting the other client by telephone, they send a letter to offer family justice services.

4.5.4 Same procedure as initial contact

Family justice counsellors cover the same topics and information in the initial contact with each client. Refer to chapter 3, Initial Intake and Determination of Service.

4.5.5 Confidentiality

During initial contact with the other client, family justice counsellors safeguard personal information that the initiating client wishes to keep confidential. Refer to chapter 9, Confidentiality.
4.5.6 Outcome

If the other client is not willing to work with the family justice counsellor to pursue dispute resolution, the family justice counsellor informs the initiating client and discusses other options, including an application to court. Refer to chapter 6, Court Action.
4.6 Agreement to Mediate (ATM) Form

4.6.1 Using the ATM

1. Before starting a dispute resolution process (mediation or shuttle mediation), family justice counsellors provide the Agreement to Mediate (ATM) form to clients and review it with them. (Refer to appendix 1.14.) The clients are asked to sign the form.

2. For additional information related to this policy, refer to the ATM Implementation and Practice Guidelines in the Policy & Reports section of the FJSD intranet website.

4.6.2 Signing the ATM

1. Clients: All clients who participate in the dispute resolution process are asked to sign the Agreement to Mediate (ATM) form before mediation or shuttle mediation commences. (Refer to appendix 1.14.) This includes anyone (e.g. step-parents or grandparents) who attends the process to resolve and make decisions on issues related to separation and to the children of the clients. For additional procedures on how to involve third parties in the dispute resolution process, refer to section 4.7.4, Involvement of a third party in mediation and shuttle mediation.

2. Non-participating support people: Non-participating support people may attend mediation sessions. Family justice counsellors review with them section two of the ATM form related to confidentiality.

3. Family justice counsellors insert an additional clause at the bottom of the ATM form. It requests non-participating support people to acknowledge that confidentiality has been reviewed with them. The statement reads as follows:

   I have read and understand confidentiality as outlined in provision #2 of this agreement.

   (Signature of non-participating attendee)

   Non-participating support people are asked to sign this clause prior to their involvement in the dispute resolution process.

4. Professionals: Interpreters and lawyers who attend mediation sessions are not required to sign the ATM form or any confidentiality clause. These individuals are bound by their professional codes of conduct, which include confidentiality provisions.

5. Children: Children participating in the Children in Mediation process are not required to review and sign the ATM form.
6. If dispute resolution services are being delivered other than on an in-person basis (e.g. telephone), the family justice counsellor may review the ATM form with the client and document in FIS2 that the client has verbally agreed to its terms. The form is forwarded to the client for written signature and a signed copy is returned to the family justice counsellor.

4.6.3 Clients not wanting to sign the ATM

1. If clients decline to sign the Agreement to Mediate (ATM) form, family justice counsellors explore the client’s reasons for not signing the form. They also explain that the Family Law Act Regulation requires the form to be signed before dispute resolution services may be provided.

2. If the client, understanding that dispute resolution services cannot be provided, still refuses to sign the ATM form, family justice counsellors record in the FIS2 family record the client’s decision to not sign the form and include any reasons expressed by the client. Family justice counsellors document that dispute resolution did not proceed because the ATM form was not signed.

4.6.4 Content of the Agreement to Mediate (ATM) form

1. Refer to appendix 1.14 for a copy of the Agreement to Mediate (ATM) form.

2. The ATM form may only be altered to:
   - Accommodate additional signature blocks for multi-party mediations; and
   - Insert a clause for non-participating support people who are involved in the process, according to section 4.6.2, Signing the ATM.

4.6.5 Signed ATM form

1. Once the Agreement to Mediate (ATM) form is signed, it covers all mediation/shuttle mediation sessions within the dispute resolution service.

2. A new ATM form is reviewed and signed when clients return for subsequent dispute resolution services.

3. Family justice counsellors offer a copy of the signed ATM form to clients and retain the original in the physical family file.
4.7 **Mediation and Shuttle Mediation**

4.7.1 **Description**

1. This section outlines dispute resolution procedures after intake.

2. Mediation and shuttle mediation are co-operative and consensual dispute resolution processes. Family justice counsellors work with clients to help them reach a voluntary, mutually acceptable resolution of issues.

3. Mediation and shuttle mediation are designed to assist clients in focusing on the best interests of children. These services are time limited.

4. Mediation is characterized by joint sessions during which clients communicate with one another as well as with the family justice counsellor. It tends to be a more structured process, with ground rules clearly identified. Family justice counsellors manage the structure of mediation.

5. Shuttle mediation is used in family justice services to assist clients reach agreement when joint sessions are not possible or appropriate. Family justice counsellors may communicate with the clients by telephone and/or in separate interviews.

4.7.2 **Family justice counsellor’s role**

When providing dispute resolution services, family justice counsellors:

1. Inform and discuss the process.

2. Facilitate understanding and communication between clients about the issues.

3. Help clients reach agreement.

4. Help clients focus on the best interests of children.

5. Ensure that agreements result from a fair and voluntary process.

6. Set the tone for sessions and develop the structure for the process in consultation with the clients.

7. Review the Agreement to Mediate (ATM) form. Refer to section 4.6, Agreement to Mediate (ATM) Form.
4.7.3 Referrals

If more information or assistance about issues in dispute is required during the mediation or shuttle mediation, clients are referred to an appropriate resource.

4.7.4 Involvement of a third party in mediation and shuttle mediation

1. It may be appropriate to involve a third party, such as a step-parent, in the dispute resolution process.

2. Both clients must consent to such involvement. They must also agree on how the third party participates and how his/ her information and opinions are used in dispute resolution. Refer to section 4.6, Agreement to Mediate (ATM) Form for the use of the ATM in these circumstances.
4.8 Finalizing Agreements

4.8.1 Description

1. Dispute resolution may result in clients reaching agreement on some or all of the issues.

2. If requested, family justice counsellors help clients formalize the agreement.

3. Policy and procedures concerning options for completing an agreement are identified in this section.

4.8.2 Options

1. Family justice counsellors inform clients that they can formalize their agreement in provincial court as a consent order or as a written agreement that may be filed with the court. A written agreement filed in court is enforceable as if it were an order. Clients may also choose not to file a written agreement in court.

2. If clients already have an agreement or order, family justice counsellors explain how Family Justice Services Division may assist to change, suspend or terminate the agreement or order.

3. Family justice counsellors explain the implications of each option, including enforcement and variation.

4. For both Supreme Court and provincial court, an agreement may be written as a memorandum of understanding, which the clients may take to their lawyers.

4.8.3 Preparing agreements for parents under 19

1. If one or both parents are under age 19, family justice counsellors assist them by providing information and offering dispute resolution.

2. If the parents have resolved their issues, family justice counsellors offer to assist them with the administrative steps required to bring the matter before the judge.

3. Although the Family Law Act permits spouses or parents under the age of 19 to enter into agreements, family justice counsellors do not prepare consent forms or written agreements in this situation.

4. Family justice counsellors may assist parents under the age of 19 years with a memorandum of understanding. Refer to section 4.8.11, Memorandum of understanding.
5. Prior to signing the memorandum of understanding, family justice counsellors must be assured that the parents have the maturity to enter into a parenting plan and an understanding of the best interests of the children.

6. Family justice counsellors inform the parents that the memorandum of understanding is not a legally binding document.

7. Family justice counsellors use the standard divisional format for a memorandum of understanding, outlined in appendix 1.11.

8. Parents are encouraged to obtain independent legal advice. Refer to section 4.4.8, Dispute resolution for parents under 19.

4.8.4 Checklist for written agreement or consent order

1. The checklist for written agreements or consent orders (refer to appendix 1.10) covers key areas that family justice counsellors discuss thoroughly with clients.

2. The checklist is completed, signed and dated before clients sign a written agreement or a consent order.

3. The original checklist is kept in the physical family file.

4.8.5 Procedures for provincial court consent order

1. Family justice counsellors assist clients by informing them about the documents that they must complete to obtain a section 219 consent order. Refer to Appendices – Dispute Resolution for samples of the family justice counsellor specific forms.

2. The list of documents is as follows:
   - Request (form 18) (refer to appendix 1.4);
   - Application to Obtain an Order (form 1), or if appropriate, Application Respecting Existing Orders or Agreements (form 2);
   - Declaration of Consent (form 19) (refer to appendix 1.5);
   - Consent Order (form 20) (refer to appendix 1.6);
   - Waiver signed by both clients if ChildView® was used;
• Financial statements, if support is addressed (form 4 with attachments) when required;

• Affidavit (form 17) (refer to appendix 1.3) when required, or Affidavit (form 34) if the application is for guardianship (refer to section 6.1.12, Application for order appointing a guardian); and

• Checklist for a written agreement or consent order. Refer to section 4.8.4, Checklist for written agreement or consent order. This is not filed in court, but kept in the physical family file.

3. If one client lives outside B.C., it must be clearly stated on the consent that both clients accept the jurisdiction of the B.C. court to make the order. Refer to 4.1.3, Clients outside B.C.

4.8.6 Procedures for written agreements

1. Family justice counsellors only assist clients with a written agreement regarding guardianship if the clients are the children’s parents. If one of the parents has not lived with or regularly cared for the child and guardianship is a term of the agreement, refer to appendix 1.9, Written Agreement - Guardianship FLA s.50. Refer to appendix 1.7, Written Agreement for agreements that do not include a guardianship provision. To document an agreement for contact with a non-parent, refer to appendix 1.8, Written Agreement - Contact with a Non-Parent.

2. The list of documents is as follows:

• The standard division written agreement format, signed by the clients and initialled on each page;

• If child support is addressed, evidence of one or both client’s income;

• Waiver signed by both clients if ChildView® was used;

• Checklist for a written agreement. The original is kept in the physical family file;

• The financial statement and/or documentation are not required to be filed with the written agreement, although copies are kept in the physical family file; and

• Copies of all documents are provided to both clients upon completion of the agreement. Originals are returned to clients.

3. Written agreements must be signed by all parties to the agreement. Each party’s signature must be witnessed, either by the family justice counsellor or by a disinterested third party.
4. Refer to section 4.8.2, Options.

4.8.7 Filing the agreement

1. A written agreement, which has not yet been filed in court, is the property of the clients.

2. The clients may file the agreement. If they choose not to, family justice counsellors advise them of the implications of not filing it and may offer to file it for them.

3. Once completed, no originals are kept in the physical family file.

4.8.8 Blank copies of the written agreement template

1. Family justice counsellors do not give out blank copies of the agreement form.

2. If clients want a blank form, they may be referred to The Self-Counsel Press or other public information materials.

3. The written agreement template is an internal document and the property of the Family Justice Services Division.

4.8.9 Wording for written agreements and section 219 consent orders

1. Family justice counsellors use the standard wording for written agreements and consent orders when addressing issues of guardianship, parenting arrangements, contact, or support. Refer to appendix 1.12, Wording Guide for Templates.

2. Clients may wish to address issues other than guardianship, parenting arrangements, contact, or support.

3. If clients wish to address guardianship in a written agreement, family justice counsellors inform them that the Family Law Act only permits parents to enter into agreements concerning guardianship.

4. Family justice counsellors suggest that clients seek legal advice before proceeding.

4.8.10 Affidavits

1. Applicants and respondents seeking assistance according to the Family Law Act may be required to provide evidence or information by way of an affidavit.
2. Applicants seeking an order appointing them as guardians are required to provide evidence that the application is in the best interests of the children. Refer to section 6.1.12, Application for order appointing a guardian.

3. Family justice counsellors who are appointed as a Commissioner for Taking Affidavits within the Province of British Columbia may swear affidavits provided that the affidavit relates to their duties as a family justice counsellor. Family justice counsellors may only swear an affidavit for a client if a file has been opened. They may not swear an affidavit while providing brief services or brief counselling.

4.8.11 Memorandum of understanding

1. Family justice counsellors may assist clients with addressing their agreement by way of a memorandum of understanding in the following circumstances:

- Clients wish to address their agreement in a less formal and non-legally binding document;
- Addressing an agreement that involves a parent under the age of 19;
- Clients are represented by legal counsel and they wish to present their agreement to their legal counsel in a memorandum of understanding; and
- Guardianship, parenting arrangements, contact and/or support issues are before the Supreme Court.

2. When addressing an agreement through a memorandum of understanding, family justice counsellors:

- Inform clients that a memorandum of understanding is not a legally binding document but a statement of intent;
- Use the standard Family Justice Services Division format for a memorandum of understanding. Refer to appendix 1.11, Memorandum of Understanding;
- Encourage clients to obtain independent legal advice; and
- Provide both clients with an original signed version of the memorandum of understanding, and keep a copy of the memorandum of understanding in the physical family file.
5. **Children in Mediation Service (CIMS)**

5.1 *Introduction*

1. As per section 37 of the *Family Law Act*, the parties and the court take into account the child’s views when determining what is in the child’s best interests, unless it would be inappropriate to consider them. The Children in Mediation Service (CIMS) provides a mechanism within the mediation process by which children can ask questions and express their views about the decisions that affect them. In addition to providing children with information, support, and an opportunity to be heard, CIMS facilitates parent decision-making by bringing the children’s voice into the mediation process.

2. CIMS is delivered by family justice counsellors who have completed advanced training in interviewing children.

3. The role of family justice counsellors is that of a messenger, supporter and educator.

4. When offering and providing CIMS to families, family justice counsellors are mindful of the unique characteristics of each family (including disability or special needs of family members, and cultural, ethnic or religious considerations).
5.2 Assessing Eligibility and Obtaining Consent

5.2.1 Eligibility for CIMS

The Children in Mediation Service (CIMS) is offered to families who:

- Are engaged or intend to engage in dispute resolution services (i.e. mediation or shuttle mediation); and

- Have one or more children who are at least eight years old. CIMS is not available to children who are less than eight years old, even when an older sibling is participating.

5.2.2 Circumstances when CIMS is excluded

1. The Children in Mediation Service (CIMS) provides children with an opportunity to voice their needs and interests, and to be heard in the dispute resolution process.

2. CIMS is offered to all families with children who are at least eight years old, except when:
   - Spousal support is the only issue;
   - Child support is the only issue and CIMS does not offer any benefit to the family; or
   - Family justice counsellors assess that the level and/or nature of the conflict between the parents prevents them from dealing with their children’s feedback in a way that does not harm the children. When this exclusion applies, family justice counsellors discuss the situation with their local manager.

5.2.3 Offer of CIMS to clients

1. If eligibility criteria are met, the Children in Mediation Service (CIMS) is introduced as an element of the dispute resolution process no later than during the client intake interview.

2. If parents agree to dispute resolution, CIMS is offered as a part of the process.

3. Family justice counsellors describe the objectives and benefits of CIMS to parents. They explain how CIMS is a tool to consider their children’s views when contemplating what is in the best interests of the children.

4. Family justice counsellors address issues related to confidentiality.
5. Family justice counsellors help clients to consider other means to hear their children’s views when a family is not eligible for CIMS; or if CIMS is inappropriate given the family’s circumstances; or the family declines the offer of CIMS. This may include referrals to resources that will help them talk to their children about the interests, concerns and needs of the children.

5.2.4 Confidentiality

1. Information provided to family justice counsellors by children participating in the Children in Mediation Service (CIMS) is subject to the same confidentiality provisions set out in chapter 9, Confidentiality.

2. Pursuant to sections 11 and 12 of the Family Law Act and section 3 of the Family Law Act Regulation, family justice counsellors may only disclose information that children provide during CIMS if:

   - The children’s information is only disclosed to the clients (e.g. parents of the children) who are receiving dispute resolution services; and

   - The children approved the disclosure. Without the children’s approval, the family justice counsellor cannot share the information with anyone, including a parent. As described below in section 5.2.4 (item 4), this does not apply to information that children are in need of protection.

3. Neither a child nor a family justice counsellor may be compelled to disclose to a parent or the court what was discussed during the child’s interview.

4. Confidentiality provisions, including the family justice counsellor’s obligation pursuant to sections 13 and 14 of the Child Family and Community Services Act to report concerns that a child is in need of protection, are reviewed with the children at the beginning of their interview.

5.2.5 Written consent from parents for CIMS

1. After parents have been informed about the purpose, goals and confidentiality provisions related to the Children in Mediation Service (CIMS) and have stated they wish to participate, family justice counsellors obtain written consent. Parents are required to sign the Consent to Children Being Interviewed form. Refer to appendix 1.15 for a copy of the form.

2. A copy of the signed form is saved in the clients’ physical family file and a notation is made on the FIS2 family record.
3. The parents are given the version of the CIMS brochure that is appropriate for the age of their children. They are asked to review it at home with their children.
5.3 **Participation of Children in CIMS**

5.3.1 **In-person interview with children**

1. In-person interviews with children are scheduled after the family justice counselor completes at least one mediation session or round of shuttle mediation with the parents.

2. If the issues being addressed in the mediation involve more than one child, these children may attend a joint in-person interview at the discretion of the family justice counselor.

5.3.2 **In-person interview with children by secondary family justice counsellors**

1. Children in Mediation Service (CIMS) interviews are conducted by the family justice counselor who is providing dispute resolution service to the parents.

2. Family justice counsellors may provide CIMS as secondary counselors if the clients are residing in distant communities and the family justice counselor providing dispute resolution services is not in the same community where the children generally reside.

5.3.3 **Children’s agreement to participate in CIMS**

1. Before beginning the Children in Mediation Service (CIMS) interview, family justice counsellors review the CIMS process with the children and confirm that they wish to participate.

2. Children must verbally agree to proceed with the interview.

3. Family justice counsellors record on the FIS2 family record that the children agreed to participate.

5.3.4 **Recording children’s information**

1. While it may not be possible or desirable to record the interview verbatim, the role of family justice counsellors is to authentically convey the voice and words of the children back to the parents.

2. At the end of the interview, family justice counsellors review their notes with the children to ensure that what is recorded reflects what the children wish to disclose to their parents.
3. Following the interview, family justice counsellors record a summary of the interview on the FIS2 family record, specifying what information the children verbally agreed to disclose to their parents.

4. After the interview is documented in FIS2, family justice counsellors may retain written notes in the physical file or destroy them as set out in section 10.1.10.

5.3.5 Information sharing with parents of the children

1. Family justice counsellors verbally disclose to parents only the information that the children have agreed to share. Refer to section 5.2.4, Confidentiality.

2. Family justice counsellors may disclose the children’s information to the parents jointly or individually.

5.3.6 Criteria for children to participate in a mediation session

1. Upon request, children may attend their parents’ mediation session to provide information only.

2. The following criteria must be met for children to participate in a mediation session:
   - Children are at least 12 years old;
   - Parents and children agree to such participation;
   - The family justice counsellor has conducted a separate meeting with the children and believes the parents will receive feedback from their children in a manner that does not harm the children; and the
   - Family justice counsellor has discussed the request with the local manager.
5.4  Children’s Participation Following Dispute Resolution

5.4.1  Post-mediation sessions with children

1. After reaching an agreement, parents may request that their children attend a session to explain the terms of the agreement. The children are present to receive information, ask questions, and allow parents to respond to their feedback about the agreement. The role of the family justice counsellor in this session is to support the family and facilitate a dialogue in which the parents explain the terms of the agreement to their children and respond to any questions or concerns the children may have.

2. Upon conclusion of the dispute resolution process, family justice counsellors may agree to a follow up session with the children, at the request of the parents. A post-mediation follow up session may help the children to speak about their situation while providing them with a sense of closure.

3. Post-mediation follow up by family justice counsellors is only conducted in person and must have the consent of both parents.

4. Family justice counsellors remain aware of their roles as “educator, supporter and messenger” in the CIMS process, and do not undertake a counselling role with the children.
6. Court Action

6.1 Overview

1. It may become apparent during the client’s first contact, initial needs determination, assessment interview, or at any point during dispute resolution that a client is seeking information or assistance related to a court action.

2. Family justice counsellors discuss with clients the dispute resolution options that may be available throughout the court process. In addition to reviewing dispute resolution options, family justice counsellors promote access to legal and court services, and effective mechanisms for the enforcement of court orders to family clients. This is consistent with the Family Justice Services Division Statement of Principles, section 1.2.

3. Priority for assistance with court documents is given to clients who are unrepresented by legal counsel.

4. Chapter 6 is divided into the following sections:
   - 6.1, Overview;
   - 6.2, Emergency Applications to Court; and
   - 6.3, Procedures to Enforce a Civil or Criminal Order.

5. Section 6.1 contains policy and procedures that apply to the work of family justice counsellors in all court applications, according to the Family Law Act.

6.1.1 Guidelines on service

1. In relation to court action, family justice counsellors assist with guardianship, parenting arrangements, contact with a child, and child and spousal support issues.

2. This assistance is available to both clients as part of the dispute resolution services provided.

3. Family justice counsellors assist with the completion of forms when clients cannot complete them on their own.
4. Family justice counsellors ensure that clients understand that they are fully responsible for the accuracy of all information. Clients must read, verify, sign and date each form before it is submitted to the court.

6.1.2 Provincial Court (Family) Rules

Family justice counsellors are knowledgeable about the provisions of the Provincial Court (Family) Rules.

6.1.3 Provincial Court process

1. Family justice counsellors only attend court in connection with section 211 reports (refer to chapter 7, Section 211 Views of the Child and Full Reports), and in the circumstances prescribed in section 3 of the Family Law Act Regulation (refer to section 9.2.2, Exceptions to confidentiality). Family justice counsellors who receive a subpoena to attend court in relation to dispute resolution services advise their local manager and the senior policy analyst.

2. Family justice counsellors inform clients about forms required for Provincial Court, and assist clients when required.

3. Family justice counsellors explain court procedures and the consequences of failing to respond to an application or comply with a summons. Family justice counsellors remind clients they may face serious repercussions for failing to follow a court order, including financial consequences for not following a conduct order and criminal charges for not following a protection order.

4. If the person is unrepresented by a lawyer, family justice counsellors—before a court appearance—offer to:
   - Explain the jurisdiction of the court;
   - Explain court procedures;
   - Explain which documents are required by the court; and
   - Encourage clients to express apprehensions they feel about the court.

5. After an order is made, family justice counsellors offer to:
   - Help clients understand the order;
   - Explain the potential consequences of not complying with an order;
• Inform clients of the right to appeal; and
• Refer clients to their lawyer or the Legal Services Society if they are dissatisfied.

6.1.4 Reciprocal matters—family justice counsellor role

When one of the clients lives outside British Columbia or the order to be varied was made in another jurisdiction, family justice counsellors:

1. Offer dispute resolution, if the child is habitually resident in British Columbia and the family justice counsellor determines that dispute resolution is appropriate;

2. Explain that court documents for family matters in the British Columbia Provincial Court and Supreme Court may be served on parties residing outside British Columbia in situations where the child is habitually resident in British Columbia;

3. Explain the interjurisdictional support order process for obtaining and/or varying orders involving Family Law Act matters and explain the reciprocal maintenance order process for obtaining and/or varying orders involving Divorce Act matters;

4. Upon request, provide the website address www.ag.gov.bc.ca/courts/forms/pfa/pfa886.pdf or help clients to identify the forms they require. Use the “Form Select” document (PFA 886) when clients are seeking relief according to the Interjurisdictional Support Orders Act; and

5. Provide clients who live in B.C. with appropriate referrals.

6.1.5 Dispute resolution

Unless dispute resolution is inappropriate (refer to chapter 4, Dispute Resolution), family justice counsellors inform clients that if they choose to go to court, they may receive family justice services any time during the separation process.

6.1.6 Legal advice

1. Family justice counsellors explain that clients have the right to obtain legal advice from a lawyer at any time and should seek legal advice prior to signing an agreement.

2. If a client is represented by a lawyer or wants to consult one, family justice counsellors advise that the client should review all documents with the lawyer before signing them.
3. If clients do not have a lawyer, family justice counsellors explain procedures for obtaining legal aid, accessing the Lawyer Referral Service, and pro bono legal services available in some communities. The Legal Services Society Family Advice Lawyer Service may also be used at justice access centres and at family justice centres where the service is offered.

6.1.7 Supreme Court process

1. When clients need an order made or changed by the Supreme Court, family justice counsellors inform them about the options of consulting a lawyer or applying without representation.

2. If support is the only concern in the dispute, assistance with Supreme Court actions may be available through Family Justice Services Division in communities with a Justice Access Centre, the Self-Help Information Service, or a child support officer.

3. When family justice services are not available to unrepresented clients seeking assistance with Supreme Court actions, family justice counsellors refer the client to the Supreme Court’s online package and form site (http://www.courts.gov.bc.ca/supreme_court/self-represented_litigants/info_packages.aspx), a specific registry, or other resources for procedures and forms.

4. Family justice counsellors review dispute resolution options with clients, offering dispute resolution services if appropriate, and explaining options for finalizing an agreement (refer to section 4.8.2, Options).

6.1.8 Form 100 certificate of mediation

1. If family justice counsellors offer dispute resolution services and clients complete at least one mediation session or a round of shuttle mediation, family justice counsellors may sign a Supreme Court form 100, certificate of mediation. Family justice counsellors may also sign a form 100 if they have determined that mediation would be inappropriate due to family violence or power imbalance.

2. If family justice counsellors complete and sign a form 100, original signed copies are provided to each of the clients and a copy is placed in the client files.

3. It is the responsibility of clients to provide the form 100 to the court registry.

4. For additional details concerning this policy and to access a link to form 100, refer to the Practice Guidelines – Form 100 Certificate of Mediation.
6.1.9 Written agreement filed in Supreme Court

1. If clients want to change written agreements filed in Supreme Court, family justice counsellors offer dispute resolution services if appropriate and discuss options for formalizing and filing a new agreement.

2. If a court application is required to obtain an order to change, suspend or terminate an agreement that has been filed in the Supreme Court, family justice counsellors explain that the application can be made for either a Provincial Court or Supreme Court order to change guardianship, parenting arrangements, contact with a child, or support provisions.

3. Family justice counsellors tell the client that an application can be made for a Provincial Court or Supreme Court order to enforce guardianship, parenting arrangements, contact with a child, and support provisions.

6.1.10 Family Maintenance Program, Ministry of Social Development and Social Innovation

1. When family justice counsellors become aware that a custodial parent is receiving BC employment and assistance or planning to apply for such assistance, they inform the parent about the Employment and Assistance Act requirement that family maintenance rights are assigned to government as a condition of eligibility to receive income assistance.

2. Family justice counsellors refer clients to their employment and assistance worker or family maintenance worker, Ministry of Social Development and Social Innovation, regarding child support issues. Refer to chapter 3, Initial Intake and Determination of Service.

6.1.11 Application to change an agreement or order

1. If clients are seeking a court order to change a filed agreement or to vary, suspend or terminate a court order, family justice counsellors explain that this requires evidence of a change in circumstances. If an order is made to set aside part of an agreement, the part is severed from the remainder of the agreement that continues to be effective.

2. Clients have the right to apply and let the court decide whether there has been a change in circumstances that supports varying, suspending or terminating the court order or agreement.

3. If clients are seeking assistance to change a conduct order, family justice counsellors may only assist with an application to vary a conduct order to permit communication necessary
for dispute resolution. Clients are referred to legal advice or other resources for other applications concerning conduct orders.

4. Family justice counsellors remind clients wishing to change an agreement filed with the court that the procedure requires filing a new written agreement if the parties are able to reach agreement on the new terms.

6.1.12 Application for order appointing a guardian (revised Dec-15)

1. Persons seeking to be appointed as a child’s guardian apply for a court order pursuant to s.51(2) of the Family Law Act. A section 51(2) application is required if:
   - the applicant is not the child’s parent; or
   - the applicant is the child’s parent but has not lived with or regularly cared for the child and does not have an agreement for guardianship with the child’s other guardians; or
   - there is an existing Family Law Act order which removes the person’s guardianship status; or
   - custody and/or guardianship were addressed in an order under the Family Relations Act and the person did not receive either custody or guardianship.
   - Section 51 of the Family Law Act requires all applicants seeking an order appointing them as a child’s guardian to provide evidence establishing that the application is in the best interests of the child, in accordance with the Family Law Act Regulation section 26.1 and the Provincial (Family) Court Rule 18.1 or Supreme Court Family Rule 15-2.1. Such evidence is required regardless of whether the order is by consent.

2. Family justice counsellors inform clients who are the child’s parents about the option to enter into an agreement for guardianship if they have not lived with or regularly cared for the child.

3. Family justice counsellors offer eligible clients dispute resolution services to help them reach agreement on guardianship and related issues such as parenting arrangements, contact and support.

4. Family justice counsellors assist eligible clients with the following court documents required for s.51(2) guardianship applications, including applications by consent:
   - Form 1 Application to obtain an order or Form 2 Application respecting existing orders or agreement;
- Form 17 Affidavit (refer to appendix 1.3);
- Form 18 Request (refer to appendix 1.4);
- Form 19 Consent (refer to appendix 1.5); and
- Form 20 Consent Order (refer to appendix 1.6).

The client is responsible for completing and filing the following additional documents directly with the court registry:

- the Request for Protection Order Registry Search;
- Section 51 Consent for Child Protection Record Check; and
- Form 34 Affidavit. The Form 34 Affidavit includes 3 exhibits: the results of the Protection Order Registry Search; the results of the Child Protection Record Check; and the results of a criminal records check, which the client must obtain from their local police/RCMP station.
6.2 **Emergency Applications to Court**

6.2.1 **Description**

1. Emergency applications to court usually arise due to family violence or threats, when there is immediate risk of abduction of children, or when someone has breached the provisions of an order or agreement.

2. The Family Justice Services Division’s comprehensive policy on safety and protection is outlined in chapter 2, Safety and Protection.

3. Section 6.2 outlines options available to clients pursuant to the Family Law Act, not the family justice counsellor’s full range of responses to family violence.

6.2.2 **Providing dispute resolution in urgent matters**

1. Family justice counsellors make reasonable attempts to contact the other client.

2. If family justice counsellors assess that contacting the other client is not appropriate, their local manager is consulted and the information is documented in the file.

6.2.3 **Applications for a without notice order**

When there is a risk of family violence, the Family Law Act allows applications to be made without notice to the other party for protection orders and for orders permitting relocation. There may be other urgent circumstances when the court will hear an application made on a without notice basis. Family justice counsellors:

1. Refer urgent matters to the client’s lawyer, Legal Services Society, family advice lawyer, duty counsel and other resources able to provide immediate assistance.

2. Consider assisting unrepresented clients to make an application for a without notice order, although they do not appear in court with the client to speak to the matter.

3. Are familiar with local registry/court requirements.

4. Explain the risk factors articulated in part 9 of the Family Law Act that the court must consider when deciding whether to make a protection order, including:
   - History of family violence;
   - Whether family violence is repetitive or escalating;
6. Family justice counsellors make contact with the other client if:

- The initial client wishes such contact; and
- It appears that such contact would be in the best interest of the children.

6. Explain the client is required to complete the request form 18 if necessary, the notice of motion form 16, and the application to obtain an order form 1 or application respecting existing orders or agreements form 2.

7. Assist the client to obtain copies of past orders if required.

8. Inform the client to take the documents to court by hand and explain the urgency to registry staff.

9. Assist with referral to urgent legal representation when available.

10. Ensure they are available to both clients to assist in their understanding of the without notice order and the court process. This assistance will help the clients to address the matter in court.

11. Assess the appropriateness for dispute resolution and provide services to the family.

12. Consult with their local manager if the client is unrepresented and other resources are unavailable to assist a client who is likely to have difficulties explaining the application in court. With the approval of their local manager, family justice counsellors may assist the court by explaining the application.

6.2.4 Limitations of the legal process

1. Family justice counsellors advise that starting legal action does not necessarily ensure protection.
2. Court procedures and possible outcomes are explained to give clients a realistic understanding of timeframes and results. Refer to chapter 2, Safety and Protection.

6.2.5 Protection Order Registry

1. Family justice counsellors explain that protection orders are automatically filed in the Protection Order Registry, which is accessible to police.

2. Clients are advised to keep a copy of a protection order on hand, and to inform people at places including schools, daycare centres, and workplaces about the relevant terms of a protection order.

3. Clients are referred to Victim Services (1-800-563-0808) and Victim Link (http://www.victimlinkbc.ca/) for more information about available resources.
6.3 Procedures to Enforce a Civil or Criminal Order

6.3.1 Enforcing Family Relations Act restraining orders

1. Family justice counsellors explain to clients that restraining orders issued under the Family Relations Act remain effective as per their terms and are enforceable under the civil justice system. Restraining orders related to the Family Law Act include harassment, prohibiting interference with a child, and restriction of contact.

2. Family justice counsellors tell the client to call the police if there is a need to enforce the order. The client should have a copy of the order, certified if possible, and be ready to show it to the police.

3. Family justice counsellors inform clients about the following:
   - Police can investigate and make a report to Crown counsel recommending that a charge be laid according to the Offence Act;
   - If police are reluctant to investigate or lay the charge, the client can go directly to the Crown counsel office and ask that a charge be laid; and
   - The client has the option to lay a private information with a justice of the peace.

4. When there is a continuing safety risk, clients with restraining orders may seek a protection order under the Family Law Act. Family justice counsellors explain the benefits of protection orders, including more effective enforcement (refer to section 6.3.2, Enforcing Family Law Act protection orders).

6.3.2 Enforcing Family Law Act protection orders

1. Protection orders are available under the Family Law Act if family violence is likely to occur. They may include any provisions necessary to protect the safety and security of an at-risk family member or to implement the order. Refer to section 2.4.2, Protection orders.

2. If there is a breach of a protection order, family justice counsellors advise the client to call the police to enforce the order. If possible, the client should have a certified copy of the order ready to show the police. The Family Law Act authorizes police to act on breaches of a protection order. Enforcement is through the criminal justice system. Parties who breach a protection order face criminal charges. If convicted, they are sentenced through the criminal justice system. Refer to section 6.3.1 (item 3) above for additional information about enforcing protection orders that is conveyed to clients by family justice counsellors.
3. Family justice counsellors inform clients that protection orders similar to those available under the Family Law Act made by a court in another Canadian jurisdiction are likewise enforced in British Columbia.

### 6.3.3 Denial of parenting time or contact

1. When clients allege parenting time or contact with a child has been wrongfully withheld, family justice counsellors explore dispute resolution options available through family justice services.

2. If family justice services are inappropriate or clients are interested in court, family justice counsellors inform clients that they may apply for an order within 12 months of the date parenting time or contact was withheld. The court may address the issue by ordering family dispute resolution, counselling, compensatory time, reimbursement of expenses, supervised exchange, and fines.

3. The client against whom the application is made may show that the denial of parenting time or contact was not wrongful, as contemplated in the Family Law Act. The court may order compensatory time with the child, even if the denial was not wrongful.

4. Family justice counsellors explain that the court may order a police officer to apprehend and take the child to the person entitled to parenting time or contact. In this situation, they must be satisfied that parenting time or contact was wrongfully denied and no other remedy will ensure compliance. An application for such an order may be made on an emergency basis, depending on the circumstances.

### 6.3.4 Failure to exercise parenting time or contact

Family justice counsellors:

1. Explore dispute resolution options available through family justice services when clients allege the other person has failed to exercise parenting time or contact.

2. Inform clients they may apply to the court if the other person repeatedly fails to exercise parenting time or contact. The court may order dispute resolution, counselling, supervised exchange, and reimbursement of expenses.

### 6.3.5 Supreme Court order respecting parenting arrangements or contact

1. Clients are advised that a Supreme Court order regarding parenting arrangements or contact with a child may be enforced in the Provincial Court.
2. If clients choose to pursue enforcement of a Supreme Court order through the Supreme Court, family justice counsellors refer clients for legal advice and inform them of the right to represent themselves.

3. Family justice counsellors do not help with Supreme Court documents. They refer clients to other resources (refer to section 6.1.7, Supreme Court process).

6.3.6 Enforcement of child support

1. Family justice counsellors provide information about how to enrol in the Family Maintenance Enforcement Program (FMEP). Where available, they refer clients to FMEP.

2. If clients have not enrolled in FMEP, they have the option of making an application directly to the court to enforce their child support.

3. Family justice counsellors may assist clients in child support enforcement matters by:
   - Offering dispute resolution;
   - Explaining options such as an application to court to change or cancel an order; and
   - Providing information about resources such as the Credit Counselling Society.
7. **Section 211 Views of the Child and Full Reports**

7.1 **Authority and Focus**

7.1.1 **Authority**

The authority for courts to order Views of the Child and Full reports and for family justice counsellors to prepare them is contained in section 211 of the [Family Law Act](/).

7.1.2 **Best interests of the children**

During the assessment, family justice counsellors focus on factors set out in section 37 of the [Family Law Act](/).

7.1.3 **Definitions**

The title local manager in this chapter refers to the local manager of the Family Justice Report Service. The title family justice counsellor in this chapter refers to family justice counsellors who prepare section 211 reports.
7.2 Report Types

7.2.1 Section 211 Views of the Child report

1. Section 211 Views of the Child reports are an opportunity for children to express and share their experiences and thoughts about the family situation. This information is used to assist the court in the decision-making process. Views of the Child reports are particularly appropriate when less intervention is required.

2. Views of the Child reports are completed in priority over other reports.

3. When the court orders a Views of the Child report for adolescent children 10 years of age and older, the following process is used:
   - Family justice counsellors conduct an in-person interview with each child individually. In exceptional circumstances, family justice counsellors and local managers may consider whether a telephone or video interview is appropriate; and
   - The Views of the Child report is completed using the template (refer to appendix 2.25).

4. When the court orders a Views of the Child report related to children less than 10 years old, the following process is used:
   - Family justice counsellors offer each client a telephone interview. Its purpose is to obtain brief information about the child, current parenting arrangements, and the present court action;
   - Family justice counsellors conduct an in-person interview with each child individually; and
   - The Views of the Child report is completed using the template (refer to appendix 2.25).

5. Family justice counsellors may contact collateral or professional references in exceptional circumstances.

6. Following completion of the Views of the Child report, family justice counsellors share a summary of the child’s views with the clients, by telephone.
7.2.2 Section 211 Full report—Section 37 criteria for best interests of the child

1. Section 211 Full reports provide an assessment of the clients’ strengths and challenges in meeting their children’s needs. They are intended to assist the court when families are dealing with higher levels of conflict and complex issues.

2. Full reports address all of the criteria outlined in section 37 of the Family Law Act, including:
   - Health and emotional well-being of the child;
   - Views of the child, unless it would be inappropriate to consider them;
   - Nature and strength of relationships between the child and significant persons in the child’s life;
   - History of the child’s care;
   - Child’s need for stability, given the child’s age and stage of development;
   - Ability of each person who is a guardian or seeks guardianship of the child, or who has or seeks parental responsibilities, parenting time or contact with the child, to exercise his/her responsibilities;
   - Impact of family violence on the safety, security or well-being of the child, whether the family violence is directed toward the child or another family member;
   - Whether the actions of a person responsible for family violence indicate that the person may be impaired in his/her ability to care for the child and meet the child’s needs;
   - Appropriateness of an arrangement requiring the child’s guardians to co-operate on issues affecting the child. For example, if co-operation was required, would it increase any risks to the safety, security or well-being of the child or other family members; and
   - Any civil or criminal proceeding relevant to the child’s safety, security or well-being.

3. When the court orders a Section 211 Full report, the following process is used:
   - Family justice counsellors conduct an individual interview with each client, preferably in an office or other neutral setting;
   - Family justice counsellors observe the interaction between client and child during a home visit or other appropriate location;
• Family justice counsellors interview each child individually as deemed appropriate;

• Family justice counsellors seek additional information from collateral and professional references as deemed appropriate; and

• The Full report is completed using the template (refer to appendix 2.14, Report template: Section 211 Full Report—Section 37 Criteria.

### 7.2.3 Section 211 Full report—Focused

1. The court may specifically order that a particular issue—such as guardianship, parenting responsibilities, parenting time or contact—be assessed. In other cases, family justice counsellors may determine from court proceedings and their assessment of the family situation that it is most appropriate to limit the scope of the report to issues that are relevant to the dispute before the court. In these cases, family justice counsellors complete a Focused report.

2. When the court orders or family justice counsellors assess that a specific issue be addressed in the report, family justice counsellors and local managers determine the assessment process that addresses the issue. This process may include some or all of the steps set out in section 7.2.2, Section 211 Full report—Section 37 criteria for best interests of the child. Individual interviews with each client may be conducted in person or by telephone when appropriate. The Focused report is completed using the template. Refer to appendix 2.15, Report template: Full Report—Focused.

3. When the assessment of family justice counsellors is to limit the scope of the report to specific issues, reasons for the limitation are recorded in the FIS2 family record.

### 7.2.4 Split reports

1. Family justice counsellors may be required to complete a Split report when one client resides in British Columbia and the other client resides in another jurisdiction. In most cases, the report is ordered by the court in the jurisdiction where the children reside.

2. When a Split report is ordered by a court in another jurisdiction, the report is completed in priority over other report types as part of a mutual practice of courtesy extended to colleagues in other jurisdictions.

3. Prior to assigning a Split report to a family justice counsellor, the local manager collects relevant documents and information, including:

   • Copy of court order or court referral;
• Pleadings filed;
• Names, addresses, and phone numbers for clients and their legal counsel;
• Birth dates of each client; and
• Child’s name, birth date, and person with whom the child is living.

4. If the referral is for a Split report—Party and Children Resident in B.C., the following applies:

• If the referral originates in a B.C. court, the local manager determines whether a report can be obtained in the other jurisdiction. If another jurisdiction is requested to complete a report, the local manager provides the jurisdiction with a package of information related to Family Justice Services Division report policies and format; and

• If the referral originates in a B.C. court and one of the clients resides in the United States, the local manager informs the clients and/or their legal counsel that it is the responsibility of the clients to arrange for services within the United States. The clients pay for the associated costs, if any.

5. The local manager assigns the report to a family justice counsellor, who conducts the assessment of the client and children residing in B.C. If the referral originated in a B.C. court, section 37 criteria is considered when appropriate (refer to section 7.2.2, Section 211 Full report—Section 37 criteria for best interests of the child). If the referral originated in another jurisdiction, direction from the other jurisdiction is considered in addition to section 37 criteria, without specific reference in the report to the Family Law Act.

6. The family justice counsellor may conduct a telephone interview with the client residing in the other jurisdiction.

7. The family justice counsellor contacts the assessor in the other jurisdiction to share impressions, issues and concerns.

8. The Split report—Parent and Children is completed using the template (refer to appendix 2.16). If the referral is for a Split report—Party Only Resident in B.C., local managers receive the referral package and assign the report to a family justice counsellor. Family justice counsellors:

• Conduct an individual interview with the client residing in British Columbia, preferably in an office or other neutral setting. A home visit is conducted when appropriate;
• Observe the interaction between the client and child during an access visit, when possible. They may also interview the child individually at this time when appropriate;

• Seek additional information from collateral and professional references when appropriate;

• Conduct a telephone interview with the client residing in the other jurisdiction when necessary;

• Contact the assessor in the other jurisdiction to share impressions, issues and concerns; and

• Complete the Split report—Parent Only using the template (refer to appendix 2.17).

7.2.5 Updated reports

1. When a report has been previously completed for the court, family justice counsellors may be required to complete an Updated report for the court related to one or more aspects of the original report.

2. The emphasis of the Updated report is on the circumstances of the family since the last report was completed.

3. An Updated report is prepared using the appropriate template for the report type. The title of the report indicates that it is an Updated report.

7.2.6 Letter to court

1. When the local manager decides that it is inappropriate to assign a report, or—if already assigned—to complete a report, the local manager or family justice counsellor sends a letter to the court, the clients and their counsel (if represented), to inform them that the report will not proceed. The letter outlines reasons to warrant this decision.

2. A report may not proceed under the following circumstances:

   • It is determined that the Section 211 Views of the Child or Full report ordered by the court has already been completed by a privately employed professional;

   • Clients have withdrawn their court application;
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Child has been removed and is in the care of the director, Ministry of Children and
Family Development pursuant to an interim custody, temporary custody or continuing
custody order; or

•

Both clients refuse to participate in the report process.


7.3 **Family Violence**

7.3.1 **Inquiring about issues of family violence**

1. Family justice counsellors initially contact clients separately, interview them individually, and assess each client for violence and power imbalances. Family justice counsellors consider:
   
   - Family violence and other power imbalances in the clients’ relationship with each other;
   
   - The impact of any family violence on the safety, security or well-being of the child, whether the family violence is directed toward the child or another family member;
   
   - Whether the actions of a person responsible for family violence indicate that the person may be impaired in his/her ability to care for the child and meet the child’s needs;
   
   - Appropriateness of an arrangement that would require the child’s guardians to cooperate on issues affecting the child. Example: Would requiring co-operation increase risks to the safety, security or well-being of the child or other family members; and
   
   - Civil or criminal proceedings relevant to the child’s safety, security or well-being.

2. In the case record and in the Section 211 Full report or Views of the Child report, the family justice counsellor:
   
   - Indicates that the clients have been assessed for violence, power and control issues (refer to chapter 2, Safety and Protection, especially section 2.2, Screening and Assessing for Violence); and
   
   - Records the findings of the assessment.

7.3.2 **Assessment form**

1. Clients for whom a Section 211 Full report has been ordered complete the Family Justice Report Service Client Intake and Assessment forms prior to meeting with a family justice counsellor (refer to appendix 1.16, Family Justice Services Assessment Form).
2. The FJRS Assessment form (refer to appendix 2.29) is similar to the Client Intake and Assessment forms used with clients seeking service through family justice centres. Versions used by the Family Justice Report Service are tailored to assist family justice counsellors who are reporting to the court on the presence of family violence and its impact on parenting arrangements.

3. Detailed instructions on the administration and scoring of the FJRS Assessment form is contained in the User’s Guide. Refer to sections 4.3.2 and 4.3.3 for additional details on how clients complete the form and how family justice counsellors review the completed form with clients.

7.3.3 Family violence a factor in relationship

1. If family violence is a factor, a history of the violence is presented in the report, including:
   - Nature and seriousness of the family violence;
   - When the family violence occurred;
   - Whether psychological or emotional abuse indicates a pattern of coercive and controlling behaviour directed at a family member;
   - Whether family violence was directed toward the child;
   - Whether the child was exposed to family violence directed toward another person;
   - Harm to the physical, psychological and emotional safety, security and well-being of the child as a result of the family violence; and
   - Steps the person responsible for the family violence has taken to prevent family violence from reoccurring.

2. Violence is presented in the report in the context of parenting capabilities and impact on the child/children.

3. In a Section 211 Views of the Child report, the child’s perspective of family violence in the context of parenting capacity is presented.
7.3.4 Sexual or physical abuse allegations

1. If either client or another contact alleges that physical or sexual abuse of the child/children has or may have occurred, the family justice counsellor reports the information to the Ministry of Children and Family Development (MCFD), according to sections 13 and 14 of the Child Family and Community Services Act.

2. The person who discloses this information is informed of the obligation to report the information to MCFD, according to sections 13 and 14 of the Child Family and Community Services Act, and may be assisted to make the report.

3. When the family justice counsellor becomes aware of an abuse investigation, or if an investigation is initiated as a result of information that the family justice counsellor reports to MCFD, the family justice counsellor:
   - Ceases gathering information or conducting interviews for the Section 211 Full report;
   - Writes the report using information gathered to date, identifying in the report that a child protection investigation is ongoing;
   - Submits the report; and
   - Advises the clients, legal counsel, and court that a new referral for a report is necessary to initiate subsequent involvement by the Family Justice Report Service.

7.3.5 Safety concerns

1. If an in-person visit is to occur, the family justice counsellor initially meets each client separately in an office setting to ensure the assessment process does not present a risk of harm to clients or staff. If, after assessing for violence, the family justice counsellor wishes to conduct the initial interview outside an office setting, this exception must be approved by the local manager and noted in FIS2.

2. The family justice counsellor and local manager discuss safety concerns related to a file and agree on precautions to minimize risk to staff or clients (e.g. no home visits). In exceptional circumstances, the local manager may determine that precautions are insufficient to minimize the risk and immediately advises the regional manager and executive director about such concerns. The local manager writes to the judge about the concerns and inability to complete the report.
7.4 Assignment

7.4.1 Referral to the Family Justice Report Service

1. When the court orders a Section 211 Views of the Child or Full report, it is referred to the local manager.

2. The court registry completes and sends the Request for Report form (refer to appendix 2.1) to the Family Justice Report Service. The Request for Report form may be accompanied by a Contact Information sheet filled out for each party (refer to appendix 2.2). Before the Family Justice Report Service accepts a referral, the Request for Report form must be received and all client contact information must be provided, either in the Request for Report form or the Contact Information sheet.

3. The Request for Report form may be accompanied by a copy of the court order. If the court order is unavailable, the Family Justice Report Service may search the Court Electronic Information System (CEIS) to confirm the terms of the order.

7.4.2 Initial contact with clients/counsel

1. The local manager sends the Initial Letter (refer to the appropriate initial contact letter in appendices 2.3 to 2.8) to Parties/Counsel and Client Acknowledgement form (refer to appendix 2.9) to the clients. Copies of these documents are sent to legal counsel when clients are represented.

2. These initial contact documents introduce the service, set out the parameters and general process, and describe provisions for confidentiality. Refer to the appropriate initial contact letter in appendices 2.3 to 2.8).

3. A separate initial letter template corresponds to each report type. Refer to appendices 2.3 to 2.8 for a suitable template.

7.4.3 Assignment to family justice counsellor

1. The local manager prioritizes and assigns referrals for reports to family justice counsellors, taking into consideration the date the report was ordered, known court trial or case conference dates, and whether the referral will receive priority as a Views of the Child, Split, or Updated report. The local manager may wait to assign referrals received from distant communities until there is more than one referral from the same region.
2. If a court date has been set, family justice counsellors endeavour to complete the report prior to the court date. If a court date cannot be met, the local manager informs the court, clients and counsel in writing.

3. A Section 211 Views of the Child report is completed within four weeks of assignment to a family justice counsellor. Other reports are completed within eight weeks of assignment.

4. The family justice counsellor assigned to complete the report may not:
   - Discuss the case with a family justice counsellor who has knowledge of it through dispute resolution work; or
   - Review the dispute resolution file.

5. A family justice counsellor who has provided dispute resolution services to one or both clients is not assigned to complete a Section 211 Full report unless there are extenuating circumstances. Approval of the regional manager is required.

6. If both clients live in the province, the report is assigned to a single family justice counsellor.

7. Out-of-province travel must be pre-approved by the deputy attorney general.
7.5 Section 211 Full Reports: Assessment Process

7.5.1 Information to clients

1. Upon being assigned the report by the local manager, initial interviews between the family justice counsellor and the clients are scheduled.
   - During the initial interview, the family justice counsellor:
     - Provides the client with information about dispute resolution options; and
     - Reviews the Client Acknowledgement form with each client (refer to appendix 2.9).

2. If the interview is in-person, the client signs the form and the original is placed in the physical family file.

3. If the interview is by telephone, the family justice counsellor records on the FIS2 family record that the form was reviewed with the client on the specified date.

7.5.2 Email communication

1. Family justice counsellors may use email with clients for whom a report has been ordered under section 211 of the Family Law Act.

2. Family Justice Report Service administrative staff may use email for administrative purposes, including confirming contact information of clients.

7.5.3 Confidentiality

At the beginning of an initial interview, the family justice counsellor explains the following to each client:

- Information provided by clients and/or references may be included in the report. Refer to section 7.5.7 for additional information related to references;

- Personal information will be collected, used, disclosed and kept confidential in accordance with privacy provisions of the Freedom of Information and Protection of Privacy Act and judicial discretion to disclose;

- When the family justice counsellor has reasonable grounds to believe that a child needs—or is likely to need—protection as described in sections 13 or 14 of the
Child Family and Community Services Act, a report is made to the Ministry of Children and Family Development (MCFD);

- If a child is in immediate danger, family justice counsellors call the police and report the concern to MCFD; and
- Family justice counsellors report to the police any serious and immediate threat to a person’s safety.

7.5.4 Record keeping

1. Family justice counsellors and Family Justice Report Service administrative staff record their work using Section 211 Views of the Child and Full reports services (Family category) in FIS2.

2. For every report request, Family Justice Report Service administrative staff searches FIS2 for client and family records.

3. When there is an existing family in FIS2 for the client, the family forms the basis for the Section 211 Views of the Child or Full report.

4. If there is no existing family in FIS2 for the client, a new family is created in FIS2 upon receipt of the referral form from the court registry.

5. Information required to create the family and family services, and additional client details, are updated when received.

6. All activities on a report are documented according to the report service.

7. A separate record for each activity is documented, except for Administration and Write Report, for which the cumulative time is reported.

8. When appropriate, activity records contain location and performed date, individual client attendance/absenteeism, and duration of activity.

9. Notes are made during the meeting, interview or home visit, or as soon as possible. Notes are concise and provide enough detail to ensure accurate recall. Notes are retained in the physical family file.

7.5.5 Recording interviews

1. A client cannot be prevented from recording interviews with the family justice counsellor.
2. When a client wishes to record an interview, the family justice counsellor may also do so.

### 7.5.6 Agreement reached

If, during an assessment, the clients reach agreement on one or more major issues, the family justice counsellor documents terms that have been agreed on and addresses outstanding areas of dispute within the report. The prescribed format for the report type is used.

### 7.5.7 Determining collateral and professional references

1. The family justice counsellor may ask each client to recommend professional and/or personal references who know about a client’s parenting capacity and the parent/child relationship.

2. Clients are informed that references are contacted at the discretion of the family justice counsellor.

3. Clients are asked to tell their references that they might be contacted by the family justice counsellor.

4. The family justice counsellor may review documents or contact sources believed to have relevant information.

5. The family justice counsellor contacts the Ministry of Children and Family Development if aware that the ministry had recent or ongoing contact with either or both clients.

6. Before contacting a reference, the family justice counsellor informs the client and asks the client to sign the Consent to Release Information form (refer to appendix 2.10). A separate consent form is signed for each reference to be contacted. If the client refuses to sign the consent form, the family justice counsellor explains that the reference will be contacted.

7. If a reference declines to provide information, this information is noted in the report with any reasons.

8. If a professional reference expects payment for providing a reference, the family justice counsellor refers the reference to the local manager.

### 7.5.8 Use of information from references

1. Prior to the initial interview, references are provided with a letter (refer to appendix 2.11, Letter to Reference) explaining that:
• Information provided by the reference is not confidential and may be used in the report;

• Family justice counsellors must report certain types of information to the Ministry of Children and Family Development or police. Refer to section 7.5.3, Confidentiality;

• They may be subpoenaed to the hearing to give evidence on the information and/or observations they have provided to the family justice counsellor; and

• Pursuant to the Freedom of Information and Protection of Privacy Act, the information and/or observations they have provided to the family justice counsellor may, upon the written request from a client and/or reference, be released to the requestor.

2. During the initial interview, the family justice counsellor reminds references that information they provide is not confidential. The family justice counsellor answers questions that references have regarding confidentiality.

7.5.9 Observing the children

1. Depending on the type of report, the family justice counsellor observes the child/children in the care of each of the clients.

2. The home situation of a client is described in relation to the child/children’s needs.

7.5.10 Interviewing the children

1. The family justice counsellor interviews each child in an age-appropriate manner independently from the clients and other siblings to give children an opportunity to express their views.

2. If an interview is not appropriate due to the age of the child, the family justice counsellor may observe the child/children with the clients and siblings.

3. In exceptional circumstances, the family justice counsellor in consultation with the local manager may determine that it is not in the child’s best interests to interview or observe the child.

4. Reasons for a decision not to interview or observe a child are noted in the file and clearly stated in the report.
5. When making notes to record an interview with a child, family justice counsellors use their best efforts to capture the voice of the child and reflect the child’s views in his/her own words.
7.6 Report Writing and Administration

7.6.1 Section 211 report format

On conclusion of the assessment, the family justice counsellor writes a report using the template for the specific report type. Refer to appendices 2.12 through 2.17.

7.6.2 Content

1. Statements made in the report are based on first-hand observations and direct quotes from persons interviewed. The family justice counsellor must be able to substantiate each statement during cross-examination.

2. The information is presented in a manner that reflects the objectivity of the family justice counsellor.

3. No new factual information may be introduced in the summary and recommendation sections of the report.

4. Legal and psychological jargon is avoided in the preparation of reports.

7.6.3 Identify sources

1. Sources of information and the method of communication with each reference (e.g. in-person or telephone interview, email) are identified in the report on the sources of information page.

2. All documents referenced in the report are listed (refer to section 7.5.7, Determining collateral and professional references).

3. If information/opinions from third party reports (e.g. a medical or psychological report) are included in a Section 211 Full report, the third party is contacted as a reference.

7.6.4 Summary

The family justice counsellor summarizes information regarding each client and his/her relationship with the child/children in the context of the issue being disputed by the clients.

7.6.5 Recommendation

1. Recommendations are not included in a Section 211 Views of the Child report.
2. In a Section 211 Full report, a recommendation is expected unless the court requests no recommendation or there are extraordinary circumstances. If no recommendation is made, the family justice counsellor provides an explanation in the report.

3. In a Section 211 Full report – Focused, the family justice counsellor makes a recommendation consistent with the focus of the report.

4. Recommendations are not included in a Section 211 Full report—Split.

7.6.6 Quality assurance process

1. The local manager reviews the written report and suggests revisions to the family justice counsellor, if necessary.

2. The local manager applies the report checklist specific to the report type (refer to appendices 2.18 to 2.24). When satisfied that the report meets all requirements, the local manager completes and signs the checklist and places it in the closed file.

3. The report may not be filed with the court until the quality assurance process has been completed.

4. When the process is completed, the family justice counsellor signs the report and distributes it according to section 7.6.8, Service of report.

7.6.7 Reviewing the assessment with clients or legal counsel

1. After the report has been written by the family justice counsellor and reviewed by the local manager, the family justice counsellor discusses the assessment, recommendations and reasons with the clients. If the family justice counsellor in consultation with the local manager believes that a discussion about the report with either and/or both clients compromises the safety of either client or the child/children, the family justice counsellor:

   • Notifies the client in potential danger, and his/her counsel, of the implications of the report; and

   • Offers assistance with a safety plan as outlined in section 2.4.4, Safety plan.

2. If counsel asks to discuss the report with the family justice counsellor prior to a hearing or settlement conference, counsel for the other client or the unrepresented client must be offered an opportunity to participate in the discussion at the same time to ensure information is equally available to both clients.
7.6.8 Service of report

1. Section 211 of the Family Law Act states that copies of the report must be given to each party and to the court. Provincial Court (Family) Rule 11(1.1) specifies this must occur at least 30 days before a scheduled trial date. The Supreme Court Family Rule 13(1) specifies at least 42 days before a scheduled trial date.

2. Copies of the report are distributed as follows:
   
   - Original signed report plus one additional copy to the court registry that forwarded the referral;
   - One copy to each of the clients and respective legal counsel, if represented; and
   - One copy is retained in the case file.

3. The copy of the report to clients and legal counsel is accompanied by the completed report letter specific to the report type (refer to appendices 2.25, 2.26, and 2.27).
7.7 **Section 211 Views of the Child Reports: Report Process**

### 7.7.1 Information to clients

1. Upon being assigned the report by the local manager, the family justice counsellor contacts the child’s guardian(s) to schedule the interview with the child.

2. If the child is under 10 years of age, the family justice counsellor may obtain by telephone interview brief information about the background of the family situation and perspectives from each client.

### 7.7.2 Interviewing the children

1. The family justice counsellor interviews each child individually. Interviews are in-person. In exceptional circumstances, family justice counsellors in consultation with the local manager may consider whether a telephone or video interview is appropriate.

2. Family justice counsellors may contact collateral or professional references in exceptional circumstances. Refer to section 7.5.7, Determining collateral and professional references for details.

### 7.7.3 Writing the report

1. Although the Section 211 Views of the Child report is not a verbatim record of the interview with the child, the report does present the child’s experiences and thoughts about his/her family situation to the court in language that honours the child’s voice.

2. The Views of the Child report is written using the report template for the age of the child.

3. Views of the Child reports do not contain recommendations.

### 7.7.4 Reviewing the report with clients

After the Section 211 Views of the Child report is complete, the family justice counsellor provides a summary of the child’s views with the clients, in-person or by telephone.

### 7.7.5 Service of the report

Copies of the Section 211 Views of the Child report are distributed as outline in section 7.6.8, Service of report.
7.8 Management of Family Justice Counsellor Records

7.8.1 Release of notes

1. When a client or legal counsel requests that the family justice counsellor’s notes and background material be released to them, the family justice counsellor advises the requestor orally or in writing that:
   - Due to the complex and sensitive nature of the information gathered, notes and background materials are not released upon request;
   - Notes are taken to assist the family justice counsellor in recollecting the interview to give evidence and describe the contact; and
   - Notes may not be a verbatim record of the interview or observation.

2. Clients or legal counsel may subpoena the family justice counsellor to address his/her notes in court when the family law matter is heard. The family justice counsellor can refer to the report and notes, and answer questions in a detailed manner.

3. If a client or client’s legal counsel applies for an order from the court, directing that a family justice counsellor disclose notes and background materials, the local manager provides this information with the form, Directions for Applicants Seeking Disclosure of Family Justice Counsellor Records by way of Court Order (refer to appendix 2.28, Applicants Seeking Disclosure of FJC Records).

4. If the requestor is seeking access to his/her personal information in the family justice counsellor’s notes, the requestor may be directed to the Ministry of Technology, Innovation and Citizen’s Services, Information Access Operations Branch, to make a written application for personal records according to the Freedom of Information and Protection of Privacy Act. Information contained within the report notes will be evaluated and released to the requestor in accordance with the Freedom of Information and Protection of Privacy Act.

7.8.2 Request for personal information: FOIPPA

1. Upon receipt of a written request for personal information pursuant to the Freedom of Information and Protection of Privacy Act (FOIPPA)—including information contained within the family justice counsellor’s notes—the family justice counsellor:
   - Immediately notifies the local manager and senior policy analyst, Family Justice Services Division; and
7.8.3 Appearing as a witness before the court

1. Clients and/or legal counsel who wish a family justice counsellor to appear as a witness in a Provincial Court proceeding to speak to a section 211 report are directed to read Provincial Court (Family) Rule 11(2). This rule requires the party to seek permission from the judge by notice of motion at least 14 days before trial. Family justice counsellors must be served a subpoena that is delivered to the Family Justice Report Service. Faxed service is acceptable. No witness fees apply.

2. Clients and/or legal counsel who wish a family justice counsellor to appear as a witness in a Supreme Court proceeding to speak to a section 211 report are directed to read Supreme Court family rule 13-1. This rule requires the party to serve notice using Supreme Court rules form F43, notice to cross-examine at least 28 days before trial. Faxed service is acceptable. No witness fees apply.

3. Prior to the hearing, the family justice counsellor may be served with a subpoena or notice of motion requesting pre-hearing production of the counsellor’s notes. The client or client’s lawyer is referred to the policy in section 7.8.1, Release of notes. A copy of the subpoena or notice of motion is provided to the local manager and the senior policy analyst, because legal counsel may need to speak to the matter in court if the application proceeds.

4. A lawyer may ask to see the family justice counsellor’s notes in court during examination or cross-examination. The family justice counsellor brings to the judge’s attention Family Justice Services Division policy and concerns (e.g. safety, release of confidential contact information) about releasing the notes. At the judge’s direction, the family justice counsellor must provide the notes and ensure that the original is retained in the case file.

7.8.4 Preparation for hearing

1. Prior to a hearing that the family justice counsellor has been ordered or served notice to attend, the family justice counsellor carefully reviews the report and notes, and indexes the material for easy reference.

2. If significant travel is required to attend the hearing, a request to appear by teleconference or videoconference may be made by the local manager.
7.9 Complaints Management

7.9.1 General principles

1. Complaints are addressed in a timely manner. Every effort is made to resolve the complaint before court dates related to the concern.

2. Complaints must be made directly by one of the clients or respective legal counsel. If a reference complains, use of their information may be discussed, but not the specifics of the client file or report.

3. If a complaint cannot be resolved on an informal basis, the party may be requested to submit the complaint in writing. Complaints are recorded on the FIS2 family record and saved in the physical family file when submitted in writing. Responses are recorded on the FIS2 family record and saved in the physical family file when a letter or email is sent to the client.

4. Written responses to a complaint follow the format outlined in appendix 3.1, Complaint Response Format.

7.9.2 Complaint escalation process

1. Family justice counsellor: The first level to resolve the complaint is the family justice counsellor who wrote the report, unless it is inappropriate due to the nature of the complaint or the client believes the relationship with the family justice counsellor has broken down.

2. Local manager: If it is inappropriate for the family justice counsellor to address the complaint or if he/she is unable to resolve the complaint with the client, the client is assisted to contact the Family Justice Report Service local manager.

3. The local manager advises the regional manager of the complaint, investigates the complaint, and explores options for resolution. The family justice counsellor and regional manager are advised of the outcome of the complaint resolution process. If the complaint is not resolved at this level, the local manager and regional manager discuss whether the complaint will be referred to the regional manager or the complainant will be advised to take another approach.

4. Regional manager: The regional manager advises the executive director of complaints he/she receives, and determines whether the complaint has been addressed by the family justice counsellor or local manager. The regional manager determines the best recourse and responds to the complainant. Written responses to the complainant are copied to the
executive director and local manager. If the complaint is not resolved at this level, the complainant is assisted to contact the executive director.

5. Executive director: Follows the same process as the regional manager. If the complaint cannot be resolved at this level, the complainant is advised that the next step is the Office of the Ombudsperson.

6. If a person complains directly to the premier, minister of justice and attorney general, provincial ombudsperson or other senior government official, the complaint is referred to the regional manager, in consultation with the executive director. The regional manager oversees the response process, supporting attempts to resolve the complaint at the lowest level possible, and copying clients on written responses as required by applicable administrative procedures.
7.10 Privately Employed Section 211 Report Writers

7.10.1 Role of report writers

If a report is referred to a family justice counsellor and clients/lawyers agree that it will be completed by a privately employed person, the local manager advises the court in writing of the clients’ decision and closes the file.
7.11 Identification Cards

7.11.1 Purpose

1. The Family Justice Services Division issues identification cards to family justice counsellors who prepare section 211 reports and carry out their duties away from a government worksite.

2. The cards are used by family justice counsellors to prove identity to clients.

7.11.2 Issuing and retrieval of identification cards

1. Family justice counsellors who prepare section 211 reports and carry out their duties away from a government worksite are issued an identification card by the Family Justice Services Division upon application by the Family Justice Report Service local manager.

2. The Family Justice Report Service local manager ensures that identification cards are surrendered and returned to Family Justice Services Division Headquarters when family justice counsellors cease to prepare section 211 reports, regardless of their continued employment with the Province of British Columbia.

7.11.3 Loss and damage of identification card

If an identification card is lost or damaged, the family justice counsellor immediately notifies the Family Justice Report Service manager who contacts Family Justice Services Division Headquarters regarding the loss/damage and applies for a replacement card.
8. Ministry and Community Relations

8.1 Overview

8.1.1 Introduction

1. Working relationships with other branches of the Ministry of Justice, other ministries, non-government agencies, community organizations and individuals are a key aspect of family justice services.

2. This is recognized in the division’s principles; refer to section 1.2 (item 7): “The Family Justice Services Division promotes and provides effective service delivery to families through an integrated family justice system.” It is also reflected in the division’s standards; refer to section 1.4.2 (item 7): “Family justice counsellors collaborate with other agencies and assist with the development and implementation of protocols relevant to Family Justice Services Division.”

8.1.2 Justice system and community liaison

1. Family justice counsellors develop and maintain effective working relationships with other members of the justice system related to family justice services. This ensures efficiency and co-operation in providing quality services to clients and the courts.

2. Family justice counsellors develop and maintain effective working relationships with community agencies and consultants who serve families.

8.1.3 Development and co-ordination of services

Family justice counsellors, in consultation with their local manager, participate in committees, meetings and forums on matters related to family justice counselling and share information with colleagues.

8.1.4 Public and professional education

Family justice counsellors, in consultation with their local manager, may address community groups, professional groups, organizations and students regarding family justice counsellor services.
8.2 Parenting After Separation Program

8.2.1 Overview

1. Parenting After Separation (PAS) is an information session for parents, provided by the Family Justice Services Division in communities throughout the province. A presentation by a family justice counsellor is an important component of the program. In many Provincial Court registries, PAS is mandatory for most applicants and respondents.

2. Using lectures, videos and interaction with participants, the PAS in-person workshop focuses on the impact of separation on children and adults, how parents can help their children during separation, dispute resolution options available in the justice system, and the Child Support Guidelines.

3. A comprehensive online PAS course that covers the same topics as the in-person workshop is available.

4. PAS complements the division’s mandate to deliver dispute resolution services that respond to the needs of families and focuses on the best interests of children (refer to section 1.2, Statement of Principles). The program establishes a forum for family justice counsellors to provide information to clients regarding relevant legislation and options for dispute resolution. (Refer to section 1.4, Standards.)

8.2.2 Parenting After Separation Program

1. Whenever Parenting After Separation (PAS) is available in-person or online, family justice counsellors inform clients of the benefits of attending and how to register. Family justice counsellors advise parents registering for the in-person workshop that they will be registered in separate sessions.

2. Family justice counsellors make presentations at the in-person PAS workshop. The online PAS course includes video presentations by family justice counsellors.

3. During their presentation, family justice counsellors provide information about family justice services, dispute resolution options and the Child Support Guidelines. They may also provide an opportunity for questions and discussion, and leave information with participants about how to contact a family justice counsellor and other dispute resolution services.

4. When access to an in-person or online PAS program is not available, family justice counsellors help parents obtain reliable information about the impact of separation and divorce on parents and children and how to help their children adjust.
8.3 Ministry of Children and Family Development/Family Justice Services

8.3.1 Overview

1. Protocols for the Ministry of Children and Family Development (MCFD) and the Ministry of Justice, Family Justice Services Division are based on principles concerned with helping families recognize and meet the needs of their children.

2. In both ministries, staff are governed by legal and ethical obligations of confidentiality.

3. The intent of the protocols is to clarify the roles of family justice counsellors, according to sections 10 to 12 of the Family Law Act, and social workers when they are working with the same family.

4. The protocols are designed to help these staff avoid duplication while ensuring that the needs of children and families are met.

5. For role clarification in relation to section 211 reports, refer to chapter 7, Section 211 Views of the Child and Full Reports.

6. In general, problems in role clarification can best be resolved at the local level through consultations between the family justice centre and the local MCFD office.

7. Care is always taken to ensure that these consultations do not cause service delays, which may be detrimental to the needs of children or other family members.

8.3.2 Dispute resolution

1. Dispute resolution cases requiring role clarification generally fall into the following categories:

   - Applications for guardianship, parenting arrangements or contact concerning children in the care of the Ministry of Children and Family Development or a delegated Aboriginal agency; and

   - Family justice counsellors reporting children who may need protection according to sections 13 and 14 of the Child, Family and Community Services Act.
8.3.3 Applications for guardianship, parenting arrangements or contact concerning a child in care

These applications generally arise when a relative, other parent or step-parent applies under the Family Law Act for an order respecting guardianship, parenting arrangements or contact with a child in the supervision, care, custody or guardianship of the Ministry of Children and Family Development or a delegated Aboriginal agency.

8.3.4 Considerations

1. When the Ministry of Children and Family Development (MCFD) has court-ordered custody according to the Child, Family and Community Services Act, it is responsible to plan for the child, including investigating alternate home placements.

2. Family justice counsellors clarify with the client the status of the family’s involvement with MCFD to assist with the assessment of services that can be provided to the family.

3. In complex situations when family justice counsellors determine that direct contact with MCFD is required to obtain clarity, they may—with the client’s written consent—discuss the status of the family’s involvement with a MCFD representative. For written consent, refer to appendix 1.13, Consent to Release Information.

8.3.5 Services provided

1. Family justice counsellors do not provide dispute resolution services when the child is in temporary or continuing care with the Ministry of Children and Family Development (MCFD) or a delegated Aboriginal agency. Other options and resources are explored with the client.

2. If the director of child protection is not the guardian or caregiver of the child, dispute resolution between the person requesting service and the other client may be provided, when appropriate. Refer to section 4.1.7, Appropriateness of dispute resolution.

3. Family justice counsellors provide information and assist clients, when appropriate, with an application to Provincial Court according to the Family Law Act. Refer to chapter 6, Court Action.

4. If the child is in the care of MCFD or a delegated Aboriginal agency, the director of child protection is named as the respondent in an application made to court.
8.3.6 **Family justice counsellor reports a child in need of protection**

1. If family justice counsellors have reason to believe that a child—including a parent under the age of 19—has been, or is likely need protection as described in sections 13 or 14 of the *Child, Family and Community Services Act*, they report this information to the Ministry of Children and Family Development (MCFD).

2. If the child is in immediate danger, family justice counsellors call the police immediately and report to MCFD as soon as possible.

3. Family justice counsellors consult with the local manager before disclosing information to MCFD or the police. If the matter is urgent and the local manager is unavailable, the family justice counsellor makes the disclosure and advises the local manager as soon as possible.

8.3.7 **Continued involvement with family**

1. After reporting that a child needs or is likely to need protection, family justice counsellors continue to provide dispute resolution services only when the social worker advises that to continue will not conflict with the Ministry of Children and Family Development (MCFD) or a delegated Aboriginal agency’s involvement with the family.

2. The absence of a conflict as reported by the MCFD is recorded on the FIS2 family record.
9. Confidentiality

9.1 Overview

9.1.1 Introduction

1. The Family Law Act protects the integrity of the dispute resolution process by establishing the confidential nature of services that clients receive through Family Justice Services.

2. Chapter 9 contains policy about confidentiality that is based on sections 10-13, and section 237(2)(b)(ii) of the Family Law Act, as well as part 2 of the Family Law Act Regulation. The policy is reflected in standard 3 of section 1.4, Standards.

3. Family justice counsellors are familiar with legislation and policy, and explain it to clients. For confidentiality concerning reports ordered by the court under section 211 of the Family Law Act, refer to chapter 7, Section 211 Views of the Child and Full Reports.

4. In complex cases, family justice counsellors exercise judgment in consultation with their local manager and the policy analyst.

9.1.2 Notification of confidentiality

1. Family justice counsellors explain to all clients how confidentiality applies to the provided services. Confidentiality is addressed during the initial needs determination process (refer to section 3.3) and described in detail during the intake interview with a family justice counsellor. Confidentiality is reviewed with clients when the agreement to mediate is signed, and may be discussed at any point while services are being delivered.

2. Written information on confidentiality is available to the public in family justice centres and provided to clients upon request.
9.2 Protection of Client Information

9.2.1 Confidentiality provisions in the Family Law Act

1. The confidentiality provisions in the Family Law Act that apply to family justice counsellors also apply to Family Justice Services employees prescribed in section 2 of the Family Law Act Regulation. They are: child support officers, administrative support staff, family justice interviewers, justice access centre interviewers, local managers, regional managers and the executive director.

2. When service is provided pursuant to section 10(2) of the Family Law Act, section 11 of the act establishes that communication with a client and any information that is obtained as a result of the service is confidential. Communication and information cannot be disclosed, subject to exceptions specified in section 3 of the Family Law Act Regulation.

3. All notes and electronic records are confidential. They are not to be disclosed, subject to the exceptions outlined in section 9.2.2, Exceptions to confidentiality.

4. For additional details concerning this policy, refer to the Practice Guidelines – Request for Client File Information, located in the Policies and Reports section of the FJSD intranet site.

9.2.2 Exceptions to confidentiality

1. Section 3 of the Family Law Act Regulation specifies the limited circumstances in which information obtained while providing services may be disclosed.

2. The following client file information may be disclosed to the parties:

   • Written agreement to mediate;
   
   • Written agreement signed by all parties to the mediation that resolves one or more issues in a family law dispute;
   
   • Memorandum of understanding signed by all parties to the mediation;
   
   • Information obtained from a child participating in the children in mediation service, which the child consents to share. It is only disclosed to the parties according to section 5.3.5, Information sharing with parents of the children;
   
   • Confirmation that a client met with a family justice counsellor, upon the client’s request;
• Information necessary to comply with the rules of court; and

• Copies of court documents and reports or documents prepared by a third party that are part of the client file.

3. The following client file information may be disclosed to third parties:

• Information disclosed to a service provider or agency in conjunction with a referral, if the client being referred has consented to the referral and disclosure;

• Information about a child protection matter, in accordance with sections 13 and 14 of the Child, Family and Community Services Act; and

• Information to protect a person or property if there is a risk of imminent and serious harm.

4. Section 12 of the Family Law Act specifies that except as permitted in the Family Law Act Regulation, family justice counsellors must not be compelled to disclose information to the court or testify in any proceeding about information obtained while providing services to clients. Family justice counsellors may disclose information in the following proceedings:

• Information necessary to comply with requirements under the applicable rules of court or the Child, Family and Community Services Act;

• Information regarding a civil or administrative proceeding in which the family justice counsellor is named as a party; and

• Applications pursuant to part 5 or part 7 of the Family Law Act to set aside an agreement negotiated with a family justice counsellor concerning division of property or spousal support.

9.2.3 Documenting disclosure of client information

1. Family justice counsellors document the circumstances and details of disclosures on the FIS2 family record.

2. Written confirmation of a client’s attendance with a family justice counsellor is provided using the Letter of Attendance template (refer to appendix 1.22).

3. Family justice counsellors consult with their local manager before disclosing information related to a child protection matter or a risk of serious and imminent harm. If the matter is urgent and the local manager is unavailable, the family justice counsellor makes the disclosure and advises the local manager as soon as possible.
9.2.4 Confidential address

When confidentiality is an issue (for example, a client does not wish to disclose a phone number, address or other information to another client), family justice counsellors:

- Ensure this information does not appear on documents available to the other client;
- Make a note of confidentiality concerns on the FIS2 family record for the benefit of administrative support and other staff; and
- Advise the client not to put confidential information on court forms because the other client has access to the court file. Family justice counsellors suggest that clients use an alternate address and phone number on documents submitted to court.

9.2.5 Search officers

1. Family justice counsellors do not disclose client information to search officers, who may request information from other persons to:

   - Take action or enforce a party’s rights in relation to a child care or support issue;
   - Recalculate child support; or
   - Fulfil a duty under an international convention.

2. Information in the care and control of a family justice counsellor is excluded from the definition of searchable information available to a search officer. Refer to section 237(2)(b)(ii) of the Family Law Act.

9.2.6 Lawyer's access to information

If the client has a lawyer, family justice counsellors release only the client’s information to the lawyer with the client’s consent.
9.3 Confidentiality Provisions in Other Legislation

9.3.1 Child protection

1. When family justice counsellors believe that a child—including a parent under the age of 19—has been, or is likely to need protection as described in section 13 or 14 of the Child, Family and Community Services Act, it is reported to the Ministry of Children and Family Development (MCFD).

2. If the child is in immediate danger, family justice counsellors call the police first and report to the MCFD as soon as possible.

3. Family justice counsellors consult with their local manager before disclosing information to MCFD or the police. If the matter is urgent and the local manager is unavailable, the family justice counsellor makes the disclosure and advises the local manager as soon as possible.

4. This policy appears in chapter 2, Safety and Protection.

9.3.2 Risk of serious harm

1. When family justice counsellors reasonably believe there is a risk of serious and imminent harm to a person or property, they may disclose that information to the police.

2. Family justice counsellors consult with their local manager before disclosing information to the police. If the matter is urgent and the local manager is unavailable, the family justice counsellor makes the disclosure and advises the local manager as soon as possible.

9.3.3 Divorce Act

1. There are no provisions for confidentiality in the Divorce Act that are similar to sections 10-13 of the Family Law Act.

2. The courts have upheld the importance of maintaining confidentiality and privilege in a collaborative dispute resolution process provided by qualified family mediators.
9.4 Other Issues

9.4.1 Safety

1. When a client’s safety might be at risk, family justice counsellors make reasonable efforts to inform the client at risk and police to ensure the client’s protection.

2. These efforts are recorded on the FIS2 family record.

9.4.2 Security of physical family files

1. The duty of family justice counsellors to safeguard the confidentiality of information includes protecting the security of paper and electronic files.

2. Physical family files in family justice centres are secured during office hours to prevent access by unauthorized persons.

3. Outside office hours, files are secured in locked facilities inside the office.

4. Files do not leave the family justice centre except when required for court, case conferences, home visits, or itinerant travel. In these circumstances, family justice counsellors obtain permission from their local manager.

5. Family justice counsellors are responsible for the security of files and returning them to the office.
10. Administration

10.1 Opening, Closing and Transferring Cases

10.1.1 The Family Information System 2 (FIS2)

1. The family information system 2 (FIS2) is a computer application developed for the management of services provided by family justice counsellors, family justice report writers, child support officers, family justice interviewers, local managers, administration services staff, justice access centre interviewers, civil resource co-ordinators, and mediator advisors. In the justice access centres, staff of partner agencies may also input client records into FIS.

2. The database has five primary functions:
   - Documentation of anonymous, group, family and civil records;
   - Maintenance of family service records for day-to-day client management;
   - Search capabilities;
   - Generation of management reports for FIS2 users and managers to monitor and track services, activities, issues, outcomes, referrals and service hours (e.g. Section 211 reports); and
   - Generation of statistical information based on anonymous, group, family and civil service records.

10.1.2 System queries

1. Upon initial contact from a client requesting services, family justice centre staff query the family information system 2 (FIS2) database to determine if the person previously contacted a family justice centre.

2. When there is an existing family ID for a client, the family justice counsellor determines if the family received family or civil services. Family and civil services are not entered using the same family ID. If a family has received family service, additional family services are documented according to the family’s existing ID. If a family has received civil services, a new family ID must be created to document family services, using the existing client ID for civil services.
3. Precautions are taken not to share confidential information from FIS2.

### 10.1.3 Service categories and service types

1. A service is identified according to a category of anonymous, group, family or civil:
   - Anonymous service does not have a client associated with it;
   - Group service does not have a client associated with it;
   - Family service has at least one person associated with it and has received assistance related to family issues; and
   - Civil services has at least one person associated with it who has received assistance related to civil issues.

2. Service types are recorded as:
   - Enquiry management;
   - Brief service (regular or Rule 5);
   - Brief counselling (regular or Rule 5);
   - Rule 5;
   - Dispute resolution (regular or Rule 5);
   - Section 211 Full report;
   - Section 211 Views of the child report;
   - Outreach and education services; and
   - PAS exemption.

3. Family services—clients and families:
   - Family services are provided to clients who form families. Refer to section 1.4.5, Definition of “client” and “clients”;
   - A client can be part of more than one family;
   - A family can consist of one client;
• Families can involve biological parents, step-parents, extended family members, non-relatives, and children;

• The creation of a FIS2 family must focus on the children;

• A new family is created in FIS2 when there are children born from a new parental relationship not already recorded in FIS2; and

• A new family is created in FIS2 if the client who is part of the family has received only civil services and is now seeking family services.

10.1.4 Brief service/brief counselling service

1. Family justice counsellors record services in the manner prescribed by the Family Justice Services Division. Refer to section 1.4.2, Dispute resolution services.

2. Brief service or brief counselling services are recorded when a family justice counsellor has short-term interaction with a client, and there is no intent to engage in dispute resolution.

3. If a brief service or brief counselling service was provided and a subsequent short-term interaction occurs with the same client, another brief service or brief counselling service is recorded using the family’s existing ID.

4. If a closed dispute resolution service exists, a brief service or brief counselling service is recorded for that family using the family’s existing ID.

5. If an open dispute resolution service exists under the assigned family justice counsellor, activities are recorded in that service.

6. If an open dispute resolution service exists for a family justice counsellor, a brief service or brief counselling service is recorded using the family’s existing ID. Refer to section 10.1.8, More than one family justice counsellor involved.

7. When recording brief service/brief counselling, identifying information provided by the client—including date of birth—is recorded.

8. When recording brief service/brief counselling service, the following are documented in relation to this service: Activities, client issues, activity notes and outcomes.

9. Family justice counsellors ensure that they document a returned call (i.e. leaving a voice message for the client) when there are no existing or open services. Returned calls are documented on the Enquiry Management Services screen in FIS2 or on a paper record.
Refer to section 10.1.4 (item 2) above for procedures when a brief service or brief counselling service is recorded.

10.1.5 Dispute resolution service

1. A dispute resolution service is recorded in FIS2 and a physical family file is created when a client has attended an assessment interview with a family justice counsellor, and either:
   - Contact with a second client is expected to occur to provide dispute resolution services; or
   - A family justice counsellor assists with a without notice application to court.

Refer to chapter 3, Initial Intake and Determination of Service.

2. Family justice counsellors complete or update client details on all family members involved with a service.

3. Relevant activities, issues, activity notes and outcomes are recorded in the dispute resolution service.

4. Activity notes are brief and contain only factual information.

5. Current contact information is placed in the physical family file.

6. The following information in the activity notes for each dispute resolution service is recorded:
   - Initial entry, including a brief history of the relationship, current situation, service required, options and information provided, and a plan for action/next steps;
   - Brief and factual record of contacts;
   - Update summary, including progress to date and goals of continued counselling;
   - Transfer summary, including an update and the reason for transfer if necessary; and
   - Closing summary, including the outcome of the family justice counsellor’s services and activities.

7. A returned call (i.e. spoken to the client or left a voice message for the client) is documented as an activity note in FIS2 or in the paper file when there is an open dispute resolution service.
10.1.6 Additional dispute resolution services

1. A new dispute resolution service is recorded on the FIS2 database and physical family file when clients request additional dispute resolution. Refer to chapter 3, Initial Intake and Determination of Service and section 10.1.5, Dispute resolution service.

2. Family justice counsellors update information on the Client Details screen and in the physical family file to reflect changes, such as addresses and telephone numbers.

10.1.7 Information about safety

1. Safety concerns, expressed by a client or perceived by family justice counsellors, are recorded so that any staff person who comes in contact with the family is aware of them. Refer to chapter 2, Safety and Protection.

2. When a client has an existing family in the FIS2 database, before providing additional service, family justice centre staff review FIS2 to identify whether safety concerns were documented in the database.

10.1.8 More than one family justice counsellor involved

1. More than one family justice counsellor may provide, concurrently or subsequently, brief services/brief counselling services to a family member.

2. When more than one family justice counsellor is involved in an existing dispute resolution service, family justice counsellors talk with clients about how services can best be provided when clients live in different locations or wish to attend different family justice centres. Refer to section 3.3.11, Location.

3. When clients wish to involve two family justice counsellors, this preference is recorded in FIS2.

4. One family justice counsellor must be designated as the primary assignee in FIS2.

10.1.9 Separate files

Family justice centres maintain separate electronic and physical family files for family justice counsellors (dispute resolution), family justice report writers, and child support officers.

10.1.10 Destruction of files

1. Files and/or documents are retained according to the Document Disposal Act.
2. Family justice counsellors may retain written notes or destroy them after the information has been documented in FIS2. FIS2 is the formal record.

10.1.11 Completing a service

1. Outcomes for service, activities and issues are documented to complete a dispute resolution service.

2. Outcomes for service and activities are documented to complete a brief service/brief counselling.

3. Outcomes for a dispute resolution service are documented within 30 days of the requested service(s) being completed. They do not remain open longer than 90 days without approval of the local manager. The request for extension is noted in the dispute resolution service activity notes.

4. A closing entry for the dispute resolution service is completed on the Notes screen, summarizing the result of the services.

10.1.12 Transferring services

Before a service is transferred, family justice counsellors ensure that electronic records are up to date. A transferring or closing summary is added to the activity notes.

10.1.13 Transferring services within a family justice centre

1. With approval of the local manager, family services may be transferred from one family justice counsellor to another in the same office.

2. Only a local manager or administrative service staff may transfer a service.

10.1.14 Sending/receiving physical files between family justice centres

1. The physical family file remains at the office that completed the last dispute resolution service until another dispute resolution service is recorded at another office.

2. When a dispute resolution service moves from one family justice centre to another, the physical family files are transferred to the requesting centre.

3. The office transferring the physical family file makes a notation in the activity notes stating that the paper file is being transferred.
4. Administrative staff, family justice interviewers, local managers and family justice counsellors document out-of-office physical file transfers on the Physical File screen. To record this transfer, the originating office sends the file and the requesting office receives the service.

10.1.15 Filing system

Each family justice centre has a secure central filing system for closed paper files so they can be located easily and reopened. Refer to section 9.4.2, Security of physical family files.
11. Complaints Management

11.1 Complaints Management Principles

1. The Family Justice Services Division is the first level of responsibility for managing complaints from clients.

2. Clients are entitled to a complaints mechanism regarding process and services provided by the division.

3. The complaints mechanism must demonstrate a commitment to administrative fairness by:
   - Responding to complaints in a timely manner;
   - Notifying clients who might be adversely affected during an investigation;
   - Considering relevant evidence related to a complaint;
   - Giving full reasons for a decision;
   - Making findings known to individuals who are adversely affected and giving them the opportunity to respond;
   - Providing a resolution that is appropriate, remedial and, when indicated, systemic;
   - Keeping records of complaints received;
   - Treating everyone with courtesy and respect; and
   - Handling complaints with impartiality and honesty.

4. The complaints mechanism must have the following characteristics to ensure a fair and adequate remedy:
   - Clearly stated mandate;

• Policies, procedures and practices that demonstrate respect for its mandate;
• Absence of bias;
• Competence and capacity to receive complaints and conduct thorough reviews and investigations; and
• Power to take or recommend corrective action.

5. Handling complaints is important to public relations and divisional program review and development.

6. Complaints are approached in a conflict resolution and problem-solving manner.

7. Complaints are thoroughly investigated.

8. When conflict resolution is unsuccessful, a decision is made and communicated to the complainant.

9. Complainants must feel that their concerns have been understood and investigated, and that they have been treated with fairness and respect.

10. Complaints may reveal problems in service quality: Errors, communication issues, or systemic problems needing attention to prevent recurrence.

11. When an error has occurred, it is acknowledged and an apology is given.

12. When staff have acted properly, particularly in the exercise of discretion, they are supported.

13. Family justice counsellors are given the opportunity to resolve their clients’ complaints, unless the client feels that the relationship with the family justice counsellor has broken down.

14. A complainant who is dissatisfied with the response of the family justice counsellor is given access to the next level for additional review.

15. The decision on a complaint is clearly communicated to the complainant, with a summary of the issues and facts. The complaint response format set out in appendix 3.1 is followed.

16. Written complaints require a written response. Telephone complaints may receive a written or oral response.
12. Appointment of Family Justice Counsellors

12.1 Policy

12.1.1 Legislation

1. The Attorney General may appoint a person to be a family justice counsellor, according to section 10(1) of the Family Law Act.

2. The term family justice counsellor has been used since the Family Justice Services Division was created in 1997. Family court counsellor was the previous title. It was referenced in the Family Relations Act until the act was repealed in March 2013.

12.1.2 Standard

Every person employed by the government as a family justice counsellor obtains and maintains her/his appointment as a family justice counsellor according to section 10(1) of the Family Law Act.

12.1.3 Authority for appointment

The executive director has sole administrative authority to recommend to the deputy attorney general individuals who are appointed as family justice counsellors, according to section 10(1) of the Family Law Act.

12.1.4 Criteria for appointment

A recommendation for appointment according to section 10(1) of the Family Law Act confirms that the person:

- Possesses a certificate of completion of the family justice counsellor recruitment and individualized training program from the Justice Institute of British Columbia;
- Possesses Province of British Columbia family mediator accreditation; and
- Is employed by the province as a family justice counsellor.
12.1.5 Criteria for reappointment

To be re-appointed, a person must:

- Be employed by the province as a family justice counsellor;
- Carry an active family service caseload and provide the services of a family justice counsellor; and
- Complete a minimum of 20 hours of professional development activities approved by the Family Justice Services Division, in each of the years subsequent to appointment or previous re-appointment.

12.1.6 Length of appointment

An appointment as a family justice counsellor is for a maximum of two years, according to section 10(1) of the Family Law Act.

12.1.7 Termination of appointment

A family justice counsellor appointment is administratively terminated when a person ceases employment as a family justice counsellor or ceases to carry an active Family Justice Services Division caseload.
12.2 Procedure

12.2.1 Requests for appointment, reappointment, or renewal of family justice counsellor

The family justice counsellor appointment request form (refer to appendix 3.2) is used by the local manager to submit requests for family justice counsellor appointments. The appointment process is as follows:

- Local manager submits the appointment request form to the executive director;
- Executive director approves the request and forwards the recommendation for appointment to the deputy attorney general; and
- Deputy attorney general signs the appointment.
13. Province of B.C. Family Mediator Accreditation

13.1 Policy

13.1.1 Standard

Every person employed by the province as a family justice counsellor must obtain Province of British Columbia family mediator accreditation.

13.1.2 Criteria for accreditation

A person receiving Province of British Columbia family mediator accreditation:

- Is employed by the province as a family justice counsellor;
- Completes all training required by the employer; and
- Is certified by the board of Family Mediation Canada as a family relations mediator or comprehensive family mediator.

13.1.3 Criteria for accreditation maintenance

1. To preserve their British Columbia family mediator accreditation, family justice counsellors must maintain their Family Mediation Canada certification.

2. To maintain the Family Mediation Canada certification, family justice counsellors, when applying for certification maintenance, must:

- Be employed by the Province of British Columbia as family justice counsellors;
- Have delivered a minimum of 30 hours of family mediation within the previous 12 months or have provided a minimum of 150 hours of family mediation within the last five years; and
- Have completed a minimum of 20 hours of continuing mediation education, within the past 12 months, approved by the Family Justice Services Division.
13.2 Procedure

13.2.1 Province of British Columbia family mediator accreditation

1. A recommendation for Province of British Columbia family mediator accreditation is initiated by the local manager in writing to the executive director and copied to the regional manager. It states that the family justice counsellor has met the criteria for accreditation.

2. The executive director and assistant deputy minister sign the certificate of accreditation.

3. Family Justice Services Division Headquarters retains on file a copy of the memorandum from the local manager who recommended the accreditation. It also retains on file a copy of the family justice counsellor’s Family Mediation Canada family mediator certificate.

13.2.2 Reinstating Province of British Columbia family mediator accreditation

1. When former family justice counsellors are re-employed by the Family Justice Services Division as family justice counsellors, they may be reinstated with Province of British Columbia family mediator accreditation if they meet the criteria for accreditation.

2. Recommendations to reinstate Province of British Columbia family mediator accreditation are initiated by local managers in writing to the executive director and copied to the regional manager. The recommendation must state that the family justice counsellor meets the criteria for accreditation.

3. Prior to submitting the recommendation for reinstatement of Province of British Columbia family mediator accreditation, local managers receive one of the following documents from the former family justice counsellor:
   - Notice from Family Mediation Canada to the former family justice counsellor indicating that she/he has maintained Family Mediation Canada family mediator certification since leaving the employment of the Family Justice Services Division; or
   - Notice from Family Mediation Canada to the former family justice counsellor stating that she/he has been re-certified by Family Mediation Canada as a family relations mediator or comprehensive family mediator.

4. Upon receipt of the recommendation, the executive director issues a letter to the family justice counsellor, copied to the local manager and the regional manager. It states that the family justice counsellor has been reinstated with Province of British Columbia family mediator accreditation.
5. The Family Justice Services Division Headquarters retains on file a copy of the memorandum from the local manager that recommends reinstatement of Province of British Columbia family mediator accreditation. It also retains on file a copy of the family justice counsellor’s written notice of certification maintenance or written notice of re-certification.

13.2.3 Family justice counsellor Family Mediation Canada certification maintenance

1. To maintain Family Mediation Canada certification, family justice counsellors complete and submit to their immediate supervisor the two annual certification maintenance documents provided by Family Mediation Canada. The annual submission due date for these documents is set by the executive director.

2. The supervisor signs and forwards the documents to the executive director by the annual due date.

3. The executive director forwards to Family Mediation Canada all certification maintenance documents received by the annual due date. Payment of membership and certification maintenance renewal fees for family justice counsellors who qualify for certification maintenance is submitted with the documents.

13.2.4 Termination of Province of British Columbia family mediator accreditation

1. When employees of the Family Justice Services Division cease work as family justice counsellors, their local manager sends their Province of British Columbia family mediator accreditation documents to the executive director.

2. Accreditation is administratively terminated by the executive director when advised by a local manager that an employee has ceased employment as a family justice counsellor.
14. Rule 5 Family Justice Registry Program

14.1 Introduction

14.1.1 Overview

1. The Rule 5 Family Justice Registry is a program of the Family Justice Services Division.

2. Rule 5 of the Provincial Court (Family) Rules requires an applicant and a respondent to a Family Law Act application concerning guardianship, parenting arrangements, contact, child support, or spousal support to see a family justice counsellor before a date may be set for their first appearance before a judge.

3. Only court registries designated as family justice registries apply Rule 5.

4. The sources of Rule 5 referrals to family justice counsellors are a:
   
   - Family justice registry;
   
   - Judge who—during a first appearance—receives a notice of motion requesting an exemption to Rule 5 and does not grant the exemption; and
   
   - Judge who wishes the applicant and respondent to return to a family justice counsellor to attempt dispute resolution or clarify unresolved family issues.

5. Rule 5 allows for exceptions to this procedure. Refer to section 14.7.1, Exceptions to Rule 5.

6. The role, principles and standards of Family Justice Services Division outlined in chapter 1, Mission, Role, Principles and Standards, must be upheld by family justice counsellors when providing service to clients impacted by Rule 5.

14.1.2 Goals of Rule 5

1. Promote early dispute resolution.

2. Increase the use of non-adversarial alternative dispute resolution.

3. Reduce the number and complexity of Family Law Act trials.
14.1.3 Objectives of Rule 5

To provide:

1. Timely information about options to resolve family issues.
2. Access to resources for resolving family issues.
3. Opportunities to clarify family issues prior to appearing before a judge.
4. Information for the court regarding dispute resolution outcomes, which assist the court in addressing outstanding issues.
14.2 General Requirements

14.2.1 Scheduling Rule 5 interviews

1. Family justice counsellors complete separate Rule 5 interviews in all cases.

2. Family justice counsellors offer a Rule 5 interview with the requesting client within five working days.

3. Family justice counsellors inform clients that the other client will be contacted with respect to completing a Rule 5 interview. They must first receive confirmation from the applicant that service on the respondent has occurred.

4. Refer to chapter 2, Safety and Protection.

14.2.2 Clients live in separate Rule 5 locations

When it is determined that clients live in separate Rule 5 jurisdictions and geographic distance prevents the same family justice counsellor from conducting an in-person Rule 5 interview with one of the clients, the family justice counsellor offers to:

- Arrange for an in-person Rule 5 appointment at the closest Rule 5 office location; or
- Schedule a Rule 5 telephone interview with a family justice counsellor from the originating office.

14.2.3 Clients in alternate Rule 5 location attend their local Rule 5 family justice centre

When an application is made in one Rule 5 jurisdiction and a client who lives in another Rule 5 location attends his/her local Rule 5 family justice centre for a Rule 5 interview, family justice counsellors:

- Explain to the client that the other client may be dealing with a second family justice centre;
- Explain the implications of the involvement of a second family justice counsellor; and
- Inform the other family justice centre of client contact and the procedure that was agreed upon.
14.2.4 Documentation

When a family justice centre receives a filed application involving one client who lives in a second Rule 5 location, family justice counsellors:

- Provide a copy of the application to the corresponding Rule 5 location for notification purposes; and
- Retain copies of all documents at the originating Rule 5 location.

14.2.5 More than one family justice counsellor involved

More than one family justice counsellor may be involved with clients in a Rule 5 application. Refer to section 10.1.8, More than one family justice counsellor involved.

14.2.6 Legal advice and information

Family justice counsellors:

1. Clarify with clients that a family justice counsellor is not a lawyer and does not provide legal advice. Refer to sections 4.4.10, Referral for legal advice and 6.1.6, Legal advice.

2. Offer legal and procedural information to assist clients in dealing with their family issues.

3. Notify clients that following each Rule 5 interview, the family justice counsellor will sign a [form 6](PFA 808) referral request. It enables clients to inform the court about issues that have been resolved or clarified and about unresolved issues. Refer to section 14.4.4, Form 6 referral request.

4. Provide clients with a list of available legal resources, including resources for obtaining legal advice and accessing family advice lawyer clinics at most Rule 5 family justice centres.

5. Inform clients of their right to consult a lawyer about any decision made as a result of meeting with a family justice counsellor, especially before signing a consent order or written agreement.

14.2.7 Confidentiality

1. Family justice counsellors uphold confidentiality, according to sections 10-12 of the [Family Law Act](http://example.com) and Part 2 of the [Family Law Act Regulation](http://example.com), as well as chapter 9, Confidentiality.
2. Section 3(3)(b) of the Family Law Act Regulation, which permits the disclosure of information to comply with the requirements of the Rules of Court, allows the family justice counsellor to:

- Sign the top portion of form 6 (PFA 808) to indicate that the applicant and/or respondent met with a family justice counsellor; and

- Indicate to the judge on form 6 that “mediation is not appropriate.”

14.2.8 Screening for family violence

1. Family justice counsellors screen for family violence on every initial contact with a client, in accordance with chapter 2, Safety and Protection, and their duty to assess for family violence established in the Family Law Act.

2. When family violence is an immediate issue, family justice counsellors offer to assist clients in applying for an exception to Rule 5. Refer to section 14.7, Exceptions and Requests for Immediate Court Appearance.

14.2.9 Interpreter required for interview

Refer to section 3.7.1, Interpreters, when the assistance of an interpreter is needed for a Rule 5 interview.
14.3 Factors Affecting Contact with Rule 5 Clients

14.3.1 Exceptions to in-person Rule 5 interviews

1. Family justice counsellors conduct an in-person interview with clients who do not meet the following criteria:
   - Medical condition of client prevents attendance;
   - Travelling distance to the family justice centre prevents attendance; or
   - Other extraordinary reason determined by the family justice counsellor.

2. Family justice counsellors interview by telephone clients who are exempted from an in-person interview.

3. When child care or employment prevents clients from attending interviews during extended office hours, and subject to the availability of extended hours, family justice counsellors offer to schedule an appointment with clients outside core hours of operation.

14.3.2 Applicant and respondent attend together

When the applicant and respondent attend a family justice centre together for the initial interview, family justice counsellors:

1. Advise that policy requires separate interviews with the applicant and respondent. Explain that separate interviews ensure the safety of both clients and facilitate complete disclosure. Refer to Assessment Interviews, section 4.4.1.

2. Advise that the respondent must be served prior to the respondent receiving a Rule 5 interview.

3. Set a separate appointment for a Rule 5 interview with the respondent. In most cases, it is preferable for clients to speak with the same family justice counsellor. To avoid a significant delay, it might be necessary to arrange an interview with the respondent with the next available family justice counsellor.
14.3.3  **Respondent attends prior to service of the application**

A respondent might attend a family justice centre upon learning that an application has been filed with the family justice registry. Family justice counsellors:

1. Set a tentative Rule 5 appointment to interview the respondent pending service of the court documents or filing of a Reply. Non-Rule 5 services are provided.

2. Offer a copy of the application to the respondent from the applicant’s physical family file, when an interview with the applicant has occurred and the applicant agrees with providing a copy to the respondent.

3. Refers the respondent to the family justice registry when a copy of the application cannot be provided.

4. Inform the applicant and the respondent that providing a copy of the application does not constitute service on the respondent.

14.3.4  **One client does not attend for Rule 5 interview**

1. When one client has initiated a Rule 5 interview (either applicant or respondent) and the second client does not contact the family justice centre, family justice counsellors make three attempts to contact the client. Contact may consist of three attempts by telephone on different days and at different times, or two attempts by telephone on different days and at different times and one initial contact letter sent. When telephone service is unavailable, family justice counsellors send a letter that requests the client to contact the family justice centre.

2. Details identifying such attempts are added to the existing client information on FIS2.

3. Prior to initiating contact with the respondent, family justice counsellors confirm with the applicant that the respondent has been served.

4. If a civil or criminal protection order states the clients are to have no direct or indirect contact, family justice counsellors may provide information, but do not initiate contact with the other client. Refer to section 4.1.10, Protection orders.

5. When contacting the client, family justice counsellors try to engage them by providing the following information:

   - The court expects that the respondent will file a reply to the application. The court may proceed to deal with the application if a reply from the respondent is not filed within 30 days;
• The purpose of this contact is to ensure the client is aware of his/her Rule 5 responsibilities;

• Services of a family justice counsellor are intended to make the client aware of the court process and alternatives to court; and

• Location of the nearest family justice centre, the amount of time needed to meet with a family justice counsellor, and the availability of family justice counsellors during extended hours of operation.

### 14.3.5 Involvement of third party at the Rule 5 interview

When the client wishes a third party to be present at the Rule 5 interview, family justice counsellors:

1. Explain that a third party may be present during the Rule 5 interview. Refer to section 4.7.4, Involvement of a third party in mediation and shuttle mediation.

2. First meet separately with the client, before the invited third party joins him/her for the interview.

3. Explain that the legal requirement for confidentiality does not apply to a third party.

4. Hold in confidence all information provided by the client who is not present.

5. Offer to clarify the role of the third party and help the client to set boundaries on third party involvement.

### 14.3.6 Involvement of a lawyer

1. When a lawyer wishes to be present during a Rule 5 interview, family justice counsellors explain the following at the start of the interview:

   • Role of the family justice counsellor is to provide information, not legal advice. Refer to section 14.2.6, Legal advice and information;

   • How information that is shared during the interview will be used. Refer to section 14.4, Legal Information for Clients;

   • Confidentiality is upheld by family justice counsellors according to section 14.2.7, Confidentiality; and
• Confidentiality is upheld with respect to all information provided by the client who is not present.

2. Family justice counsellors establish meeting guidelines by:

• Consulting with the client about the role of the lawyer during the interview;

• Consulting with the lawyer about his/her role during the interview;

• Determining whether the lawyer intends to consult with the client during the interview regarding options discussed with the family justice counsellor. Due to time restrictions, the family justice counsellor encourages that such consultations occur after the interview; and

• Advising the lawyer that it is preferable to provide feedback and ask questions at the conclusion of the Rule 5 interview. The lawyer is welcome to take notes during the interview for this purpose.
14.4 Legal Information for Clients

14.4.1 Information about Rule 5

Family justice counsellors explain to clients that:

1. They must see a family justice counsellor before a date can be set for their first appearance before a judge.

2. The intent of Rule 5 is to inform clients of dispute resolution options, to facilitate their access to these options, and to provide information about the courts when these options are not exercised.

3. The role of the family justice counsellor is to assist clients in clarifying issues, inform them of options to address these issues, and help them gain access to services that might assist them in resolving these issues.

14.4.2 Commencement of the court process: applicant

Family justice counsellors explain the following factors about initiating the court process:

1. Applicant is responsible for requesting the involvement of the court.

2. Personal service of the filed application by a person other than the applicant.

3. Timelines for obtaining a court appearance.

4. Completion of Provincial Court (Family) Rules:
   - Rule 5 (procedures in family justice registries); and
   - Rule 21 (Parenting After Separation Program).

14.4.3 Commencement of the court process: respondent

Family justice counsellors explain the following factors about initiating the court process:

1. The respondent is responsible for filing a reply to the application with the family justice registry. If the respondent does not file a reply:
   - Application may proceed 30 days after it was served on the respondent;
   - Respondent is not considered a party to the application; and
• Respondent may not receive notice of the court date.

2. Family justice counsellor may assist the respondent in completing a reply.

3. Timelines for obtaining a court appearance.

4. Completion of Provincial Court (Family) Rules:
   • Rule 5 (procedures in family justice registries); and
   • Rule 21 (Parenting After Separation Program).

14.4.4 Form 6 referral request

Family justice counsellors explain the Rule 5 process and the implications of form 6 (PFA 808):

1. Form 6 is a notice to the court, which indicates to the judge during the first appearance:
   • That the client complied with Rule 5(4) by meeting with a family justice counsellor;
   • What issues are resolved or outstanding; and
   • What options the client has explored to resolve family issues outlined in the application.

2. To initiate setting a court date, the applicant and/or the respondent must file a form 6 with the family justice registry.

3. After a Rule 5 interview, family justice counsellors complete the top part of form 6.

4. If it is determined that mediation is not appropriate, family justice counsellors indicate on form 6 that “mediation is not appropriate.”

5. Family justice counsellors review form 6 with the client to assist in the understanding of its contents. During this review, family justice counsellors inform the client of the following:
   • The client is responsible for information listed in the bottom part of form 6. The family justice counsellor may assist the client in completing and filing this form, but does not take responsibility for its contents;
   • Form 6 may be filed with the court registry after the Rule 5 interview or the client may wait for the outcome of dispute resolution;
• Although filing form 6 does not preclude the client from attempting other options, it may be beneficial to attempt dispute resolution before filing form 6. This is especially important when the clients are considering litigation;

• The results of dispute resolution will be reported by the client to the court in the bottom part of form 6; and

• When referred by the family justice counsellor to attend a Parenting After Separation session or other service, the client is responsible for indicating attendance on form 6 prior to filing it at the family justice registry.

6. When the clients are able to reach a partial or full agreement on the matters, a consent order according to section 219 or a written agreement according to the following sections of the Family Law Act may be filed with the court, and are attached to form 6:

• Section 44 (agreements respecting parenting arrangements);

• Section 50 (agreements respecting guardianship);

• Section 58 (agreements respecting contact);

• Section 148 (agreements respecting child support); or

• Section 163 (agreements respecting spousal support).
14.5 Client Referrals

14.5.1 Purpose of referrals

1. Identifying appropriate referrals is the first step for the family justice counsellor to help Rule 5 clients resolve their family issues.

2. The referral process ensures clients are properly referred to dispute resolution options, including court.

3. The referral process assists the court by preparing the clients and their information for a first appearance before the judge.

14.5.2 Referral procedures

Family justice counsellors:

1. Assess clients and their readiness for dispute resolution according to policy and procedure outlined in chapter 4, Dispute Resolution.

2. Assist clients in clarifying their family issues and in understanding their dispute resolution options, including court.

3. Seek answers to the following questions:
   - Are there existing orders or written agreements?
   - Where are these orders or written agreements filed?
   - Have clients had previous contact with a family justice counsellor?
   - What methods of dispute resolution were previously used to resolve their family issues?

4. What agencies were involved? Such agencies might include Family Maintenance Enforcement Program, Parenting After Separation programs, and Legal Services Society.

5. Consider the mandate for dispute resolution (section 4.1.2), screening for family violence (section 4.1.4), appropriateness of dispute resolution (section 4.1.7), and the results of the assessment form (section 4.3) when assessing readiness for dispute resolution.

6. Consult with clients to determine if and why court is their preferred option for dispute resolution.
7. Identify what referrals for service might help clients to resolve their family issues.

14.5.3 Referrals for service

1. Family justice counsellors suggest what referrals for service might assist clients in resolving family issues and determine if such service is available.

2. When clients request dispute resolution services, family justice counsellors:
   - Schedule a date, time and place to meet with clients; or
   - Refer clients to a private family mediator if they do not wish or are not eligible for dispute resolution services from a family justice counsellor.

3. When a referral to the Parenting After Separation program (PAS) is requested, family justice counsellors offer to arrange for clients to attend separate PAS sessions.
14.6 Dispute Resolution

14.6.1 Preparing clients for dispute resolution

1. When an applicant and respondent request a family justice counsellor to facilitate dispute resolution, family justice counsellors determine that the clients have been adequately assessed to participate in this option. Refer to section 14.5, Client Referrals, and section 4.1.2, Dispute resolution mandate.

2. Family justice counsellors offer to assist clients in completing the bottom portion of form 6 (PFA 808). It explains the outcome of attempted alternative dispute resolution.

14.6.2 Applicant requests dispute resolution

When an application has been filed, but the applicant suspends the serving of the respondent to pursue dispute resolution options, family justice counsellors:

1. Inform the applicant of the following implications of suspending service on the respondent:
   - Potential for the respondent to evade service;
   - Cessation of the Rule 5 process; and
   - Impact of timelines for court process.

2. Discuss with the applicant the option of withdrawing the application.

3. Obtain the applicant’s consent to contact the respondent and provide non-Rule 5 dispute resolution services.

14.6.3 Procedures for dispute resolution

1. Family justice counsellors proceed with dispute resolution according to policy and procedure outlined in chapter 4, Dispute Resolution.

2. When a consent order or written agreement is completed, family justice counsellors advise the clients about their right to seek independent legal advice prior to signing the agreement or order.
14.6.4 Filing documents

1. Completed consent orders and written agreements are attached to a completed form 6 (PFA 808). Clients are responsible for filing these documents with the family justice registry. Refer to section 4.8, Finalizing Agreements and section 6.1.11, Application to change an agreement or order.

2. If a form 6 has already been filed by the client, one of the clients must file a new form 6 when a new consent order or written agreement:

   - Is filed; or

   - Is filed regarding matters of agreement (i.e. other matters remain unresolved). The new form 6 must outline family matters that remain unresolved.

3. If the clients are engaged in dispute resolution prior to the respondent being served with the court application, a form 6 must only be signed for the applicant.
14.7 Exceptions and Requests for Immediate Court Appearance

14.7.1 Exceptions to Rule 5

1. Family justice registries typically grant exceptions to Rule 5 for applications when:
   
   • A party applies to a judge for a protection order according to section 183 of the Family Law Act;
   
   • A judge would likely agree to the party’s requested claim of urgent and exceptional circumstances, and hear the matter at the earliest opportunity;
   
   • The application is filed according to the Employment and Assistance Act or the Employment and Assistance for Persons with Disabilities Act;
   
   • The application is for the return of a child under the Convention on the Civil Aspects of International Child Abduction signed at The Hague on October 25, 1980, or
   
   • A consent order is filed according to section 219 of the Family Law Act.

2. In addition to the exceptions noted in paragraph 1 above, Rule 5(11) suggests another condition for exception: “A person representing the government, a ministry or public officer, if they are parties in the matter, need not but may meet with and attend with a family justice counsellor or persons or programs under subrules (3), (4) and (7)(b).”

3. When the Ministry of Children and Family Development (MCFD) is a party to the application, participation in mediation is consistent with MCFD’s programs according to the Child, Family and Community Service Act. In these cases, family justice counsellors refer to the MCFD mediation process outlined in section 8.3.2, Dispute resolution.

14.7.2 Review claim of urgent and exceptional circumstances

1. Family justice counsellors assist clients in reviewing each claim of urgency as outlined in sections 6.2, Emergency Applications to Court, and 6.3, Procedures to Enforce a Civil or Criminal Order.

2. When the review indicates urgent and exceptional circumstances, family justice counsellors:
   
   • Notify family justice registry staff by telephone or in person of the need to schedule the matter for court; and
   
   • Assist the client with an exception request.
14.7.3 Uncertain claims of urgent and exceptional circumstances

1. When an applicant has requested an immediate court appearance based on a claim of urgent and exceptional circumstances that does not meet the criteria in section 14.7.1, Exceptions to Rule 5, family justice registry staff may refer clients not represented by legal counsel to a family justice counsellor.

2. In response, family justice counsellors:
   - Meet with the applicants on the same day the referral was made to assist them in reviewing their claim of urgent and exceptional circumstances;
   - Affirm that it is the client’s right to access the court, and discuss the client’s claim and best options, including court;
   - Clarify that the referral to the family justice counsellor was requested by the court and not instigated by the client; and
   - Consult with the client to assess whether immediate court access will address this urgency.

3. When assistance is required to resolve a pressing matter such as Christmas or summer access, family justice counsellors offer priority service.

14.7.4 Providing dispute resolution in urgent matters

The applicant might wish to resolve an urgent matter through contact with the respondent. Refer to section 6.2.2, Providing dispute resolution in urgent matters.

14.7.5 Potential judicial decision

Family justice counsellors advise clients that if they proceed to court for a claim of urgent and exceptional circumstances according to Rule 5, the judge may:

- Determine the client is eligible and address the matter at that time or schedule a first appearance; or
- Deny the claim of urgent and exceptional circumstances, and refer the client back to the Rule 5 process.
14.8 **Administration**

14.8.1 **Administration procedures**

1. Rule 5 services are documented as:
   - Rule 5 service (for administrative services staff to document receiving Rule 5 applications from the court registry and booking Rule 5 appointments);
   - Brief service (Rule 5)—BSR5;
   - Brief counselling (Rule 5)—BCR5; and
   - Dispute resolution (Rule 5)—DRR5.

2. A dispute resolution service is documented according to Rule 5 (DRR5 service) on FIS2 and physical family file when one client has attended a Rule 5 interview and it is established that additional contact with the client(s) will take place to provide dispute resolution.

3. Dispute resolution service is opened when a family justice counsellor assists with a without notice application to court (refer to section 6.2.2, Providing dispute resolution in urgent matters), including a Rule 5 exemption request.

14.8.2 **Check for family on FIS2**

1. When a Rule 5 referral is made, family justice counsellors check whether the referred client has seen a family justice counsellor.

2. When there is an existing FIS2 family record for the client, the family forms the basis for Rule 5 services.

3. When there is an open DR service (no outcome) at a non-Rule 5 family justice centre and the family justice counsellor believes service has been completed, a request is made for an outcome to be recorded and the DR service completed. The Rule 5 interview is then entered as a brief counselling (Rule 5) or DR service (Rule 5). If a DR service (Rule 5) is opened, the physical family file is transferred to the Rule 5 family justice centre.

4. When there is an open dispute resolution service open at a non-Rule 5 family justice centre and the family justice counsellor believes service will be ongoing with the non-Rule 5 site, the Rule 5 family justice counsellor records the interview as a BCR5.
5. Upon subsequent contact from a client who requests additional information or services, the family justice counsellor determines whether the:

- Presenting issues are the same; and
- Initial Rule 5 court application is unresolved.

6. When the presenting issues are the same and the court application is unresolved, all client services and activities are documented as Rule 5 services on FIS2.

14.8.3 Recording Rule 5 interview notes

Family justice counsellors record the following information in the activity notes:

1. Specific issues addressed with the client, including whether the matter was a claim of urgency for immediate court access.

2. Client’s receptiveness to dispute resolution or Parenting After Separation.

3. Client’s reasons why alternative dispute resolution is not suitable.

4. Options reviewed and referrals made with the client: Date and location of the referral are recorded.

5. When form 6 (PFA 808) was provided to the clients.

6. If the applicant expresses concern about family violence or the family justice counsellor ascertains that family violence is an issue, all information in accordance with chapter 2, Safety and Protection, is recorded. In addition, a record is made about options related to substitution service that were discussed.

14.8.4 Rule 5 documentation

1. When a brief service or brief counselling service was provided, family justice counsellors retain paper copies of relevant documentation.

2. This may include:
   - Information collected during brief counselling or brief service;
   - Requested claim of urgent and exceptional circumstances and whether the request was forwarded to court;
- Copies of court documents;
- Referrals made for the client; and
- Copies of form 6 (PFA 808) for applicant and respondent, or record that there was no contact after 30 days.
Appendices

1. Appendices – Dispute Resolution

1.1 Choosing a Family Mediator

Factors to consider

The mediator must not have any personal or business involvement with any of the people involved in the dispute.

All parties should feel comfortable with the mediator, believe that he or she will be neutral in the resolution of the dispute and be selected by mutual consent.

It is very helpful for the mediator to have training and experience specifically in the area of family disputes.

In addition to conducting the mediation, mediators can provide a range of services, including:

- Calling the other parties to talk to them about mediation and explaining why it is an option to consider;
- Arranging the first meeting; and
- Providing a neutral location for the mediation.

Think about the services you require. For example, you might feel comfortable contacting the other parties or, if you have a lawyer, he or she may contact the other parties or their lawyers.

Questions to ask

Key questions to ask mediators include:

- What training have they received, and where? (Training should be through a recognized training institution, university, professional or legal organization.)

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1 Excerpted from and amended with permission from the British Columbia Dispute Resolution Office Bulletin “Selecting a Mediator” June 2000.
• How long have they been mediating? How many cases, and what types of cases, have they mediated?

• What standards of conduct do they abide by?

• What do they charge and what is included in the fee? How are travel, administrative time and clerical time handled? Do they charge for an initial consultation?

• Will they contact everyone who is involved in the dispute to organize the first mediation session?

• Can they provide a neutral location for the mediation session, and what is the charge for this service?

• Do they have experience in how family law cases are conducted in court? and

• Do they think your particular dispute is suitable for mediation, or should some other dispute resolution option be considered?
1.2 Consent for ChildView® Documents and Support Calculations (revised: May-14)

Note: Download the most recent version from SharePoint.

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I acknowledge that I have been informed of the following information regarding support calculations using ChildView®:

ChildView® is a tool used to assist with support calculations, as part of the dispute resolution services provided by family justice counsellors and child support officers. Full disclosure is required for the accurate calculation of child support amounts and spousal support ranges. ChildView® calculation printouts will not be provided to either client without full financial disclosure and the prior written consent of both clients.

The calculations are based exclusively on the financial information and supporting documentation provided to the family justice counsellor or child support officer. Each client is responsible for any error or omission relating to the accuracy or validity of the financial information, which he or she may have provided.

I have been informed that if I disagree with the calculations or have any questions, I should consult the Child Support Guidelines and/or the Spousal Support Advisory Guidelines and obtain legal advice from a lawyer. Changes to applicable legislation may not be reflected in the version of the software used to produce the calculations. A court may order support amounts that differ from ChildView® calculations.

The above information was explained to me by ____________, family justice counsellor/child support officer.

I consent to the use of ChildView® on the terms and conditions set out above.

Name ___________________________ Signature ___________________________

Name ___________________________ Signature ___________________________

Family justice counsellor / Child support officer ___________________________ Signature ___________________________

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Ministry of Justice
Justice Services Branch
Family Justice Services Division
Family Justice website: www.justice.ca/en/fami
1.3 Affidavit (Applicant and Respondent): Form 17 – Rule 13(1) (revised: Dec-15)

Note: Download the most recent version from SharePoint.
1. The names and birthdates of the children that the application relates to are:

   (Name of child)  Born (DOB)  Presently ___ years old
   Born  Presently ___ years old
   Born  Presently ___ years old

   Relationship History

2. I began a dating relationship with (Respondent) in (month, year). We began living together in a marriage-like relationship in (month, year). We were married in (name of city, country) on (date).

3. There were (#) children born of my relationship with (Respondent), namely:

   (Name of child)  Born (DOB)  Presently ___ years old
   Born  Presently ___ years old
   Born  Presently ___ years old

4. I have one child from a previous relationship, namely (name of child, DOB).
5. (Respondent) and I separated on (date).
6. Describe new partnerships and subsequent children, if relevant.
7. Describe your current relationship with previous partners, if relevant.

The Children

8. Provide the name of the daycare, preschool, or school, including the grade each child is currently attending.
9. List the children’s extracurricular activities or special interests. If the application includes child support and special expenses, list any related expenses.
10. List any medical problems or special needs the children have.

Parenting Arrangements

11. Describe the parties’ housing since the separation.
12. Describe the parenting time each party spends with the children.
13. Describe the typical parenting responsibilities of each parent since the separation. If one person is taking on most of the responsibilities because of employment or some other reason, explain this.
14. Explain any steps taken to reduce disruption in the children’s lives.

Child Support, Income and Benefits

15. I am presently employed (full-time/part-time) as a (occupation) with (name of employer).
    My current annual income is ($).
16. The (Respondent) is presently employed (full-time/part-time) as a (occupation) with (name of employer). (He/she) current annual income is ($).
17. Set out the current Child Support Guideline table amount being received/paid.
18. If claiming special expenses, identify the amount for each expense claimed, the child it is
being claimed for and provide proof of the amount if disputed.
19. Say whether medical, dental or extended health care benefits are available through your employer or the other party’s employer.
20. Set out if there are any child support payments from previous relationships.

Agreements and Court Orders

21. (Respondent) and I entered into a written agreement, dated (date), which was filed in the (court registry).
22. There is a previous court order addressing (issue addressed in court order), dated (date).

Change in Circumstances

23. Since the date that the last (court order/written agreement) was made, our circumstances have changed as follows:

24. I am aware that I am entitled to seek independent legal advice before consenting to the terms of this order.

25. Attached hereto and marked as Exhibit “A” is a true copy of the Consent, Provincial Court Family Rules form 19.

26. Attached hereto and marked as Exhibit “B” (is/are) true copy(ies) of the following financial receipts: (List/bullet out financial receipts used — e.g. T1 General, paystubs, Notice of Assessment and/or Financial Statement, Provincial Court Family Rules form 4)

Note: Pursuant to Court Rule 4 a Financial Statement does not need to be submitted with the consent package if the payor(s) most recent T1 General and Notice of Assessment is being used as proof of income.

27. Attached hereto and marked as Exhibit “C” is a true copy of the written agreement, dated (date).

28. Attached hereto and marked as Exhibit “D” is a true copy of the previous court order addressing custody, guardianship and child support, dated (date).

Sworn (or Affirmed) Before Me

at ___________________ in the
Province of British Columbia, this ______ day of ____________, (year) ____________________________________________

(Applicant name)

A Commissioner for Taking Affidavits for
The Province of British Columbia
AFFIDAVIT RESPONDENT TEMPLATE

FORM 17 (RULE 13(1))

AFFIDAVIT

Court File No.:
Court Location:
F.M.E.P. No.:

PROVINCIAL COURT OF BRITISH COLUMBIA

FAMILY LAW ACT

In the case between: (Applicant)

AND:

(Respondent)

I, (Respondent), (occupation), of (city & province), (swear or affirm) that:

I know or believe the following facts to be true. If these facts are based on information from others, I believe that information to be true.

I make this affidavit in relation to an application by (name of person making application) for (describe the order applied for).

☐ I am making the application* OR ☐ I am responding to the application*.

Information regarding Affidavits:
- Affidavits present the evidence that the judge will consider when determining whether to grant the order requested.
- The information must be factual, rather than opinion.
- Affidavits are written in the first person; as if the writer was speaking.
- The facts relevant to the application are listed, using a new paragraph for each fact.
- Headings help to organize the information.
- Information can be provided to confirm facts of a case or confirm the absence of a certain fact.
- The suggested wording below is a guideline which may assist in setting out relevant facts, and should be tailored to fit individual circumstances.
- Include sufficient information for the judge to make a decision and delete any sections/clauses that are not relevant to the application.
- The Legal Services Society offers a detailed checklist of information to include in family law affidavits at http://www.familylaw.lsc.bc.ca/resources/fact_sheets/affidavit_info_checklist.php and http://www.familylaw.lsc.bc.ca/assets/forms/AffidavitChecklist.pdf.
- There is also a fact sheet on Tips for Drafting Affidavits: http://www.familylaw.lsc.bc.ca/resources/fact_sheets/tipsForDraftingAffidavits.php.
- If there are questions about the content of the affidavit, independent legal advice should be sought. Family justice counsellors cannot provide legal advice, but can provide referrals to legal counsel including family advice lawyers and duty counsel.
(Instead of duplicating the relationship history, the child(ren)’s info and parenting arrangements the Respondent can reference the Applicants affidavit and state which paragraphs he/she is in agreement with. Facts that are not stated in the Applicant’s affidavit and are relevant to the matter should be stated in the respondent affidavit. See below.)

1. I have read the affidavit of (Applicant) sworn (date), a copy of which is marked as Exhibit “A” to this affidavit. (Include exhibits attached to applicants affidavit)

2. The facts deposed to in paragraph(s) (#) of Exhibit “A” are to my knowledge true and correct in all respects.

3. I agree to the Parenting Arrangements as set out in paragraph(s) (#) of Exhibit “A”.

Child Support

4. I am presently employed (full-time/part-time) as a (occupation) with (name of employer). My current annual income is ($) .

5. The facts deposed to in paragraph(s) (#) of Exhibit “A” are to my knowledge true and correct in all respects and I agree to the child support arrangements set out therein.

6. I have been advised that I am entitled to seek independent legal advice before consenting to the terms of this order.

7. Attached hereto and marked as Exhibit “A” is a true copy of the Affidavit of (Applicant).

8. Attached hereto and marked as Exhibit “B” (is/are) true copy(ies) of the following financial receipts: (List/bullet out financial receipts used – e.g. T1 General, paystubs, Notice of Assessment and/or Financial Statement, Provincial Court Family Rules form 4)

   Note: Pursuant to Court Rule 4 a Financial Statement does not need to be submitted if the payor(s) most recent T1 General and Notice of Assessment is being used as proof of income.

Sworn (or Affirmed) Before Me

(Respondent name)

at __________________________ in the Province of British Columbia, this __________, (year)

A Commissioner for Taking Affidavits for
The Province of British Columbia
1.4 **Request: Form 18 – Rule 14(1)(A)**

Note: Download the most recent version from [SharePoint](#).

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**REQUEST**

**FORM 18 - RULE 14(1)(a)**

In the Provincial Court of British Columbia

In the case between:

[client name]

And

[client name]

Required:

- [Desk Consent Order – Draft Order and supporting material attached.]

Dated:

At , British Columbia

Name of Requesting Party

---

FOR THE USE OF THE COURT:

- I direct that the parties attend before a judge to explain why this order should be made.

Dated: __________________

By the Court
1.5 Consent: Form 19 – Rules 4(3) and 14(1)(B)

Note: Download the most recent version from SharePoint.

| Court File No.: |
| Court Location: |
| F.M.E.P. Case No.: |

CONSENT
FORM 19 - RULES 4(3) AND 14(1)(b)

In the Provincial Court of British Columbia

in the case between:

[parent legal name]

and

[other parent legal name]

To a judge of the Provincial Court of British Columbia:

WE AGREE AS FOLLOWS: (These are the Recitals, not the terms of the agreement)

A. The Parties [relationship description] on the [relationship date day] day of [relationship date month], [relationship date year].

Examples:
- The Parties married on the 5th day of August, 2006 at Calgary, Alberta.
- The Parties began living together in a marriage-like relationship on the 5th day of August, 2006.
- The Parties began a dating relationship on the 5th day of August, 2006.
- The dating relationship ended on the 10th day of November 2007.
- The Parties are casual acquaintances and have never lived together. OR
- The Parties did not enter into a dating relationship and have never lived together.

B. The Parties have been living separate and apart since the [separation date] day of [separation month], [separation year], and intend to continue living separate and apart.

OR if the parties continue to live in the same residence after separating:

The Parties have been living separate and apart in the same residence since [date].

OR if the parties lived in the same residence for a period after separating and then physically separated:
The Parties have been living separate and apart in the same residence since [date] and physically separated on [date].

OR The Parties never lived together.

C. There are [child(ren)] of the relationship namely:

[child 1 name] Born [child 1 birthdate]
[child 2 name] Born [child 2 birthdate]
[child n name] Born [child n birthdate]

D. The Parties’ relationship to the children is as follows:

[client name] is a parent to each of the above-named children.
[client name] is a parent to each of the above-named children.

Or, if one of the parties is step-parent to one of more of the children, specify each party’s relationship to each of the children.
[client name] is a parent to each of the above-named children.
[client name] is a stepparent to each of the above-named children. Or [client name] is a parent to [name of child(ren)] and a stepparent to [name of child(ren)].

E. The Parties are each guardians of the above-named children. Include if each of the parties have guardianship status before entering into the agreement.

If the parties are not each guardians of all children named in the agreement, specify which child each parent is/not a guardian of. For example,
[client name] is a guardian to each of the above-named children.
[client name] is a guardian to [name of child(ren)], but is not a guardian to [name of child(ren)].

WE CONSENT to an order as follows: (These are the terms of the agreement between the Parties, refer to the Wording Guide for suggested clauses.)

NOTE TO THE PARTIES: You may seek independent legal advice prior to signing this Consent.
Applicant’s Signature Name ________________________

Date: ____________________  

Witness Signature FJC/CSO’s Name ________________________

Date: ____________________

Respondent’s Signature Name ________________________

Date: ____________________  

Witness Signature FJC/CSO’s Name ________________________

Date: ____________________
1.6 *Consent Order: Form 20 – Rule 14(1)(c)*

Note: Download the most recent version from [SharePoint](#).
Consented to:

________________________
Signature of party or lawyer
Name

________________________
Signature of party or lawyer
Name

by the Court
1.7 **Written Agreement**

Note: Download the most recent version from [SharePoint](#).

---

**WRITTEN AGREEMENT—FAMILY LAW ACT**

This Written Agreement made this day of, .

**BETWEEN:**

[client name]

**AND:**

[client name]

**WHEREAS:**

A. The Parties [relationship description] on the [relationship date day] day of [relationship date month], [relationship date year].

Examples: The Parties married on the 5th day of August, 2006 at Calgary, Alberta.

The Parties began living together in a marriage-like relationship on the 5th day of August, 2006.

The Parties began a dating relationship on the 5th day of August, 2006.

The dating relationship ended on the 10th day of November 2007.

The Parties are casual acquaintances and have never lived together. OR

The Parties did not enter into a dating relationship and have never lived together.

B. The Parties have been living separate and apart since the [separation date] day of

[separation month], [separation year], and intend to continue living separate and apart.

OR if the parties continue to live in the same residence after separating:
The Parties have been living separate and apart in the same residence since [date].

OR if the parties lived in the same residence for a period after separating and then physically separated:

The Parties have been living separate and apart in the same residence since [date] and physically separated on [date].

OR The Parties never lived together.

C. There are [number of child(ren)] of the relationship namely:

[child 1 name] Born [child 1 birthdate]
[child 2 name] Born [child 2 birthdate]
[child n name] Born [child n birthdate]

D. The Parties’ relationship to the children is as follows:

[client name] is a parent to each of the above-named children.
[client name] is a parent to each of the above-named children.

Or, if one of the parties is step-parent to one or more of the children, specify each party’s relationship to each of the children.

[client name] is a parent to each of the above-named children.
[client name] is a stepparent to each of the above-named children. Or [client name] is a parent to [name of child(ren)] and a stepparent to [name of child(ren)].

E. The Parties are each guardians of the above-named children. Include if each of the parties have guardianship status before entering into the agreement.

If the parties are not each guardians of all children named in the agreement, specify which child each parent is not a guardian of. For example,

[client name] is a guardian to each of the above-named children.
[client name] is a guardian to [name of child(ren)], but is not a guardian to [name of child(ren)].

F. The parenting arrangements contained within this Agreement were made giving consideration only to the best interests of the children. Include if the Agreement addresses parenting arrangements.

[client name] and [client name] agree:
1. THAT

2. THAT

3. THAT both Parties to this Agreement have been advised that it may be in their interests to seek legal advice and that they have the right to apply for legal aid or retain a lawyer of their choice, before signing this Agreement.

SIGNED BY THE PARTIES HERETO:

Witnessed by: __________________________
Signature: _____________________________
Address: _____________________________
Date: _______________________________

Party 1

Witnessed by: __________________________
Signature: _____________________________
Address: _____________________________
Date: _______________________________

Party 2
1.8 **Written Agreement - Contact with a Non-Parent**

Note: Download the most recent version from [SharePoint](#).

![Image of Written Agreement Template]

**Court File No.**

**Registry:**

**F.M.E.P. Case No.:**

**WRITTEN AGREEMENT – FAMILY LAW ACT**

This Written Agreement made this ___ day of, ___.

**BETWEEN:**

[client name – guardian]

AND:

[client name - guardian]

AND:

[client name – contact]

**WHEREAS:**

A. [Client name] and [client name] are the guardians of the following child(ren) namely:

(list the children who are the subjects of the agreement for contact)

- [child 1 name] Born ___ [child 1 birthdate]
- [child 2 name] Born ___ [child 2 birthdate]
- [child 3 name] Born ___ [child n birthdate]

B. [Client name]’s relationship to the child(ren) is as follows: (describe the relationship of the client seeking contact to the child, e.g. Betty Smith is Roxy Smith’s paternal grandmother).

C. The arrangements for contact contained within this Agreement were made giving consideration only to the best interests of the child(ren).

[client name – guardian] and [client name - guardian] and [client name – contact] agree:

1. THAT [client name] shall have contact with [name(s) of child(ren)] as follows/according to the following/as defined by but not limited to the following: (describe contact details, including in-person contact as well as contact by telephone, email or videophone)
2. THAT

3. THAT all Parties to this Agreement have been advised that it may be in their interests to seek legal advice and that they have the right to apply for legal aid or retain a lawyer of their choice, before signing this Agreement.

SIGNING BY THE PARTIES HERETO:

Witnessed by: ____________________________
Signature: ________________________________
Address: _________________________________
Date: ________________________________
 Party 1

Witnessed by: ____________________________
Signature: ________________________________
Address: _________________________________
Date: ________________________________
 Party 2

Witnessed by: ____________________________
Signature: ________________________________
Address: _________________________________
Date: ________________________________
 Party 3
1.9 **Written Agreement - Guardianship FLA s.50**

Note: Download the most recent version from [SharePoint](#).

---

**WRITTEN AGREEMENT – FAMILY LAW ACT**

This Written Agreement made this _day of_ _, _.

**BETWEEN:**

[client name]

**AND:**

[client name]

**WHEREAS:**

A. The Parties [relationship description] on the [relationship date day] day of [relationship date month], [relationship date year].

*Examples:* The Parties married on the 5th day of August, 2006 at Calgary, Alberta.
The Parties began living together in a marriage-like relationship on the 5th day of August, 2006.
The Parties began a dating relationship on the 5th day of August, 2006.
The dating relationship ended on the 10th day of November 2007.
The Parties are casual acquaintances and have never lived together. OR
The Parties did not enter into a dating relationship and have never lived together.

B. The Parties have been living separate and apart since the [separation date] day of [separation month], [separation year], and intend to continue living separate and apart.

OR if the parties were in a dating relationship only and never lived together:

The Parties have never lived together.

C. There are _child(ren) of the relationship namely:_
[child 1 name] Born [child 1 birthdate]
[child 2 name] Born [child 2 birthdate]
[child 3 name] Born [child n birthdate]

D. [client name] and [client name] are the parents of the above-named children.

E. [client name] is the guardian of the above-named children. [client name] is not a guardian of the above-named children.

OR if the other client is a guardian to some but not all of the children named in the agreement, specify the guardianship relationship. For example, [client name] is a guardian to each of the above-named children, [client name] is a guardian to [name of child(ren)], but is not a guardian to [name of child(ren)].

F. The parenting arrangements contained within this Agreement were made giving consideration only to the best interests of the children. Include if the Agreement addresses parenting arrangements.

[client name] and [client name] agree:

1. THAT [client name] is a guardian of [name of child], pursuant to section 50(a) of the Family Law Act.

2. THAT

3. THAT both Parties to this Agreement have been advised that it may be in their interests to seek legal advice and that they have the right to apply for legal aid or retain a lawyer of their choice, before signing this Agreement.

SIGNED BY THE PARTIES HERETO:

Witnessed by: __________________________
Signature: __________________________
Address: __________________________
Date: __________________________

Party 1

Witnessed by: __________________________
Signature: __________________________
Address: __________________________
Date: __________________________

Party 2
1.10 Checklist – Written Agreement/Consent to an Order

Note: Download the most recent version from SharePoint.

![Checklist for a Written Agreement – Family Law Act](image)
1.11 Memorandum of Understanding

Note: Download the most recent version from SharePoint.

[Image of Memorandum of Understanding]

This memorandum of understanding is the result of a deliberative mediation process between and with, family justice counsellor as mediator.

The following points of consensus represent the understanding reached between and with respect to the parenting of the child/ren,. The points about parenting arrangements were made giving consideration only to the children’s best interests.

This memorandum of understanding is not intended to be a legally binding document, but rather a statement of the parties’ intent. The parties’ signatures below confirm that the points contained within the memorandum accurately reflect the parties’ intentions if they choose to enter into an agreement at a later date. The parties are encouraged to seek legal advice before making an agreement or consenting to a court order that incorporates the points within this memorandum.

Signed: ________________________________ Date

[client 1 name]

Signed: ________________________________ Date

[client 2 name]
1.12 Wording Guide for Templates (revised: Dec-15)

Note: Download the most recent version from SharePoint.

Note: This is not a template. Copy wording from the Wording Guide on SharePoint and paste to desired template. Use the same wording for a consent and consent order, form 19 & 20.

---

**WORDING GUIDE**

Note: This is not a template. Copy wording from this appendix and paste to desired template.

<table>
<thead>
<tr>
<th>REPLACING/CHANGING PREVIOUS AGREEMENTS BY AGREEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Include in Recitals if there is an earlier written agreement</td>
</tr>
<tr>
<td>If this section is used in the Recitals, then also specify in the body of the agreement which paragraphs of the earlier agreement are being changed/suspended/terminated/supplemented</td>
</tr>
<tr>
<td>This Agreement replaces the agreement made on [date].</td>
</tr>
<tr>
<td>Or</td>
</tr>
<tr>
<td>This Agreement changes/suspends/terminates/supplements the agreement made on [date] (the &quot;Original Agreement&quot;). The Original Agreement is attached. The Original Agreement means the previous agreement and may be a copy. A completely new agreement may be used in any instance. An agreement that changes a portion of the earlier agreement may be used if the change is minor, or contemplated in the original agreement to deal with changing circumstances affecting parenting arrangements or support, or it addresses some part of the earlier agreement with more detail. An agreement may supplement an earlier agreement if the issues addressed in the new agreement were not included at all in the earlier agreement.</td>
</tr>
<tr>
<td>Examples:</td>
</tr>
<tr>
<td>THAT Paragraph X of the Original Agreement will be cancelled and replaced with the following: (articulate the new provision)</td>
</tr>
<tr>
<td>Or</td>
</tr>
<tr>
<td>THAT as of [Date], [NAME OF CHILD] is no longer a child as defined in the Family Law Act and the provisions for child support set out at Paragraphs X of the Original Agreement are terminated.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VARYING PREVIOUS ORDERS OR AGREEMENTS BY CONSENT ORDER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Varying an existing agreement by consent order</td>
</tr>
<tr>
<td>We agree as follows section</td>
</tr>
<tr>
<td>We consent as follows section &amp; Form 20</td>
</tr>
<tr>
<td>When varying an existing agreement by consent, include the first clause below in the Form 19 Consent (in the section We agree as follows). Include the second clause in Form 19 (in the section We consent as follows) and in Form 20.</td>
</tr>
<tr>
<td>There is an Agreement made on [date], which was filed with the [name of court registry] pursuant to the Family Relations Act/Family Law Act on [date Agreement was stamped as filed]. A copy of the Agreement is exhibited to the Affidavit of (name of party). We are seeking to change/suspend/terminate the Agreement.</td>
</tr>
<tr>
<td>That the Agreement between [NAME OF CLIENT] AND [NAME OF CLIENT], made on [date of Agreement] is varied/suspended/terminated as follows:</td>
</tr>
</tbody>
</table>
Varying an existing order by consent order

When varying an existing agreement by consent, include the first clause below in the Form 19 Consent (in the section We agree as follows). Include the second clause in Form 19 (in the section We consent as follows) and in Form 20.

There is an order dated [insert date of order], made by the Honourable [insert name of judge] on [date order was made]. We are seeking to change/suspend/terminate the order.

We agree as follows section

THAT the order dated [insert date of order], made by the Honourable [insert name of judge] on [date order was made] be varied as follows: [describe the variation].

If preparing a consent order package, use the same wording for the Form 19 Consent and the Form 20 Consent Order.

GUARDIANSHIP

Agreement pursuant to FLA s.50(a)

THAT [FULL NAME OF PARENT] is a guardian of [FULL NAME OF CHILD(REN)], pursuant to section 50(a) of the Family Law Act.

PARENTAL RESPONSIBILITIES

Each guardian exercises all responsibilities in consultation with the other parent

THAT [NAME OF CLIENT] and [NAME OF CLIENT] will each continue to exercise all parental responsibilities with respect to [NAME(S) OF CHILD(REN)]. [NAME OF CLIENT] and [NAME OF CLIENT] will consult with each other about any important decisions that must be made in the exercise of a parental responsibility. OR

THAT [NAME OF CLIENT] and [NAME OF CLIENT] will each continue to exercise all parental responsibilities with respect to [NAME(S) OF CHILD(REN)):

(a) making day-to-day decisions affecting the child and having day-to-day care, control and supervision of the child during [NAME OF CLIENT] parenting time with the children;
(b) making decisions respecting where the child will reside;
(c) making decisions respecting with whom the child will live and associate;
(d) making decisions respecting the child’s education and participation in extracurricular activities, including the nature, extent and location;
(e) making decisions respecting the child’s cultural, linguistic, religious and spiritual upbringing and heritage, including, if the child is an aboriginal child, the child’s aboriginal identity;
(f) subject to section 17 of the Infants Act, giving, refusing or withdrawing consent to medical, dental and other health-related treatments for the child;
(g) applying for a passport, licence, permit, benefit, privilege or other thing for
<table>
<thead>
<tr>
<th>Guardians are allocating the responsibilities.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(h) giving, refusing or withdrawing consent for the child, if consent is required;</td>
</tr>
<tr>
<td>(i) receiving and responding to any notice that a parent or guardian is entitled or required by law to receive;</td>
</tr>
<tr>
<td>(j) requesting and receiving from third parties health, education or other information respecting the child;</td>
</tr>
<tr>
<td>(k) subject to any applicable provincial legislation;</td>
</tr>
<tr>
<td>(l) starting, defending, compromising or settling any proceeding relating to the child, and</td>
</tr>
<tr>
<td>(ii) identifying, advancing and protecting the child’s legal and financial interests;</td>
</tr>
<tr>
<td>(l) exercising any other responsibilities reasonably necessary to nurture the child’s development.</td>
</tr>
</tbody>
</table>

(NAME OF CLIENT) and (NAME OF CLIENT) will consult with each other about any important decisions that must be made in the exercise of a parental responsibility.

<table>
<thead>
<tr>
<th>THAT (NAME OF CLIENT) and (NAME OF CLIENT) will exercise parental responsibilities with respect to (NAME(S) OF CHILD(REN)) in the manner set out below. (NAME OF CLIENT) and (NAME OF CLIENT) will consult with each other about any important decisions related to a parental responsibility that they share, and will inform each other about any significant matters or decisions related to parental responsibilities they are solely responsible for.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(NAME OF CLIENT) will be responsible for: (include the parental responsibilities the client will be responsible for)</td>
</tr>
<tr>
<td>(a) making day-to-day decisions affecting the child and having day-to-day care, control and supervision of the child during (NAME OF CLIENT) parenting time with the children;</td>
</tr>
<tr>
<td>(b) making decisions respecting where the child will reside;</td>
</tr>
<tr>
<td>(c) making decisions respecting with whom the child will live and associate;</td>
</tr>
<tr>
<td>(d) making decisions respecting the child’s education and participation in extracurricular activities, including the nature, extent and location;</td>
</tr>
<tr>
<td>(e) making decisions respecting the child’s cultural, linguistic, religious and spiritual upbringing and heritage, including, if the child is an aboriginal child, the child’s aboriginal identity;</td>
</tr>
<tr>
<td>(f) subject to section 17 of the Infants Act, giving, refusing or withdrawing consent to medical, dental and other health-related treatments for the child;</td>
</tr>
<tr>
<td>(g) applying for a passport, licence, permit, benefit, privilege or other thing for the child;</td>
</tr>
<tr>
<td>(h) giving, refusing or withdrawing consent for the child, if consent is required;</td>
</tr>
<tr>
<td>(i) receiving and responding to any notice that a parent or guardian is entitled</td>
</tr>
</tbody>
</table>
or required by law to receive;
(i) requesting and receiving from third parties health, education or other
information respecting the child;
(k) subject to any applicable provincial legislation;
   (i) starting, defending, compromising or settling any proceeding
       relating to the child, and
   (ii) identifying, advancing and protecting the child's legal and
        financial interests;
(l) exercising any other responsibilities reasonably necessary to nurture the
    child's development.

AND

(NAME OF CLIENT) will be responsible for:

(a) making day-to-day decisions affecting the child and having day-to-day
care, control and supervision of the child during (NAME OF CLIENT)
parenting time with the children;
(b) Enter the remainder of the parental responsibilities the client will be
    responsible for.

<table>
<thead>
<tr>
<th>PARENTING TIME</th>
</tr>
</thead>
</table>
| **Parenting time**
| *each parent*
| *has with the children is specified* |
| THAT (NAME OF CLIENT) AND (NAME OF CLIENT) will have parenting time with
  (NAMES OF CHILD(REN)) as set out below: |
| (NAME OF CLIENT) will have parenting time with (NAMES OF CHILD(REN)) from
  (describe the time that client will spend with the child(ren)). |
| (NAME OF CLIENT) will have parenting time with (NAMES OF CHILD(REN)) from
  (describe the time that client will spend with the child(ren)). |
| (NAME OF CLIENT) may have additional parenting time as mutually agreed
  between the parties. (This is an optional clause which may be appropriate if the
  parties contemplate occasional parenting time in addition to the regularly
  scheduled time.) |
| (NAME OF CLIENT) and (NAME OF CLIENT) will each have parenting time for one
  half of the Christmas break, Spring break and summer school holidays, with the
  specific dates to be agreed in writing by (NAME OF CLIENT) and (NAME OF CLIENT)
  at least one month before each break begins. (This is an example. This clause
  should reflect the agreement the parents reach around school breaks, holidays and
  special occasions.) |
| Children spend most of their time with one parent, generous time with the other parent to be determined. | (NAME OF CLIENT) will have the majority of parenting time with (NAMES OF CHILD(REN)).

(NAME OF CLIENT) will have reasonable and generous parenting time with (NAMES OF CHILD(REN), as agreed upon by (NAME OF CLIENT) and (NAME OF CLIENT). (Can add the following if the parents want to set out some time but anticipate there will be more parenting time on a flexible basis) which includes but is not limited to (describe the time that client will spend with the child(ren)).

(NAME OF CLIENT) and (NAME OF CLIENT) will make future arrangements for parenting time, including overnight visits and vacations, as are appropriate given the ages, needs and wishes of (NAMES OF CHILD(REN). (Optional, may use if parents don’t want to specify times/schedules in agreement.) |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensatory time</td>
<td>THAT if either (NAME OF CLIENT) or (NAME OF CLIENT) is unable to exercise parenting time/contact with (NAMES OF CHILD(REN), they will notify the other parent as soon as possible and pay the other parent for reasonable child care expenses and/or lost wages incurred as a result of the missed time.</td>
</tr>
</tbody>
</table>
| Child care expenses / lost wages reimbursed | THAT if (NAME OF CLIENT) is prevented by (NAME OF CLIENT) from exercising regularly scheduled parenting time/contact with (NAMES OF CHILD(REN), (NAME OF CLIENT) will have compensatory time of an equal amount on a date they select that does not interfere with the child(ren)’s education or regularly scheduled activities. (Note: this clause should only be used in situations where there is a real apprehension that one of the parents will be uncooperative about the other parent exercising time with the child.)

And / Or

THAT if (NAME OF CLIENT) is unable to exercise regularly scheduled parenting time/contact with (NAMES OF CHILD(REN) because the child/ren is/are ill, participating in regularly scheduled activities or are otherwise unavailable, they will be entitled to compensatory time of an equal amount on a date they select that does not interfere with the child(ren)’s education or regularly scheduled activities. |
## USE OF ALCOHOL / DRUGS

**May be used if substance abuse is an issue**

| | THAT (NAME OF CLIENT) will not use alcohol or drugs for the 24-hour period before or during the time they are scheduled to have parenting time/contact with (NAMES OF CHILD(REN)). If alcohol or drugs are used contrary to this Agreement, parenting time/contact will not take place or will be ended and the child will return to the care of (NAME OF CLIENT). |

## CONTACT

**Also see clauses above about reimbursement and compensatory time and alcohol/drugs.**

| | THAT (FULL NAME OF CLIENT) shall have contact with (NAMES OF CHILD(REN)) as follows/according to the following/as defined below/as defined by but not limited to the following: (Enter contact details here) |

## EXCHANGES

**May be used to document details about pick-up / drop-off or exchange.**

| | THAT (NAME) will pick up and (NAME) will drop off (NAMES OF CHILD(REN)) at the beginning and ending of (NAME OF CLIENT’s) parenting time/contact. |

| | THAT (NAMES OF CHILD(REN)) will be exchanged at (describe location where exchange will take place). (Note: this clause may be particularly appropriate if the exchange is at a neutral location like a park or restaurant, for example.) |

## RELOCATION

| | THAT neither party will move (NAMES OF CHILD(REN)) from (e.g. the Lower Mainland / farther than 50 kilometers from the current address) without |

| | i. The written consent of the other party; or |

| | ii. A court order. |

If either party intends to move more than (e.g. 50) kilometers from their current address for employment or any other reason, that parent will provide the other with written notice of an intention to change residence and of the new address as soon as possible, but no less than 60 (e.g. or a number more than 60, as per the FEA notice cannot be less than 60 days) days before the move.

## TRAVEL

**Limits on removing child**

<p>| | THAT neither party will take (NAMES OF CHILD(REN)) out of (e.g. British Columbia / |</p>
<table>
<thead>
<tr>
<th>from a specified area.</th>
<th>the Lower Mainland) without the consent of the other party.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel authorization</td>
<td>THAT if the Parties agree that (NAME OF CLIENT) or (NAME OF CLIENT) may travel with the child(ren) outside of Canada, they will provide any necessary written consent, including a travel authorization letter.</td>
</tr>
</tbody>
</table>

### MEDIATION OF DISPUTES

THAT if a dispute arises concerning *(e.g. parenting arrangements / contact / support)* under this Agreement, the parties will use their best efforts to resolve the dispute through mediation before pursuing resolution through court.

### PARENTING COORDINATORS

THAT unless the parties otherwise agree, if the parties cannot reach agreement on a dispute concerning *(e.g. parenting responsibilities or parenting time)* despite their best efforts, the parties will consider using the services of a parenting coordinator.

*If the parties have an agreement that includes a clause like the one above, and they have decided to resolve a dispute through mediation rather than engaging a parenting coordinator, then include the following at the end of the Recitals:*

The Parties have agreed to enter into this Agreement notwithstanding a clause in their previous Written Agreement dated the ___ day of ______, ___ concerning engaging a parenting coordinator.

### CHILD SUPPORT

<table>
<thead>
<tr>
<th>For child support orders in the child support table amount</th>
<th>THAT <em>(FULL NAME OF PAYOR)</em>, the payor, is a resident of <em>(PROVINCE)</em> and has an annual income of $<em>(AMOUNT)</em> for the purpose of determining the table amount of child support <em>(if applicable – as agreed to by the Parties).</em></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>THAT pursuant to the Family Law Act and section 3 of the Child Support Guidelines, <em>(NAME OF PAYOR)</em> shall pay to <em>(NAME OF RECIPIENT)</em> the sum of $<em>(AMOUNT)</em> per month for the support of the child(ren); <em>(FULL NAMES AND DOB OF CHILDREN)</em> payable on the <em>(DATE)</em> date of each month, commencing <em>(COMMENCEMENT DATE)</em> and continuing for so long as the child is a child as defined in the Family Law Act.</td>
</tr>
</tbody>
</table>

Family Justice Services Division 7
Option A: (This option articulates just one payor - see Fact Sheet for further explanation. Note: using option A's wording may not allow the one payor to claim AED)

THAT the parenting arrangements made with respect to the child(ren): (FULL NAMES AND DOB OF THE CHILDREN) qualify as shared custody within the meaning of the Child Support Guidelines.

THAT (FULL NAME of one parent) is a resident of (PROVINCE) and has an annual income of $ (AMOUNT) for the purpose of determining child support and THAT (FULL NAME of other parent) is a resident of (PROVINCE) and has an annual income of $ (AMOUNT) for the purpose of calculating child support.

THAT, taking into consideration the factors set out in section 9 of the Child Support Guidelines, including

(a) the requirements of the British Columbia Child Support Guidelines if the child (ren) lived solely with one party;
(b) the increased costs of shared custody arrangements, including appropriate housing, transportation, and the duplication of toys, equipment, and clothes; and
(c) the conditions, means, needs, and other circumstances of [Parent 2], [Parent 1], and the [Child Name/the Children],

(FULL NAME OF PAYOR) shall pay to (FULL NAME OF RECIPIENT) an adjusted table amount of $ (AMOUNT) per month for the support of the child(ren): (FULL NAMES AND DOB OF THE CHILDREN) payable on the (DATE) of each month and every month thereafter, commencing (MONTH/DATE/YEAR) and continuing for so long as the child is a child as defined in the Family Law Act.

Option B: (This option articulates two payors - see Fact Sheet for further explanation. Note: With two payors, and if they can agree, one (if there is one child) or both (if there are two children) of them may be able to claim AED).

THAT the parenting arrangements made with respect to the child(ren): (FULL NAMES AND DOB OF THE CHILDREN) qualify as shared custody within the meaning of the Child Support Guidelines.

THAT (FULL NAME of one parent) is a resident of (PROVINCE) and has an annual income of $ (AMOUNT) for the purpose of determining child support and THAT (FULL NAME of other parent) is a resident of (PROVINCE) and has an annual income of $ (AMOUNT) for the purpose of calculating child support.
(FULL NAME OF Parent 1) shall pay to (FULL NAME OF Parent 2) the table amount of $(AMOUNT) per month and (FULL NAME OF Parent 2) shall pay to (FULL NAME OF Parent 1) the table amount of $(AMOUNT) per month for the support of the child(ren): (FULL NAMES AND DOB OF THE CHILDREN). Taking into consideration the amount each parent is obligated to pay and the factors set out in section 9 of the Child Support Guidelines, including

(a) the requirements of the British Columbia Child Support Guidelines if the child (ren) lived solely with one party;

(b) the increased costs of shared custody arrangements, including appropriate housing, transportation, and the duplication of toys, equipment, and clothes; and

(c) the conditions, means, needs, and other circumstances of [Parent 2], [Parent 1], and the [Child Name/the Children],

(FULL NAME 1) will pay to (FULL NAME 2) an adjusted table amount which is $(AMOUNT) payable on the (DATE) of each month and every month thereafter, commencing (MONTH/DATE/YEAR) and continuing for so long as the child is a child as defined in the Family Law Act.

If there are 2 or more children and each parent has the majority of parenting time with one or more of the children (split custody)

THAT the parenting arrangements made with respect to the child(ren): (FULL NAMES AND DOB OF THE CHILDREN) qualify as split custody within the meaning of section 8 of the Child Support Guidelines.

THAT (FULL NAME of Parent 1) is a resident of (PROVINCE) and has an annual income of $(AMOUNT) for the purpose of determining child support and THAT (FULL NAME of other Parent 2) is a resident of (PROVINCE) and has an annual income of $(AMOUNT) for the purpose of calculating child support.

THAT (FULL NAME OF Parent 1) is responsible to pay to (FULL NAME OF Parent 2) the sum of $(AMOUNT) per month for the support of the child(ren): (FULL NAMES AND DOB OF THE CHILDREN residing with Parent 2).

THAT (FULL NAME OF Parent 2) is responsible to pay to (FULL NAME OF Parent 1) the sum of $(AMOUNT) per month for the support of the child(ren): (FULL NAMES AND DOB OF THE CHILDREN residing with Parent 1).

THAT each party’s obligation to pay child support in accordance with the Child Support Guidelines will be satisfied by (FULL NAME 1) paying to (FULL NAME 2) the difference between the amounts each party is required to pay under the Child Support Guidelines table, which is $(AMOUNT) payable on the (DATE) of each month and every month thereafter, commencing (MONTH/DATE/YEAR) and continuing for so long as the child is a child as defined in the Family Law Act.

If the table

THAT (FULL NAME OF PAYOR) shall pay to (FULL NAME OF RECIPIENT) pursuant to
<table>
<thead>
<tr>
<th><strong>Amounts are not being applied because the payer's income is greater than $150,000</strong></th>
<th>section 4 of the Child Support Guidelines shall pay the sum of $\text{AMOUNT}$ per month for the support of the child(ren): [FULL NAMES AND DOB OF THE CHILDREN] payable on the (DATE) of each month and every month thereafter, commencing (MONTH/DATE/YEAR) and continuing for so long as the child is a child as defined in the Family Law Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>If the table amounts are not being applied because the paying spouse/parent is standing in the place of the parent</strong></td>
<td>THAT (FULL NAME OF PAYOR) shall pay to (FULL NAME OF RECIPIENT) pursuant to section 5 of the Child Support Guidelines shall pay the sum of $\text{AMOUNT}$ per month for the support of the child(ren): [FULL NAMES AND DOB OF THE CHILDREN] payable on the (DATE) of each month and every month thereafter, commencing (MONTH/DATE/YEAR) and continuing for so long as the child is a child as defined in the Family Law Act.</td>
</tr>
<tr>
<td><strong>Child at or over the age of majority</strong></td>
<td>THAT (FULL NAME OF PAYOR) shall pay to (FULL NAME OF RECIPIENT) pursuant to section 3(2) of the Child Support Guidelines, the sum of $\text{AMOUNT}$ per month for the support of the child(ren): [FULL NAMES AND DOB OF THE CHILDREN] payable on the (DATE) of each month and every month thereafter, commencing (MONTH/DATE/YEAR) and continuing for so long as the child is a child as defined in the Family Law Act.</td>
</tr>
<tr>
<td><strong>Include if there are special and extraordinary expenses. According to Schedule III, section 3 of the Guidelines, the annual income amounts for assessing special and extraordinary expenses only may be different than guideline annual income</strong></td>
<td>THAT (FULL NAME OF PAYOR) is a resident of (PROVINCE) and has an annual guideline income of $\text{AMOUNT}$ and (FULL NAME OF RECIPIENT) is a resident of (PROVINCE) and has an annual guideline income of $\text{AMOUNT}$. THAT for so long as the child(ren) is/are eligible to receive child support pursuant to the Family Law Act, the parties are jointly responsible to pay all section 7 Child Support Guidelines special and extraordinary expenses that are in the child(ren)'s best interests. THAT special and extraordinary expenses are to be split proportionately between the parties, based on the parties' Guidelines income. (FULL NAME OF PAYOR) is responsible to pay XX% and (FULL NAME OF RECIPIENT) is responsible to pay XX% of the total amount. (FULL NAME OF PAYOR) shall pay to (FULL NAME OF RECIPIENT), his/her proportionate share of the special and extraordinary expenses as set out below: Summary of the proportionate share of Section 7 Special and Extraordinary Expenses (FULL NAME OF PAYOR) shall pay to (FULL NAME OF RECIPIENT), for (NAME OF CHILD):</td>
</tr>
</tbody>
</table>
- Total monthly payments equal $(00.00), commencing (DATE); plus
- Total biannual/quarterly payments equal $(00.00), commencing (DATE); plus
- Total annual payments equal $(00.00) commencing (DATE); plus
- Receipt based expenses related to (expense description), payable (describe when reimbursement will occur).

(Only include those types of payments (e.g. monthly) the parties have agreed on. If there is more than one child, repeat section for each child.)

The parties agree the expenses below are in the child(ren)'s best interests, and have considered the reasonableness of the expenses in relation to the means of the parties.

### Detailed Breakdown of Section 7 Special and Extraordinary Expenses

<table>
<thead>
<tr>
<th>Child’s Name</th>
<th>Expense Description</th>
<th>Total Amount ($) net of subsidies, benefits, income tax deductions or credits</th>
<th>Payment Frequency</th>
<th>Payor’s Proportionate Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHILD X</td>
<td>Gymnastics</td>
<td>$400/year,</td>
<td>Monthly, to be paid on the (DATE) of every month, commencing (MONTH/DATE/ YEAR)</td>
<td>$400 x 50% / 12 = $16.67 per month</td>
</tr>
<tr>
<td>CHILD X</td>
<td>After school care</td>
<td>$2,200/year,</td>
<td>Monthly, to be paid on the (DATE) of every month, commencing (MONTH/DATE/ YEAR)</td>
<td>$2,200 x 50% /12 = $91.67 per month</td>
</tr>
<tr>
<td>CHILD X</td>
<td>Jazz Band trip</td>
<td>$1,000/year,</td>
<td>Biannually, to be paid twice a year on the 15th of September and 15th of February, commencing (MONTH/DATE/ YEAR)</td>
<td>$1,000 x 50% /2 = $250 per payment</td>
</tr>
<tr>
<td>CHILD X</td>
<td>Summer Camp</td>
<td>$800/year,</td>
<td>Annually, to be paid on</td>
<td>$800 x 50% = $400</td>
</tr>
<tr>
<td>CHILD X</td>
<td>Health related expenses that exceed insurance reimbursement by at least $100 annually</td>
<td>To be reimbursed upon receiving proof that the expense has been paid.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Note these are notes for the user and not intended to be part of the wording... Complete the table, selecting the payment frequency that the parties choose. Some expenses are easily calculated on a monthly basis, while others are not. Instead of annually, parties could also choose a biannual or quarterly payment—in these cases specify which months the payments will be made in. The parties may choose whether to generally list the s. 7 expenses by category (i.e. childcare expenses, healthcare expenses that exceed insurance reimbursement by at least $100, extraordinary expenses for school and extracurricular activities, etc.) or whether to specifically identify their child's expenses. FMEP has advised that enforcing receipt based expenses can be problematic, particularly health related expenses that exceed insurance reimbursement. FMEP will only attempt to enforce receipt based expenses where the expense is clearly defined. If the expense has not been defined as a fixed monthly amount, maintenance enforcement programs in other provinces may not enforce it. Refer to Fact Sheet for more detail concerning FMEP's approach to special or extraordinary expenses.*

*Special expenses can be backdated by selecting a commencement date up to 12 months in the past — however any outstanding amounts owing cannot be included in the payment amount.*

**Retroactive child support amount, in the body of the Agreement**

| THAT (FULL NAME OF PAYOR) shall provide medical and dental insurance coverage for the child(ren) for so long as it is available through (HIS/HER) employment. |

| THAT (FULL NAME OF PAYOR), the payor, is a resident of (PROVINCE) and has an annual income of $AMOUNT for the purpose of determining the table amount of child support (if applicable — as agreed to by the Parties). |

| THAT pursuant to the Family Law Act and the British Columbia Child Support Table, (NAME OF PAYOR) shall pay to (NAME OF RECIPIENT) the sum of |
${AMOUNT} per month for the support of the child(ren): [FULL NAMES AND DOB OF CHILDREN] payable on the (DATE) date of each month, commencing (COMMENCEMENT DATE) and continuing for so long as the child is a child as defined in the Family Law Act. The commencement date may be up to 12 months before the agreement is signed.

THAT [FULL NAME OF PAYOR] has paid ${AMOUNT} dollars per month to [FULL NAME OF RECIPIENT] for the support of [NAMES OF CHILDREN], from (DATE) to and including (DATE). Include this clause if payor has paid some support during the retroactive period.

THAT nothing in this Agreement prevents either [NAME OF CLIENT] or [NAME OF CLIENT] from seeking, by agreement or court order, an amount for retroactive child support, including special expenses, incurred prior to (DATE). Use the date that child support payable under this agreement commences. Parties may choose to use this clause if there is retroactive child support that is not being addressed within this agreement. The clause makes it clear that the agreement in itself is not a bar to pursuing retroactive amounts at a later date.

**Review of child support**

THAT [FULL NAME OF PAYOR] and [FULL NAME OF RECIPIENT] will review child support annually by [DATE, e.g. May 31st] of each year, and if necessary, revise it to ensure that it accords with the requirements of the British Columbia Child Support Guidelines. Optional further clause: In addition, either party, at any time, may deliver a written notice to the other party requesting a review of child support if there is a material change of circumstances such as a change in the percentage of parenting time that a child lives with each of the parties or a change in the income of one or both parties.

**SPOUSAL SUPPORT**

**Basic clause**

THAT upon the parties having agreed that [NAME OF PAYOR] will pay spousal support to [NAME OF RECIPIENT], and taking into account the factors set out in the Family Law Act, and the Spousal Support Advisory Guidelines providing a range of monthly spousal support of:

- Lower - 
- Middle - 
- Upper - 

AND a duration of X to Y years,

**Review date**

[NAME OF PAYOR] shall pay spousal support to [NAME OF RECIPIENT] in the sum of (AMOUNT) per month, commencing on (START DATE) and continuing on the (X) day of each month thereafter. [NAME OF PAYOR] and [NAME OF RECIPIENT] will
| End date (without child support formula) | review the spousal support provisions set out in this Agreement on or about (DATE) (or describe the occurrence of the event upon which spousal support will be reviewed). Spousal support continues to be due and payable as set out in this written agreement unless it is terminated or changed as a result of the review. OR (NAME OF PAYOR) shall pay spousal support to (NAME OF RECIPIENT) in the sum of $(AMOUNT) per month for X months, commencing on (START DATE) and continuing on the ___ day of each month thereafter until (DATE), at which time spousal support will be terminated. (Note - policy does not permit end dates when the “with child support” formula is used) |
| Nominal amount, to be used after review when parties want to end spousal support but there are still minor children | (NAME OF PAYOR) shall pay spousal support to (NAME OF RECIPIENT) in the nominal sum of $1 per month, commencing (DATE) and continuing until (DATE), at which time spousal support will be reviewed. Note - If, upon review the with child support formula still applies, but the parties wish to end spousal support, they may agree to a nominal amount until there are no longer minor children. The parties may define the date of review as the date at which the youngest child turns 19. At this time they may terminate spousal support. |
| For spousal support agreements documenting a backdated amount in paragraph (a) and the amount to be paid going forward in paragraph (b) | THAT upon the parties having agreed that (NAME OF PAYOR) will pay spousal support to (NAME OF RECIPIENT), and taking into account the factors set out in the Family Law Act, and the Spousal Support Advisory Guidelines providing a range of monthly spousal support of: Lower - $ Middle - $ Upper - $ AND a duration of X to Y years, (NAME OF PAYOR) shall pay spousal support to (NAME OF RECIPIENT) as follows: (a) In the sum of $(AMOUNT) per month for (# of months, up to 12) months, commencing (DATE) and ending (DATE); and (b) thereafter in the sum of $(AMOUNT) per month for XX months, commencing on (DATE) and continuing on the ___ day of each month thereafter until (DATE), at which time spousal support will be terminated. OR thereafter in the sum of $(AMOUNT) per month, commencing on (START DATE) and continuing on the ___ day of each month thereafter until (DATE), at which time spousal support will be reviewed. (Note – use in a with child support situation or if there are no children but a review date is preferred to an end date.) |
THAT upon the parties having agreed that [NAME OF PAYOR] will pay spousal support to [NAME OF RECIPIENT], and taking into account the factors set out in the Family Law Act, and the Spousal Support Advisory Guidelines providing a range of monthly spousal support of:

- Lower - $
- Middle - $
- Upper - $

AND a duration of X to X years,

(NAME OF PAYOR) shall pay spousal support to (NAME OF RECIPIENT) in the sum of $/(AMOUNT) per month for X years/X months, commencing [DATE] and ending [DATE]. The parties acknowledge they have agreed upon a monthly spousal support amount that exceeds the upper guideline amount, which is to be paid for a shorter duration of time, for the purpose of (explain the reasons why, e.g. supporting RECIPIENT while she completes a diploma in office management). OR

The parties acknowledge they have agreed upon a monthly spousal support amount below the lower guideline amount, which is to be paid for a longer duration of time, for the purpose of (explain the reasons why).

THAT if the Parties are unable to resolve a dispute involving this Agreement and court proceedings are necessary, the courts of British Columbia have exclusive jurisdiction over this Agreement.

The Parties attorn to the exclusive jurisdiction of the Provincial Court of British Columbia.
1.13 Consent for Release of Information

Note: Download the most recent version from SharePoint.

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CONSENT FOR RELEASE OF INFORMATION

I, _______________________________,

authorize the release of information from the Family Justice Services Division, Ministry of Justice, to be released to ___________________________ as and when required for referral to ___________________________

for ongoing case management. FURTHER AUTHORIZATION IS ALSO GRANTED TO ___________________________ to release information to the above named Family Justice Counsellor and the Family Justice Services Division, Ministry of Justice. This authorization is valid only during the time the family is receiving service from the Family Justice Services Division.

Witnessed: ___________________________  Signed: ___________________________

_____________________________  ________________________________
Family Justice Counsellor  Parent

Date: ___________________________

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Ministry of Justice
Justice Services Branch
Family Justice Services Division
1.14 Agreement to Mediate (ATM) form

Note: Download the most recent version from SharePoint.

FAMILY JUSTICE SERVICES DIVISION
AGREEMENT TO MEDIATE

BETWEEN:

AND:

(name of party)

AND:

(name of party)

AND:

(the Mediator/Family Justice Counsellor)

The parties wish to settle matters related to their family in a cooperative, non-adversarial manner and agree to make a serious attempt to resolve all issues in good faith within mediation.

The Parties Agree:

1. Process

The Family Justice Counsellor will assist the parties in a discussion, centered only around the best interests of their child(ren) and aimed at settling the issues between them. These discussions may include such matters as guardianship, parenting arrangements (including parenting time and parental responsibilities), contact, child support and spousal support.

The Family Justice Counsellor will help the parties to define the issues in dispute, identify and communicate their interests, explore options, and assist the parties to reach an agreement. The Family Justice Counsellor is impartial and does not make any decisions or determinations. Participation in mediation is voluntary. A party or the Family Justice Counsellor may end the mediation at any time.

If families are participating in the Children in Mediation program, best efforts will be made by the parents to participate in a way that values their child(ren)’s input and incorporates the child(ren)’s views when reaching an agreement.

2. Confidentiality

Family Justice Counsellors

In accordance with s. 11 of the Family Law Act, FJC’s “must not disclose information obtained in the course of providing assistance” except as specifically permitted in section 2 of the Family Law Act Regulation.
The FJC therefore cannot disclose any of the information, obtained from the party(s) while involved with our service, to anyone else, unless:

- The party has consented to the information being disclosed for the purpose of making a referral to another service provider;
- The information concerns child abuse or neglect, which the FJC has a legal duty to report to the Ministry of Children and Family Development;
- There is information that a person or property is at risk of imminent and serious harm, which the FJC has a duty to report.

FJCs cannot be compelled to testify in court or another proceeding about information obtained while they were providing assistance to the parties. Nor can FJCs be compelled to disclose their notes or records for the purpose of any proceeding.

Parties

Section 13 of the Family Law Act states that information obtained by the parties during mediation, negotiation or settlement discussions is also confidential. Parties cannot use information from mediation or settlement discussions, correspondence or draft documents in any family law proceeding, including in affidavits, testimony or other evidence. The only exceptions to this rule are:

- Written, signed agreements to mediate;
- Written agreements signed by all parties that resolve one or more issues relating to a family law dispute;
- Information that was provided by another person who is not a party to the family law dispute (e.g. a report or appraisal);
- If all parties consent to using the information, or
- If the parties are required by law to disclose the information.

3. Independent Legal Advice

The Family Justice Counsellor does not act as legal counsel for any party during the mediation and cannot provide any legal advice to any of the parties. Each party is encouraged to consult a lawyer to ensure they fully understand their legal rights, responsibilities and obligations, and any consequences of a potential settlement.

4. Disclosure

There will be full and true disclosure by each of the parties to the other and to the Family Justice Counsellor of all information and documents relevant to the matters under discussion.

5. Mediation Fees
Mediation services provided by Family Justice Counsellors are time limited but provided free of charge to clients eligible for services.

6. Family Justice Counsellor as a Dispute Resolution Professional

As required by s. 4 (3) (b) of the Regulation, this is written confirmation that the family justice counsellor is a member in good standing of, and a certified mediator with, Family Mediation Canada and meets the training and practice requirements of Family Mediation Canada.

Signatures:

The parties have read this agreement and agree to proceed with mediation on the terms contained in it.

_____________________________  ________________________________
(Party’s signature)             (date)

_____________________________  ________________________________
(Party’s signature)             (date)

_____________________________
(Mediator/Family Justice Counsellor’s signature) (date)
1.15 Consent to Children Being Interviewed

Note: Download the most recent version from SharePoint.

We are involved in a mediation process to resolve issues pertaining to our child(ren). It is our desire that our child(ren) be interviewed by a Family Justice Counsellor, __________________, to assist us to bring in our child(ren)’s views.

We understand that in the course of the mediation process, our child(ren) will not be making the decision regarding their living arrangements and that we, as their parents, will make this decision.

We understand that the discussions involving our child(ren) are confidential and cannot be used in court. As per s.11 and s.12 of the Family Law Act and s.3 of the Family Law Act Regulation, information that is provided by our children to the Family Justice Counsellor during individual interviews will be provided by the Family Justice Counsellor in the mediation sessions only with our child’s consent.

We have talked to our child(ren), named below, and they are agreeable to being interviewed and we are in agreement with that interview taking place.

We further understand that a post-mediation session may be available to our child(ren) upon our request and the agreement of the Family Justice Counsellor.

Name of child: __________________ Date of Birth: ____________
Name of child: __________________ Date of Birth: ____________
Name of child: __________________ Date of Birth: ____________

Name: __________________ Date: ____________
Signature: __________________

Name: __________________ Date: ____________
Signature: __________________

Ministry of Justice
Justice Services Branch
Family Justice Services Division
Family Justice website: www.justice.gov.bc.ca/fam/jfvc
1.16 Family Justice Services Assessment Form

Note: Download the most recent version from SharePoint.

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FAMILY JUSTICE SERVICES ASSESSMENT FORM

This form is PRIVATE AND CONFIDENTIAL. The only exception will be if the safety of a child is at risk or if there are threats of imminent harm to another person or property. Otherwise, we will not share any of this information without asking for your permission. This information may be used for research purposes with all identifying information removed.

Please answer the following questions by marking the box that applies with an X. Feel free to add your own comments or examples after each question.

1. How often have you used the courts to deal with your separation/ divorce/ parenting issues?  
   - Never  
   - One time  
   - 2-3 times  
   - 4 or more times  
   Comments or examples:

2. How well do you and the other parent/person talk to each other about the children?  
   - Very well  
   - Sometimes well  
   - Poorly  
   - Very poorly  
   Comments or examples:

3. When you and the other parent/person can't agree on something, what usually happens?  
   - We are usually able to work it out together  
   - Sometimes we can work it out together  
   - One person makes the decision  
   - We don't work it out  
   Comments or examples:

4. How do you decide the amount of time the children will spend with each of you?  
   - We are usually able to work it out together  
   - Sometimes we can work it out together  
   - One person makes the decision  
   - We don't work it out  
   Comments or examples:

5. How often are the children exposed to the conflict between you and the other person?  
   - Not at all  
   - 1 or 2 times a month  
   - 1 or 2 times a week  
   - Always  
   Comments or examples:

6. What influence do you think the other parent/ person has on the children's lives?  
   - Very positive  
   - Positive  
   - Negative  
   - Very negative  
   Comments or examples:

---

1 All personal information collected by the Family Justice Centre for the purposes of providing services, assessing client needs and referring to services is collected, used, and disclosed under the authority of the Freedom of Information and Protection Act of British Columbia and in accordance with the provisions of sections 11-12 of the Family Law Act and section 3 of the Family Law Act Regulations. Contact your nearest Family Justice Centre manager if you have questions about the use of your personal information.

Ministry of Justice
Justice Services Branch
Family Justice Services Division
Family Justice website: www.justicebc.ca/famJfam
<table>
<thead>
<tr>
<th>7. Do you expect you will have problems working out your joint finances, managing your debt, or calculating support?</th>
<th>No problems expected</th>
<th>Minor problems expected</th>
<th>Moderate problems expected</th>
<th>Major problems expected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments or examples:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8. Are you having difficulty coping with day-to-day activities/ responsibilities?</th>
<th>No</th>
<th>Sometimes</th>
<th>Most of the time</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments or examples:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9. Do you or the other parent/person use drugs or alcohol to the point that it interferes with parenting?</th>
<th>No</th>
<th>Sometimes</th>
<th>Often</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments or examples:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10. Do you or the other parent/person have mental health issues that affect parenting?</th>
<th>No</th>
<th>Sometimes</th>
<th>Most of the time</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments or examples:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>11. Do you feel you have people to support you through hard times?</th>
<th>Always</th>
<th>Most of the time</th>
<th>Sometimes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments or examples:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>12. Has there been any pushing, shoving, grabbing, slapping or arm twisting between you and the other parent/person?</th>
<th>Never</th>
<th>1 or 2 times</th>
<th>3 - 5 times</th>
<th>More than 5 times</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments or examples:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>13. Has there been any kicking, punching, biting, or throwing things between you and the other parent/person?</th>
<th>Never</th>
<th>1 or 2 times</th>
<th>3 - 5 times</th>
<th>More than 5 times</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments or examples:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>14. Has there been any coercion, threats to harm, or stalking between you and the other parent/person?</th>
<th>Never</th>
<th>1 or 2 times</th>
<th>3 - 5 times</th>
<th>More than 5 times</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments or examples:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
15. Has there been any choking, burning, or using guns or knives between you and the other parent/person?

<table>
<thead>
<tr>
<th></th>
<th>Never</th>
<th>1 or 2 times</th>
<th>3 – 5 times</th>
<th>More than 5 times</th>
</tr>
</thead>
</table>

Comments or examples:

16. Has there been any forced or unwanted sexual behaviour between you and the other parent/person?

<table>
<thead>
<tr>
<th></th>
<th>Never</th>
<th>1 or 2 times</th>
<th>3 – 5 times</th>
<th>More than 5 times</th>
</tr>
</thead>
</table>

Comments or examples:

17. Has the other parent/person been abusive towards you in any other way?

<table>
<thead>
<tr>
<th></th>
<th>Never</th>
<th>1 or 2 times</th>
<th>3 – 5 times</th>
<th>More than 5 times</th>
</tr>
</thead>
</table>

Comments or examples:

18. Have you been abusive towards the other parent/person in any other way?

<table>
<thead>
<tr>
<th></th>
<th>Never</th>
<th>1 or 2 times</th>
<th>3 – 5 times</th>
<th>More than 5 times</th>
</tr>
</thead>
</table>

Comments or examples:

19. Have you ever received medical help for injuries caused by the other parent/person?

<table>
<thead>
<tr>
<th></th>
<th>Never</th>
<th>Sometimes</th>
<th>Often</th>
<th>Always</th>
</tr>
</thead>
</table>

Comments or examples:

20. Do you have concerns for your safety or the safety of another family member at this time?

<table>
<thead>
<tr>
<th></th>
<th>Never</th>
<th>Sometimes</th>
<th>Often</th>
<th>Always</th>
</tr>
</thead>
</table>

Comments or examples:

21. Have your children witnessed or been affected by family violence, or do you have concerns for their safety?

<table>
<thead>
<tr>
<th></th>
<th>No</th>
<th>Sometimes</th>
<th>Strong concerns</th>
<th>Always</th>
</tr>
</thead>
</table>

Comments or examples:

22. Do you have concerns about the children’s adjustment to the separation?

<table>
<thead>
<tr>
<th></th>
<th>No</th>
<th>Sometimes</th>
<th>Strong concerns</th>
<th>Very strong concerns</th>
</tr>
</thead>
</table>

Comments or examples:

Additional Comments: ____________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________
1.17 Family Justice Services Assessment Form – (Part III)

Scoring and Referrals

Note: Download the most recent version from SharePoint.

ASSESSMENT FORM – SCORING AND REFERRALS (formerly Part III)

SCORING

1. Add up the scores in each column and place in the appropriate box.

2. Multiply the items in the column 1 by 1, 2 by 2, 3 by 3, and 4 by 4.

<table>
<thead>
<tr>
<th>Items 1 - 22</th>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. Add up each column for the overall total score: _______________. (When questions are “N/A”, take the total score x 22/ the number of applicable questions. Example: 2 questions are scored as non-applicable, and the totalled score is 60: 60 x 22/ 20 = 66)

<table>
<thead>
<tr>
<th>Score</th>
<th>Risk Level</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 35</td>
<td>Low risk, low level of conflict</td>
<td>Mediation, counselling</td>
</tr>
<tr>
<td>36 - 45</td>
<td>Moderate conflict</td>
<td>Mediation, counselling</td>
</tr>
<tr>
<td>45 - 60</td>
<td>Moderate-high conflict</td>
<td>Mediation, separate meetings, collaborative law, referral to other special services, lawyer</td>
</tr>
<tr>
<td>Over 60</td>
<td>High risk</td>
<td>Court (protection orders, trial), lawyer, section 211 report, parenting coordinators, referral to duty counsel.</td>
</tr>
</tbody>
</table>

4. Review Questions 13-16. An affirmative answer to these questions will rule out mediation unless the parties specifically select mediation and have support persons to accompany them.

5. You have the discretion to deviate from the recommendations. Use this space to add additional explanatory notes.

ACTION TAKEN:

☐ Referred for Dispute Resolution

☐ Mediation (government) ☐ Shuttle mediation/separate meetings (government)

☐ Private mediation ☐ Collaborative law

☐ Children in Mediation

☐ Referred to court ☐ Referred to other service agencies ☐ No interest in any services

Name of FJC: ___________________________ Date: _______________

Assessment completed by: ☐ In-person interview ☐ Telephone interview
1.18 **Consent to Access Court Services Online Form**

Note: Download the most recent version from [SharePoint](#).

---

**CONSENT TO ACCESS COURT SERVICES ONLINE**

I understand that information about my family court records is contained within Court Services Online, an electronic database operated by the Court Services Branch. Any questions or concerns I may have about the content or accuracy of the information contained within Court Services Online must be directed to the court registry.

I further understand that with my written consent, Family Justice Counsellors are authorized to search Court Services Online for information within my family court records which may help the Family Justice Counsellor to provide information and services to me. Information available to Family Justice Counsellors includes information about applications, court appearances and terms of any orders that have been made.

Having read and understood the above information, I consent to

______________________________  Family Justice Counsellor, accessing my family court records.

I further understand and agree that information in my family court record may be reviewed as part of future studies conducted by the Family Justice Services Division, to improve services available to its clients.

Name: ________________________________

Signature: ________________________________

Date: ________________________________
1.19 Client Intake Form

Note: Download the most recent version from SharePoint.

![Client Intake Form Image]
3. CHILDREN

Please include all children involved in this matter.

<table>
<thead>
<tr>
<th>Legal Names</th>
<th>Birth Date</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>□F □M</td>
</tr>
<tr>
<td></td>
<td></td>
<td>□F □M</td>
</tr>
<tr>
<td></td>
<td></td>
<td>□F □M</td>
</tr>
</tbody>
</table>

Where are the children living now?

☐ Mainly with you
☐ Mainly with the other person
☐ Only with you
☐ Only with the other person
☐ About equal time with each of you
☐ With a relative or other person
☐ Living with both of you together
☐ Living with a foster family

4. What do you need help with at this time?

☐ Where the children will live
☐ Time each parent spends with the children
☐ Child support/special expenses
☐ Spousal support
☐ Taking the children out of province
☐ Decisions about the children
☐ Threatening or violent behaviour
☐ Enforcing or changing a court order
☐ Financial issues (property, assets, debts)
☐ Other __________________

5. Have you tried mediation to work out your current differences?

☐ Yes ☐ No  If so, when did you try mediation? _____________________________

6. Do you have a court order or separation agreement?

☐ Yes ☐ No ☐ Don’t know  If so, is it: ☐ Provincial ☐ Supreme ☐ Unknown

In which court registry is it filed? _____________________________

7. Do you feel there is an immediate risk of violence in your family?  ☐ Yes ☐ No

Has the other person ever caused you to be concerned for your own safety or your children’s safety?

☐ Yes ☐ No

Notes: __________________________________________________________

8. Are there any outstanding civil or criminal protection orders (Family Law Act protection orders, peace bonds, probation or bail orders)?

☐ Yes ☐ No ☐ Don’t know

9. Have you attended the Parenting After Separation Program?

☐ Yes ☐ No  Approximate date: _____________________________

Ministry of Justice
Justice Services Branch
Family Justice Services Division
Family Justice website: www.justicebc.ca/en/fam/
10. Have you talked with your children about the current situation? (If you have more than one child, please mark your answer for the oldest child)
   - Yes, quite a lot
   - Yes, to some extent
   - Not at all
   - Not yet

11. How did you learn about us?
   - The court
   - The other parent
   - Legal services/lawyer
   - Other government service
   - Other agency
   - The Internet
   - A friend/co-worker
   - Parenting After Separation
   - Other: ____________________

For Office Use: ____________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

---

All personal information collected by the Family Justice Centre for the purposes of providing services, assessing client needs and referring to services is collected, used, and disclosed under the authority of the Freedom of Information and Protection Act of British Columbia and in accordance with the provisions of sections 11 to 13 of the Family Law Act. Contact your nearest Family Justice Centre local manager if you have questions about the use of your personal information. 

Ministry of Justice
Justice Services Branch
Family Justice Services Division
Family Justice website: www.justicebc.ca/en/fam/
### 1.20 Initial Needs Determination Checklist

Note: Download the most recent version from [SharePoint](#).

<table>
<thead>
<tr>
<th>Obtained/confirmed contact information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Explained role and mandate of Family Justice Services to the client.</td>
</tr>
<tr>
<td>Have you contacted a family justice centre before? (checked FIS2)</td>
</tr>
<tr>
<td>Explained that information obtained while delivering services is confidential, except for information about a child protection issue or a serious threat to someone’s safety or property.</td>
</tr>
<tr>
<td>Asked preliminary violence screen questions: 1) Do you feel there is an immediate risk of violence in your family? 2) Has the other person ever caused you to be concerned for your own safety or your children’s safety? Asked follow-up questions if the response to either question was yes. Recorded response to questions in FIS.</td>
</tr>
<tr>
<td>Determined issues client requires assistance with.</td>
</tr>
<tr>
<td>Provided information, made a referral and/or scheduled an appointment for the client.</td>
</tr>
</tbody>
</table>

Notes:
1.21 Initial Needs Determination Interview Guide

Note: Download the most recent version from SharePoint.
1.22 Letter of Attendance

Note: Download the most recent version from SharePoint.

Date

To whom it may concern,

This is to confirm that [client's name] attended the [name of family justice centre or justice access centre] and met with a Family Justice Counsellor in [date, e.g. June 2009, or from April to July 2011].

Yours sincerely,

Local Manager

cc , Senior Policy Analyst
1.23 SSAG Calculation Referral Form (issued: May-14)

Note: Download the most recent version from SharePoint.
### Children of this relationship

<table>
<thead>
<tr>
<th>Child's name</th>
<th>Date of birth</th>
<th>Lives primarily with:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td>Select one</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td>Select one</td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td>Select one</td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td>Select one</td>
</tr>
</tbody>
</table>

Number of years until youngest child starts school full-time: [ ] years OR [ ] already in school

Number of years until youngest child is expected to complete high-school: [ ] years

Explain if one of the parties is a step-parent to any of the above-named children: [ ]

Additional information: [ ]
2. Appendices – Family Justice Report Service

2.1 Request for s.211 Report

Note: Download the most recent version from SharePoint.

Request for S. 211 Report

To: Family Justice Services
Family Justice Report Service
Suite 201, 35055 Simon Avenue
Abbotsford, BC, V2T 1Y2

Fax: 604-853-7062
Telephone: 604-851-7059

☐ Client contact form attached. (If client contact form is not being used, applicant/respondent details must be completed in full)

Applicant / Plaintiff:

Address:

Legal Counsel:

To:

Respondent / Defendant:

Address:

Legal Counsel:

Subject Child(ren): (This section must be completed)

Name:

Date of Birth:

Relationship:

Mother

Father

Other (specify):

Report Ordered:

☐ Section 211 - Views of the Child(ren); or
☐ Section 211 - Full Report

Check off issues to be addressed:

☐ Guardianship

☐ Custody

☐ Parenting Time

☐ Contact

☐ Other (specify)

Specific issues to be addressed in Report / Additional information

This form grants permission for the Family Justice Counsellor to access Provincial Court and Supreme Court files unless otherwise noted.

Ordered by:

☑ Justice

☑ Master

☑ Judge

Date Ordered: CD MMM YY

Due Date: CD MMM YY

Trial Date: CD MMM YY

Other (specify):

Other (specify):

FPA 007 09/2013
### 2.2 Contact Information Sheet

Note: Download the most recent version from SharePoint.

<table>
<thead>
<tr>
<th>Contact Information for Section 211 Full Reports and Section 211 Views of the Child Reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>PLEASE PROVIDE THE FOLLOWING INFORMATION FOR THE PURPOSES OF ORDERING a Section 211 Full Report or Section 211 Views of the Child Report.</td>
</tr>
<tr>
<td>Please note: Party contact information must be completed. Counsel contact information only will result in the referral being returned.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Date of Birth:</td>
</tr>
<tr>
<td>Home phone:</td>
</tr>
<tr>
<td>Cell phone #:</td>
</tr>
<tr>
<td>Work phone #:</td>
</tr>
<tr>
<td>Email address:</td>
</tr>
<tr>
<td>Counsel's name:</td>
</tr>
<tr>
<td>Counsel's phone #:</td>
</tr>
</tbody>
</table>

Any other contact information that may not be addressed above:

THIS INFORMATION MUST BE COMPLETED AND RETURNED TO THE CLERK/SHERIFF BEFORE LEAVING THE COURTROOM
2.3 **Initial Contact Letter: Views of the Child Report—Over 10**

Note: Download the most recent version from [SharePoint](https://example.com).

---

**INITIAL CONTACT LETTER: VIEWS OF THE CHILD REPORT—OVER 10**

Date
Client
Address

Dear [Name]:

RE: [Name] FLA Section 211 Views of the Child Report

This report was ordered on [Date] by Judge [Name] and the referral was received in our office on [Date].

A Views of the Child Report provides the opportunity for your child/ren’s views to be presented to the court and to their family in a manner that honours the child’s own voice.

The report is prepared by a Family Justice Counsellor who will interview your child/ren individually, in private, in a manner suitable to their age. Typically, brief telephone contact is made with the parents/parties to explain the process and schedule the child interview. Siblings may be interviewed together as well as separately. Professional references such as Social Workers, teachers and health workers may be contacted when the Family Justice Counsellor considers this to be appropriate.

Your child/ren’s views form the focus of this type of report. Prior to submitting the report to the court, the Family Justice Counsellor will discuss the information obtained with you. With this information, you may be able to resolve the issues by considering your children’s expressions, experiences and thoughts about their family situation. If necessary, the Judge who hears your case will have this information to assist them in making the most appropriate decisions for your family.

---

Ministry of Justice  
Family Justice Report Service  
Justice Services Branch  
Family Justice Services Division
There is currently a __________ wait before this report can be assigned. In the meantime, it may be helpful to access other services offered through the Family Justice Center in your community. Family Justice Counsellors are available to provide dispute resolution services such as mediation. Free Parenting After Separation sessions (see enclosed brochure) are offered on a voluntary basis at various locations across British Columbia as well as online at http://familieschange.ca. Parents are encouraged to attend prior to the commencement of the report.

It is important that we have your current address and telephone number. Please tell us about any changes to your contact information, as well as any known court dates. We will make every effort to ensure that reports are completed in advance of your pending court appearances. However, please do not assume that we are aware of when you are next in court. Once assigned, the Family Justice Counsellor will contact you to begin the report.

Enclosed with this letter is a copy of our confidentiality provisions which will be reviewed with you by the Family Justice Counsellor.

Yours sincerely,

Local Manager
Family Justice Report Service
Encl.

cc. counsel (as appropriate)
2.4 Initial Contact Letter: Views of the Child Report—Under 10

Note: Download the most recent version from [SharePoint](#).

[INI灵敏图]
There is currently a __________ wait before this report can be assigned. In the meantime, it may be helpful to access other services offered through the Family Justice Center in your community. Family Justice Counsellors are available to provide dispute resolution services such as mediation. Free Parenting After Separation sessions (see enclosed brochure) are offered on a voluntary basis at various locations across British Columbia as well as online at http://familieschange.ca. Parents are encouraged to attend prior to the commencement of the report.

It is important that we have your current address and telephone number. Please tell us about any changes to your contact information, as well as any known court dates. We will make every effort to ensure that reports are completed in advance of your pending court appearances. However, please do not assume that we are aware of when you are next in court. Once assigned, the Family Justice Counsellor will contact you to begin the report.

Enclosed with this letter is a copy of our confidentiality provisions which will be reviewed with you by the Family Justice Counsellor.

Yours sincerely,

Local Manager
Family Justice Report Service
Encl.

cc. counsel (as appropriate)
2.5 Initial Contact Letter: Full—Section 37 Criteria

Note: Download the most recent version from SharePoint.

initial contact letter: full—section 37 criteria

Dear [Name]:

RE: [Client Names]
FLA Section 211 Full Report
[Initial Date] Court File # [File Number]

This report was ordered on [Date] by Judge [Judge’s Name] and the referral was received in our office on [Date].

A Section 211 Full Report provides objective information to the court about your child/ren and their family relationships. This report addresses all of the best interests of the child criteria outlined in Section 37 of the Family Law Act including the child’s views; health and emotional well-being; relationships with significant people; history of care; need for stability; and the impact of family violence as well as the ability of persons seeking contact, guardianship, parental responsibilities or parenting time to exercise their responsibilities.

The report is prepared by a Family Justice Counsellor who will interview both parents/parties individually. Arrangements will be made to observe you with your child/ren; flexibility and assistance in arranging these visits may be requested. Where appropriate your child/ren will be interviewed privately in a manner suitable to their age. Professional references such as Social Workers, teachers and health workers may be contacted at the Family Justice Counsellor’s discretion. Sometimes family references are also appropriate.

Prior to submitting the report to the court, the Family Justice Counsellor will discuss with you the information obtained. With this information, you may be able to resolve the issues by considering the report content and recommendations. If necessary, the Judge who hears your case will have this report to assist them in making the most appropriate decisions for your family. It is important to remember that although a
recommendation is given, it is the Judge who makes the final decisions about your child/ren.

There is currently a __________ wait before this report can be assigned. In the meantime, it may be helpful to access other services offered through the Family Justice Center in your community. Family Justice Counsellors are available to provide dispute resolution services such as mediation. Free Parenting After Separation sessions (see enclosed brochure) are offered on a voluntary basis at various locations across British Columbia, as well as online at http://familieschange.ca. Parents are encouraged to attend prior to the commencement of the report.

It is important that we have your current address and telephone number. Please tell us about any changes to your contact information, as well as any known court dates. We will make every effort to ensure that reports are completed in advance of your pending court appearances. However, please do not assume that we are aware of when you are next in court. Once assigned, the Family Justice Counsellor will contact you to begin the report.

Enclosed with this letter is a copy of our confidentiality provisions which will be reviewed with you by the Family Justice Counsellor.

Yours sincerely,

Local Manager
Family Justice Report Service
Encl.

cc. counsel (as appropriate)
2.6 Initial Contact Letter: Full—Focused

Note: Download the most recent version from SharePoint.

[Image of Initial Contact Letter: Full—Focused]

Date
Client
Address

Dear [Name],

RE: [Client Names]
FLA Section 211 Full Report
[Number] Court File # [Number]

This report was ordered on [Date] by Judge [Name] and the referral was received in our office on [Date].

A Section 211 Full Report provides objective information to the court about your child/ren and their family relationships. A Section 211 Full Report considers the issues before the court according to Section 37 of the Family Law Act; the best interests of the child.

The report is prepared by a Family Justice Counsellor who will interview both parents/party individually either by telephone or in person. Arrangements may be made to observe you with your child/ren if this is deemed appropriate; flexibility and assistance in arranging these visits may be requested. Where appropriate your child/ren will be interviewed privately in a manner suitable to their age. Professional references such as Social Workers, teachers and health workers may be contacted at the Family Justice Counsellor’s discretion. Sometimes family references are also appropriate.

Prior to submitting the report to the court, the Family Justice Counsellor will discuss with you the information obtained. With this information, you may be able to resolve the issues by considering the report content and recommendations. If necessary, the Judge who hears your case will have this report to assist them in making the most appropriate decisions for your family. It is important to remember that although a recommendation is given, it is the Judge who makes the final decisions about your child/ren.
There is currently a _________ wait before this report can be assigned. In the meantime, it may be helpful to access other services offered through the Family Justice Center in your community. Family Justice Counsellors are available to provide dispute resolution services such as mediation. Free Parenting After Separation sessions (see enclosed brochure) are offered on a voluntary basis at various locations across British Columbia, as well as online at http://familieschange.ca. Parents are encouraged to attend prior to the commencement of the report.

It is important that we have your current address and telephone number. Please tell us about any changes to your contact information, as well as any known court dates. We will make every effort to ensure that reports are completed in advance of your pending court appearances. However, please do not assume that we are aware of when you are next in court. Once assigned, the Family Justice Counsellor will contact you to begin the report.

Enclosed with this letter is a copy of our confidentiality provisions which will be reviewed with you by the Family Justice Counsellor.

Yours sincerely,

Local Manager
Family Justice Report Service
Encl.

cc. counsel (as appropriate)
2.7 **Initial Contact Letter: Split—Parent and Children**

Note: Download the most recent version from [SharePoint](#).

![Initial Contact Letter: Split—Parent and Children](image)

Date
Client
Address

Dear __________:

RE: __________

This report was ordered on ______ by Judge ______ and the referral was received in our office on ________.

A Section 211 Full Report provides objective information to the court about your child/ren and their family relationships. The issues before the court are considered in the context of the best interests of the child/ren. As the other parent/party resides in another jurisdiction, this report will canvass the circumstances of yourself and your child/ren. Both a copy of this report, and a copy of the report being prepared in the other jurisdiction, will be distributed to yourself and your counsel where applicable.

The report is prepared by a Family Justice Counsellor who will interview you in person. Arrangements will be made to observe you with your child/ren; flexibility and assistance in arranging these visits may be requested. Where possible your child/ren will be interviewed privately in a manner suitable to their age. Professional references such as Social Workers, teachers and health workers may be contacted at the Family Justice Counsellor’s discretion. Sometimes family references are also appropriate.

Prior to submitting the report to the court, the Family Justice Counsellor will discuss with you the information obtained. With this information, you may be able to resolve the issues by considering the report content. If necessary, the Judge who hears your case will have this report to assist them in making the most appropriate decisions for your family. It is important to remember that it is the Judge who makes the final decisions about your child/ren.
This report has been assigned to ___________. Please contact her at ________ to schedule an interview. You may find it helpful to access other services offered through the Family Justice Center in your community. Family Justice Counsellors are available to provide dispute resolution services such as mediation. Free Parenting After Separation sessions (see enclosed brochure) are offered on a voluntary basis at various locations across British Columbia, as well as online at http://familieschange.ca. Parents are encouraged to attend prior to the commencement of the report.

Enclosed with this letter is a copy of our confidentiality provisions which will be reviewed with you by the Family Justice Counsellor.

Yours sincerely,

Local Manager
Family Justice Report Service
Encl.

cc. counsel (as appropriate)
2.8 Initial Contact Letter: Split—Parent Only

Note: Download the most recent version from SharePoint.

INITIAL CONTACT LETTER: SPLIT—PARENT ONLY

Date
Counsel / Client
Address

Dear ______________:

RE: Client Names
FLA Section 211 Full Report
_________ Court File # ___________

This report was ordered on ______ by Judge __________ and the referral was received in our office on ________.

A Section 211 Full Report provides objective information to the court about your child/ren and their family relationships. The issues before the court are considered in the context of the best interests of the child/ren. As the other parent/party and the children reside in another jurisdiction, this report will canvass your circumstances. Both a copy of this report, and a copy of the report being prepared in the other jurisdiction will be distributed to you and your counsel where applicable, and the court.

The report is prepared by a Family Justice Counsellor who will interview you in person. Arrangements may be made to observe you with your child/ren if this is possible; flexibility and assistance in arranging these visits may be requested. Where possible your child/ren will be interviewed privately in a manner suitable to their age. Professional references such as Social Workers, teachers and health workers may be contacted at the Family Justice Counsellor’s discretion. Sometimes family references are also appropriate.

Prior to submitting the report to the court, the Family Justice Counsellor will discuss with you the information obtained. With this information, you may be able to resolve the issues by considering the report content. If necessary, the Judge who hears your case will have this report to assist them in making the most appropriate decisions for your family. It is important to remember that it is the Judge who makes the final decisions about your child/ren.
This report has been assigned to ____________. Please contact her at _________ to schedule an interview. You may find it helpful to access other services offered through the Family Justice Center in your community. Family Justice Counsellors are available to provide dispute resolution services such as mediation. Free Parenting After Separation sessions (see enclosed brochure) are offered on a voluntary basis at various locations across British Columbia, as well as online at http://familieschange.ca. Parents are encouraged to attend prior to the commencement of the report.

Enclosed with this letter is a copy of our confidentiality provisions which will be reviewed with you by the Family Justice Counsellor.

Yours sincerely,

Local Manager
Family Justice Report Service
Encl.

cc. counsel (as appropriate)
2.9 **Client Acknowledgement Form**

Note: Download the most recent version from [SharePoint](http://www.example.com).

The following information describes the policy and relevant legislative provisions around confidentiality and the collection of personal information for court-ordered reports concerning needs and views of children in relation to family law disputes. There is also an explanation of steps to take if you have any concerns about a report or how it is being prepared.

1. **COLLECTION OF PERSONAL INFORMATION**

   Personal information for this court-ordered report is collected under the authority of section 211 of the *Family Law Act*. If you have any questions about the collection of personal information, please discuss them with the Family Justice Counsellor preparing your report. If you have further questions about the confidentiality of your personal information, you may contact the Family Justice Report Service Local Manager, at, or the Senior Policy Analyst, at.

2. **CONFIDENTIALITY**

   Depending on the type of report being prepared, the Family Justice Counsellor may speak to a number of people, including you, your children, the other parent, family members, professionals and other references. The information provided will be collected, used, disclosed and protected in accordance with:

   - The privacy provisions of the *Freedom of Information and Protection of Privacy Act*; and
   - Judicial discretion, meaning the court may determine what can or cannot be disclosed.

   Any information that is given to the Family Justice Counsellor may be used in the report, or told to the court if the Family Justice Counsellor is later required to answer questions about the report in a court hearing. In addition, information must be released to persons requesting their own personal information pursuant to the *Freedom of Information and Protection of Privacy Act*.

   Also, Family Justice Counsellors are obligated to report concerns that a child is in need of protection to the Ministry of Children and Family Development, and to report to the police any serious and immediate threat to someone’s safety.
3. ISSUES/CONCERNS
Family Justice Counsellors are well qualified to assess and report to the court on children’s needs and parties’ abilities to meet those needs, as well as to report children’s views about family law disputes. Each report is reviewed by the Local Manager before it is submitted to court to ensure that all policy, standards and legislative considerations have been followed.

In addition, the Family Justice Counsellor will discuss the report with you after it has been completed, giving you an opportunity to ask questions. If you disagree with the content of the report or with the conclusions and recommendations, you may subpoena the Family Justice Counsellor to appear in court and address those concerns in front of the judge.

If you are concerned about how the report is being prepared, you should discuss those concerns early in the process with the Family Justice Counsellor or the Local Manager, at 604-851-7061 may also be reached toll-free through Enquiry BC at 1 800 663-7867. If you are unable to resolve your concerns at this level, the Local Manager will provide you with contact information for the Regional Manager. Further avenues for discussing concerns would be the Provincial Executive Director, and finally, the Ombudsperson.

4. REQUEST FOR PERSONAL INFORMATION
You may request a copy of your own personal information, pursuant to the Freedom of Information and Protection of Privacy Act. Requests must be made in writing, and should be submitted to the Information Access Operations Manager for the Attorney General, with the Ministry of Citizen’s Services Information Access and Records branch. The mailing address is PO Box 9569 Stn Prov Govt, Victoria BC, V8W 9K1, and the telephone number is 250-356-0845. More information about making a request is available online at http://www.gov.bc.ca/cits/lao/foi/process/index.html.

I received a copy of this acknowledgement form and the contents were reviewed with me on _____________ (date) by ______________________ (Family Justice Counsellor).

______________________________  ________________________________
(Client Signature)                 (Client Name – print)

______________________________
(Family Justice Counsellor Signature)
2.10 Consent to Release Information

Note: Download the most recent version from SharePoint.
2.11 Letter to Reference

Note: Download the most recent version from SharePoint.

---

**LETTER TO REFERENCE**

**Date**
**Reference**
**Address**

**Dear [Name]:**

**RE:** Client Names:  
Children's Names:  
Section 211 Report

I am the family justice counsellor assigned to complete the Section 211 report, ordered pursuant to the Family Law Act by Judge [Name] on [Date]. As an employee of the Ministry of Justice, Family Justice Services, I do not represent either party, my focus is on the best interests of the children. Section 211 reports are submitted to the court to assist the judge in making the most appropriate decisions around guardianship and parenting arrangements and contact for the above-named child(ren). Sometimes, these reports are also used by parents to come to resolution without court intervention.

Your knowledge of this family may provide valuable information for the court and assist me to develop conclusions and recommendations. Information I receive from you may be used in the report and therefore cannot be treated as confidential - the confidentiality provisions that apply to Section 211 reports is described in further detail below (see over). I would be pleased to answer any questions you may have about these provisions. I have also enclosed a copy of a Consent to Release Information, signed by [Client's Name], which authorizes the release of information pertaining to [Client's Name] and [Children's Names].

I will be telephoning you to arrange a time for us to discuss this matter.

Once again, thank you for your time, and I look forward to speaking with you.

Yours sincerely,

[Name]  
Family Justice Counsellor  
Family Justice Report Service

Encl.
Information Provided by References for Court-ordered Section 211 Reports – Confidentiality Provisions

- Information provided by a reference is not confidential and may be used in the report.

- Family Justice Counsellors have a legal obligation pursuant to sections 13 and 14 of the Child Family and Community Services Act to report information that suggests a child is in need of protection to the Ministry of Children and Family Development.

- Family Justice Counsellors are obligated to report to police any serious and immediate threat to a person’s safety.

- Although rare, references may be subpoenaed to a court hearing to give evidence on the information and/or observations that they provided to the Family Justice Counsellor.

- The Freedom of Information and Protection of Privacy Act entitles people to request copies of their own personal information contained within the files of a government body. Information and/or observations that a reference provides to a Family Justice Counsellor may be released to the reference or the person they pertain to, upon the written request of that person.

Note: Download the most recent version from SharePoint.
The following persons were contacted for the report process:

(Name) (relationship) (method of contact)

The following documents were reviewed:

TRANSITION TO THE FAMILY LAW ACT:
On DATE OF COURT ORDER a Section 15 Report was ordered under the Family Relations Act (FRA) by the Honourable Judge NAME OF JUDGE of the COURT REGISTRY, PS OR SC Court with regards to ISSUES TO BE ADDRESSED of the child(ren) NAME AND DOB OF CHILD(REN). The Family Law Act (FLA) came into effect on March 18th, 2013 replacing the Family Relations Act. This report has been written under s.211 of the FLA, reflecting the language and provisions of this Act.

INTRODUCTION:

• Court history
• Issues before the court

BACKGROUND:

• Brief background of family situation from the child’s perspective

VIEWS OF THE CHILD:

• Children’s views form body and focus of the report
• Include violence in the relationship from the perspective of the child.

SUMMARY:

• No recommendations
• Reflects the views of the child/ren regarding their relationship with each parent, in the context of the issues before the court

Respectfully submitted,

Family Justice Counsellor

Note: Download the most recent version from SharePoint.

REPORT TEMPLATE:
VIEWS OF THE CHILD REPORT—UNDER 10

APPLICANT:

RESPONDENT:

ORDERED BY: Pursuant to Section 211 of the Family Law Act concerning the child(ren) of the proceedings

CHILDREN:

SUBMITTED BY: Family Justice Counselor
Date

COUNSEL FOR APPLICANT:

COUNSEL FOR RESPONDENT:
The following persons were contacted for the report process:

(Name) (relationship) (method of contact)

The following documents were reviewed:

**TRANSITION TO THE FAMILY LAW ACT:**

On [DATE OF COURT ORDER] a Section 15 Report was ordered under the Family Relations Act (FRA) by the Honourable Judge [NAME OF JUDGE] of the [COURT REGISTRY], PS OR SC Court with regards to [ISSUES TO BE ADDRESSED] of the child(ren) [NAME AND DOB OF CHILD(REN)]. The Family Law Act (FLA) came into effect on March 18th, 2013 replacing the Family Relations Act. This report has been written under s.211 of the FLA, reflecting the language and provisions of this Act.

**INTRODUCTION:**

- Court history
- Issues before the court

**BACKGROUND:**

- Brief background of family situation
- Brief perspective of each parent

**VIEWS OF THE CHILD:**

- Children’s views form the focus and body of the report
- Includes violence in the relationship from the perspective of the child

**SUMMARY:**

- No recommendations.
- Reflects the views of the child(ren) regarding their relationship with each parent, in the context of the issues before the court

Respectfully submitted,

Family Justice Counsellor

Ministry of Justice Family Justice Report Service
Justice Services Branch Family Justice Services Division
2.14 Report template: Section 211 Full Report—Section 37 Criteria

Note: Download the most recent version from SharePoint.
The following persons were contacted:

(Name)  (relationship)  (method of contact)

Documents reviewed:
TRANSITION TO THE FAMILY LAW ACT:

On DATE OF COURT ORDER a Section 15 Report was ordered under the Family Relations Act (FRA) by the Honourable Judge NAME OF JUDGE of the COURT REGISTRY, PS OR SC Court with regards to ISSUES TO BE ADDRESSED of the child(ren) NAME AND DOB OF CHILD(REN). The Family Law Act (FLA) came into effect on March 18th, 2013 replacing the Family Relations Act. This report has been written under s.211 of the FLA, reflecting the language and provisions of this Act.

INTRODUCTION:

- Order details for the report
- Issues before the court
- Parent’s respective positions briefly stated regarding the specific issue

CRITERIA CONSIDERED:

This assessment has been completed based on the criteria set out in Section 37 of the Family Law Act of British Columbia, which directs that the best interest of the child is the only consideration.

FAMILY VIOLENCE:

Chose one of the following options:

There is no history of family violence between the parties or current concerns regarding family violence for the child (or children).

It is either one or both the parties’ perspective there is a history of family violence and/or current concerns related to family violence. As such, family violence will be addressed as it relates to the best interests of the child (or children) throughout this report.

FAMILY HISTORY:

- History of the child’s care pre and post separation (d)
- Current living arrangements and time spent with each parent
• Statement of facts (g) and (j) including details of court orders, protection orders, police incidents and/or allegations

CHILDREN’S CIRCUMSTANCES:

• Health and emotional well-being (a) and (g)
• Child’s need for stability given the child’s age & stage of development (e)
• Education and extra-curricular activities (FJSD language – carryover from s.24 (d) of the FRA (Education & Training)
• The nature and strength of the relationships between the child and significant persons in the child’s life (c)

CHILDREN’S VIEWS:

• Child’s view, unless it would be inappropriate to consider them (views separated out for each child) (b)

PARENTAL CAPACITY:

• The ability of each person who is a guardian or seeks guardianship of the child, or who has or seeks parental responsibilities, parenting time or contact with a child, to exercise his or her responsibilities (f)
• Impact of any family violence on the child’s safety, security or well-being, whether the family violence is directed toward the child or another family member (g)
• Whether the actions of a person responsible for family violence indicate that the person may be impaired in his or her ability to care for the child and meet the child’s needs (h)
• The appropriateness of an arrangement that would require the child’s guardians to cooperate on issues affecting the child, including whether requiring cooperation would increase any risks to safety, security or well-being of the child or other family members (i)
SUMMARY AND RECOMMENDATIONS:

- Brief assessment and summary of information contained in the body of the report based on s.37 criteria and each parent’s ability to meet this criteria
- Recommendations stated should be supported from the report content
- Proposed care and time plan including any recommendations for contact; in exceptional circumstances where no recommendations can be given the reasons are clearly stated

Respectfully submitted,

Family Justice Counsellor
Family Justice Report Service
2.15 Report template: Full Report—Focused

Note: Download the most recent version from SharePoint.
The following persons were contacted:

(Name)  (relationship)  (method of contact)

Documents reviewed:
TRANSITION TO THE FAMILY LAW ACT:

On DATE OF COURT ORDER a Section 15 Report was ordered under the Family Relations Act (FRA) by the Honourable Judge NAME OF JUDGE of the COURT REGISTRY, PS OR SC Court with regards to ISSUES TO BE ADDRESSED of the child(ren) NAME AND DOB OF CHILD(REN). The Family Law Act (FLA) came into effect on March 18th, 2013 replacing the Family Relations Act. This report has been written under s.211 of the FLA, reflecting the language and provisions of this Act.

INTRODUCTION:

- Order details
- Specific issue before the court
- Parent’s respective positions briefly stated regarding the specific issue

CRITERIA CONSIDERED:

This assessment has been completed based on the criteria set out in Section 37 of the Family Law Act of British Columbia, which directs that the best interest of the child is the only consideration.

FAMILY VIOLENCE:

Chose one of the following options:

There is no history of family violence between the parties or current concerns regarding family violence for the child (or children).

It is either one or both the parties’ perspective there is a history of family violence and/or current concerns related to family violence. As such, family violence will be addressed as it relates to the best interests of the child (or children) throughout this report.
FAMILY HISTORY

- History of the child’s care pre and post separation (d)
- Current living arrangements and time spent with each parent
- Statement of facts (g) and (j) including details of court orders, protection orders, police incidents and/or allegations

ASSESSMENT:

- Discussion of the specific issue addressing the relevant points of s.37 as they relate to the specific issue which may include:
  
  (a) the child’s health & emotional well-being;
  (b) the child’s views, unless it would be inappropriate to consider them;
  (c) the nature and strength of the relationships between the child and significant persons in the child’s life;
  (d) history of the child’s care;
  (e) the child’s need for stability, given the child’s age and stage of development;
  (f) the ability of each person who is a guardian or seeks guardianship of the child, or who has or seeks parental responsibilities, parenting time or contact with the child, to exercise his or her responsibilities;
  (g) the impact of any family violence on the child’s safety, security or well-being; whether the family violence is directed toward the child or another family member;
  (h) whether the actions of a person responsible for family violence indicate that the person may be impaired in his or her ability to care for the child and meet the child’s needs (h)
  (i) The appropriateness of an arrangement that would require the child’s guardians to cooperate on issues affecting the child, including whether requiring cooperation would increase any risks to safety; security or well-being of the child or other family members
  (j) Any civil or criminal proceeding relevant to the child’s safety, security or well-being.
SUMMARY AND RECOMMENDATIONS:

- Brief assessment and summary of information contained in the body of the report based on s.37 criteria and each parent’s ability to meet this criteria
- Recommendations stated should be supported from the report content
- Proposed care and time plan including any recommendations for contact; in exceptional circumstances where no recommendation can be given the reasons are clearly stated

Respectfully submitted,

Family Justice Counsellor
Family Justice Report Service
2.16 Report template: Split—Parent and Children

Note: Download the most recent version from SharePoint.
The following persons were contacted:

(Name) (relationship) (method of contact)

Documents reviewed:
INTRODUCTION:

- Order details for the report
- Issues before the court
- This parent’s perspective and their current position regarding future parenting arrangements
- Acknowledgement regarding the limited scope of the report

BACKGROUND:

- Background of family situation and current living situation of this parent and children
- Assessment of family violence, including the history and impact of family violence and considering the relevant factors at ss.37-38 of the FLA, from this parent’s perspective
- Perspective of this parent and their current position regarding future parenting arrangements
- Acknowledgment regarding the limited scope of the report

CRITERIA CONSIDERED:

This assessment has been completed based on the criteria set out in Section 37 of the Family Law Act of British Columbia, which directs that the best interest of the child is the only consideration.

FAMILY VIOLENCE:

Chose one of the following options:

- There is no history of family violence between the parties or current concerns regarding family violence for the child (or children).

- It is either one or both the parties’ perspective there is a history of family violence and/or current concerns related to family violence. As such, family violence will be addressed as it relates to the best interests of the child (or children) throughout this report.
FAMILY HISTORY:

- History of the child’s care pre and post separation (d)
- Current living arrangements and time spent with each parent
- Statement of facts (g) and (j) including details of court orders, protection orders, police incidents and/or allegations

CHILDREN’S CIRCUMSTANCES:

- Health and emotional well-being (a) and (g)
- Child’s need for stability given the child’s age & stage of development (e)
- Education and extra-curricular activities (FJSD language – carryover from s.24 (d) of the FRA (Education & Training))
- The nature and strength of the relationships between the child and significant persons in the child’s life (c)

CHILDREN’S VIEWS:

- Child’s view, unless it would be inappropriate to consider them (views separated out for each child) (b)

PARENTAL CAPACITY:

- The ability of each person who is a guardian or seeks guardianship of the child, or who has or seeks parental responsibilities, parenting time or contact with a child, to exercise his or her responsibilities (f)
- Impact of any family violence on the child’s safety, security or well-being, whether the family violence is directed toward the child or another family member (g)
- Whether the actions of a person responsible for family violence indicate that the person may be impaired in his or her ability to care for the child and meet the child’s needs (h)
- The appropriateness of an arrangement that would require the child’s guardians to cooperate on issues affecting the child, including whether requiring cooperation would increase any risks to safety, security or well-being of the child or other family members (i)
SUMMARY AND RECOMMENDATIONS:

- Brief assessment and summary of information contained in the body of the report based on s.37 criteria and this parent’s ability to meet this criteria
- No recommendations, unless made in collaboration with the assessor in the other jurisdiction

Respectfully submitted,

Choose an item.
Family Justice Counsellor
Family Justice Report Service
2.17 **Report template: Split—Parent Only**

Note: Download the most recent version from [SharePoint](#).

---

**REPORT TEMPLATE: SPLIT—PARENT ONLY**

**enter prov/supreme** COURT OF BRITISH COLUMBIA, **enter crt location**

**FILE #: enter file #**

**APPLICANT:**

**RESPONDENT:**

**ORDERED BY:**

Pursuant to Section 211 of the Family Law Act concerning the child(ren) of the proceedings

**CHILDREN:**

**SUBMITTED BY:**

Family Justice Counsellor
Date

**COUNSEL FOR APPLICANT:**

---

**Family Justice Services Manual of Operations**

Appendices – Family Justice Report Service

Updated: Mar-14

Page 261
The following persons were contacted:

(Name) (relationship) (method of contact)

The following documents were reviewed:

INTRODUCTION:

• Court history
• Issues before the court

BACKGROUND:

• Background of family situation and current living situation of this parent and children
• Assessment of family violence, including the history and impact of family violence and considering the relevant factors at ss.37-38 of the FLA, from this parent’s perspective
• Perspective of this parent and their current position regarding future parenting arrangements
• Acknowledgement regarding the limited scope of the report

ASSESSMENT:

• Discussion of this parent’s circumstances
• This parent’s plan to address the needs of the children
• Information from access observation and views of the children if appropriate

SUMMARY:

• Brief assessment and summary
• No recommendations, unless made in collaboration with other assessor

Respectfully submitted,

Family Justice Counsellor
### 2.18 Checklist: Views of the Child: Over 10

Note: Download the most recent version from [SharePoint](#).

<table>
<thead>
<tr>
<th>REPORT FORMAT</th>
<th>comments</th>
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<tbody>
<tr>
<td>Report uses appropriate report template</td>
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</tr>
<tr>
<td>Cover page identifies all required information</td>
<td></td>
</tr>
<tr>
<td>Persons contacted, their relationship to the child, and method of contact / documents reviewed / are identified</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REPORT PROCESS</th>
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</thead>
<tbody>
<tr>
<td>Child interviewed in person</td>
<td></td>
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<tr>
<td>Report discussed with parties prior to submission to court</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>REPORT CONTENT</th>
<th></th>
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<tbody>
<tr>
<td>Court history &amp; issues currently before the court are stated</td>
<td></td>
</tr>
<tr>
<td>Brief background of family situation given from child’s perspective</td>
<td></td>
</tr>
<tr>
<td>Child/ren’s views presented and form focus of report</td>
<td></td>
</tr>
<tr>
<td>Family violence assessed and presented in context of parenting capabilities and impact on child/ren taking into consideration sections 37 and 38 of the Family Law Act, from the perspective of the child</td>
<td></td>
</tr>
<tr>
<td>Summary reflects the views of the child/ren regarding their relationship with each parent, in the context of</td>
<td></td>
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<tr>
<td>the issues before the court</td>
<td></td>
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<td>----------------------------</td>
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</tr>
<tr>
<td>No recommendation given</td>
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**FILE MANAGEMENT**

- Entries made in FIS2; handwritten notes retained in file
- Report is distributed according to policy 7.6.8; copy placed in the file

This checklist is subsequent to a process of dialogue and report review between the Local Manager and the Family Justice Counsellor.
2.19 Checklist: Views of the Child: Under 10

Note: Download the most recent version from SharePoint.

REPORT TEMPLATE:
VIEWS OF THE CHILD REPORT—UNDER 10

APPLICANT:

RESPONDENT:

ORDERED BY: Pursuant to Section 211 of the Family Law Act
concerning the child(ren) of the proceedings

CHILDREN:

SUBMITTED BY: Family Justice Counsellor
Family Justice Counsellor
Date

COUNSEL FOR APPLICANT:

COUNSEL FOR RESPONDENT:
The following persons were contacted for the report process:

(Name) (relationship) (method of contact)

The following documents were reviewed:

**TRANSITION TO THE FAMILY LAW ACT:**

On **DATE OF COURT ORDER** a Section 15 Report was ordered under the Family Relations Act (FRA) by the Honourable Judge **NAME OF JUDGE** of the **COURT REGISTRY, PS OR SC** Court with regards to **ISSUES TO BE ADDRESSED** of the child(ren) **NAME AND DOB OF CHILD(REN)**. The Family Law Act (FLA) came into effect on March 18th, 2013 replacing the Family Relations Act. This report has been written under s.211 of the FLA, reflecting the language and provisions of this Act.

**INTRODUCTION:**

- Court history
- Issues before the court

**BACKGROUND:**

- Brief background of family situation
- Brief perspective of each parent

**VIEWS OF THE CHILD:**

- Children’s views form the focus and body of the report
- Includes violence in the relationship from the perspective of the child

**SUMMARY:**

- No recommendations.
- Reflects the views of the child/ren regarding their relationship with each parent, in the context of the issues before the court

Respectfully submitted,

Family Justice Counsellor
2.20 Checklist: Section 37 Criteria

Note: Download the most recent version from SharePoint.

<table>
<thead>
<tr>
<th>Parties’ Names</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Report prepared by</td>
<td></td>
</tr>
<tr>
<td>Reviewed by</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REPORT FORMAT</th>
<th>comments</th>
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<tbody>
<tr>
<td>Report uses appropriate report template</td>
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</tr>
<tr>
<td>Cover page identifies all required information</td>
<td></td>
</tr>
<tr>
<td>Persons contacted, their relationship to the child, and method of contact / documents reviewed / are identified</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REPORT PROCESS</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Both parents interviewed in person</td>
<td></td>
</tr>
<tr>
<td>Interaction between parent and child/ren observed with parent during home visit or other appropriate venue; if not reason stated and supported</td>
<td></td>
</tr>
<tr>
<td>Child/ren interviewed individually as appropriate</td>
<td></td>
</tr>
<tr>
<td>Report discussed with party prior to submission to court</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REPORT CONTENT</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Court history &amp; issues before the court are stated</td>
<td></td>
</tr>
<tr>
<td>Family violence assessed and presented in the context of parenting capabilities and impact on child/ren, taking into consideration sections 37 and 38 of the Family Law Act.</td>
<td></td>
</tr>
<tr>
<td>Background of family situation given</td>
<td></td>
</tr>
<tr>
<td>Perspective of parents and their position on the issues outlined</td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>The issue(s) are assessed from the perspective of the child/ren’s best interests, and are described using the Section 37 FLA best interests of the children criteria, as organized in the report template.</td>
<td></td>
</tr>
<tr>
<td>Recommendation is supported by the assessment, and consistent with issues to be addressed</td>
<td></td>
</tr>
</tbody>
</table>

**FILE MANAGEMENT**

<table>
<thead>
<tr>
<th>Entries made in FIS2; handwritten notes retained in file</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report is distributed re: policy 7.6.8; copy placed in the file</td>
</tr>
</tbody>
</table>
2.21 Checklist: Focused

Note: Download the most recent version from [SharePoint](#).
<table>
<thead>
<tr>
<th>Child/ren’s views are presented, unless inappropriate</th>
</tr>
</thead>
<tbody>
<tr>
<td>The specific issue(s) are assessed from the</td>
</tr>
<tr>
<td>perspective of the child/ren’s best interests</td>
</tr>
<tr>
<td>Recommendation is supported by the assessment,</td>
</tr>
<tr>
<td>and consistent with issues to be addressed</td>
</tr>
<tr>
<td><strong>FILE MANAGEMENT</strong></td>
</tr>
<tr>
<td>Entries made in FIS2; handwritten notes retained</td>
</tr>
<tr>
<td>in file</td>
</tr>
<tr>
<td>Report is distributed re: policy 7.6.8; copy</td>
</tr>
<tr>
<td>placed in the file</td>
</tr>
</tbody>
</table>

This checklist is subsequent to a process of dialogue and report review between the Local Manager and the Family Justice Counsellor.
2.22 Checklist: Split—Parent and Children

Note: Download the most recent version from [SharePoint](#).
The following persons were contacted:

(Name) (relationship) (method of contact)

Documents reviewed:
TRANSITION TO THE FAMILY LAW ACT:

On DATE OF COURT ORDER a Section 15 Report was ordered under the Family Relations Act (FRA) by the Honourable Judge NAME OF JUDGE of the COURT REGISTRY, PS OR SC Court with regards to ISSUES TO BE ADDRESSED of the child(ren) NAME AND DOB OF CHILD(REN). The Family Law Act (FLA) came into effect on March 18th, 2013 replacing the Family Relations Act. This report has been written under s.211 of the FLA, reflecting the language and provisions of this Act.

INTRODUCTION:

- Order details for the report
- Issues before the court
- This parent’s perspective and their current position regarding future parenting arrangements
- Acknowledgement regarding the limited scope of the report

CRITERIA CONSIDERED:

This assessment has been completed based on the criteria set out in Section 37 of the Family Law Act of British Columbia, which directs that the best interest of the child is the only consideration.

FAMILY VIOLENCE:

Chose one of the following options:

There is no history of family violence between the parties or current concerns regarding family violence for the child (or children).

It is either one or both the parties’ perspective there is a history of family violence and/or current concerns related to family violence. As such, family violence will be addressed as it relates to the best interests of the child (or children) throughout this report.
FAMILY HISTORY:

- History of the child’s care pre and post separation (d)
- Current living arrangements and time spent with each parent
- Statement of facts (g) and (j) including details of court orders, protection orders, police incidents and/or allegations

CHILDREN’S CIRCUMSTANCES:

- Health and emotional well-being (a) and (g)
- Child’s need for stability given the child’s age & stage of development (e)
- Education and extra-curricular activities (FJSD language – carryover from s.24 (d) of the FRA (Education & Training))
- The nature and strength of the relationships between the child and significant persons in the child’s life (c)

CHILDREN’S VIEWS:

- Child’s view, unless it would be inappropriate to consider them (views separated out for each child) (b)

PARENTAL CAPACITY:

- The ability of each person who is a guardian or seeks guardianship of the child, or who has or seeks parental responsibilities, parenting time or contact with a child, to exercise his or her responsibilities (f)
- Impact of any family violence on the child’s safety, security or well-being, whether the family violence is directed toward the child or another family member (g)
- Whether the actions of a person responsible for family violence indicate that the person may be impaired in his or her ability to care for the child and meet the child’s needs (h)
• The appropriateness of an arrangement that would require the child’s guardians to cooperate on issues affecting the child, including whether requiring cooperation would increase any risks to safety, security or well-being of the child or other family members (i)

**SUMMARY AND RECOMMENDATIONS:**

• Brief assessment and summary of information contained in the body of the report based on s.37 criteria and this parent’s ability to meet this criteria
• No recommendations, unless made in collaboration with other assessor

Respectfully submitted,

Family Justice Counsellor
Family Justice Report Service
2.23 Checklist: Split—Parent Only

Note: Download the most recent version from [SharePoint](https://sharepoint).

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<table>
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<tr>
<th>REPORT FORMAT</th>
<th>comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report uses appropriate report template</td>
<td></td>
</tr>
<tr>
<td>Cover page identifies all required information</td>
<td></td>
</tr>
<tr>
<td>Persons contacted, their relationship to the child, and method of contact / documents reviewed / are identified</td>
<td></td>
</tr>
<tr>
<td>Limitation of split report identified</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REPORT PROCESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parent interviewed in person in office and home visit</td>
</tr>
<tr>
<td>If possible, child/ren interviewed or observed with parent during parenting time/contact</td>
</tr>
<tr>
<td>Report discussed with parties prior to submission to court</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REPORT CONTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court history &amp; issues currently before the court are stated</td>
</tr>
<tr>
<td>Background of family situation given from perspective of this parent</td>
</tr>
<tr>
<td>Family violence assessed and presented in context of parenting capabilities and impact on child/ren taking into consideration sections 37 and 38 of the Family Law Act; from perspective of this parent</td>
</tr>
<tr>
<td>Perspective of this parent and their position on the issues before the court</td>
</tr>
</tbody>
</table>
```
<table>
<thead>
<tr>
<th>Child/ren’s views are presented, unless inappropriate</th>
</tr>
</thead>
<tbody>
<tr>
<td>The issue(s) are assessed from the perspective of the child/ren’s best interests</td>
</tr>
<tr>
<td>No recommendation given, unless in collaboration with other assessor</td>
</tr>
</tbody>
</table>

**FILE MANAGEMENT**

<table>
<thead>
<tr>
<th>Entries made in FIS2; handwritten notes retained in file</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report is distributed re: policy 7.6.8; copy placed in the file</td>
</tr>
</tbody>
</table>

This checklist is subsequent to a process of dialogue and report review between the Local Manager and the Family Justice Counsellor.
### 2.24 Checklist: Full Report—Focused

Note: Download the most recent version from [SharePoint](#).

<table>
<thead>
<tr>
<th>REPORT FORMAT</th>
<th>comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report uses appropriate report template</td>
<td></td>
</tr>
<tr>
<td>Cover page identifies all required information</td>
<td></td>
</tr>
<tr>
<td>Persons contacted, their relationship to the child, and method of contact / documents reviewed / are identified</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REPORT PROCESS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Parent interviewed in person or by telephone</td>
<td></td>
</tr>
<tr>
<td>Child interviewed or observed in person; if not, reason stated and supported</td>
<td></td>
</tr>
<tr>
<td>Report discussed with parties prior to submission to court</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REPORT CONTENT</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Court history &amp; issues currently before the court are stated. Areas assessed (determined by FJC or court) are specifically outlined</td>
<td></td>
</tr>
<tr>
<td>Family violence assessed and presented in the context of parenting capabilities and impact on child/ren, taking into consideration sections 37 and 38 of the Family Law Act.</td>
<td></td>
</tr>
<tr>
<td>Background of family situation given</td>
<td></td>
</tr>
<tr>
<td>Perspective of each parent and their position on the issues outlined</td>
<td></td>
</tr>
<tr>
<td>Child/ren’s views are presented, unless inappropriate</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>---</td>
</tr>
<tr>
<td>The specific issue(s) are assessed from the perspective of the child/ren’s best interests</td>
<td></td>
</tr>
<tr>
<td>Recommendation is supported by the assessment, and consistent with issues to be addressed</td>
<td></td>
</tr>
<tr>
<td><strong>FILE MANAGEMENT</strong></td>
<td></td>
</tr>
<tr>
<td>Entries made in FIS2; handwritten notes retained in file</td>
<td></td>
</tr>
<tr>
<td>Report is distributed re: policy 7.6.8; copy placed in the file</td>
<td></td>
</tr>
</tbody>
</table>

This checklist is subsequent to a process of dialogue and report review between the Local Manager and the Family Justice Counsellor.

Note: Download the most recent version from SharePoint.

Date

Client name
Address

Dear __________;

RE: __________ Report

Please find enclosed a copy of the Section 211 Views of the Child Report. The original report has been submitted to the court location Provincial/Supreme Court Registry, and a copy has been sent to your counsel if you are represented.

A Section 211 Views of the Child Report provides the opportunity for your child/ren’s views to be presented to the court and to their family in a manner that honours the child’s own voice. With this information, you may be able to resolve the issues by considering your children’s expressions, experiences and thoughts about their family situation. If necessary, the Judge who hears your case will have this information to assist them in making the most appropriate decisions for your family.

It is understood that these reports are very sensitive and of great importance to you and your children. Each report is reviewed prior to its submission to court, to ensure that all policy and standards for the preparation of the report have been followed.

I am available to further discuss this report with you if you wish, prior to your court hearing.

Sincerely,

Family Justice Counsellor

---

Ministry of Justice
Justice Services Branch
Family Justice Services Division
2.26 Completed Report Letter: Split—B.C. Jurisdiction

Note: Download the most recent version from SharePoint.

(SPLIT—BC JURISDICTION)

Date

Client name
Address

Dear ________:

RE: __________ Report

Your circumstances have been addressed by a Family Justice Counsellor in British Columbia; as the other party lives outside of the province another jurisdiction has assisted in the Section 211 Full Report preparation. Both reports are attached for your review. The original reports have been submitted to the court location Provincial/Supreme Court Registry, and a copy has been sent to your counsel if you are represented.

Section 211 Full Reports provide objective information to the court about your child/ren and their family relationships. With this information, you may be able to resolve the issues by considering the report content and recommendations. Through this assessment process, you may find a way to meet the best interests of your child/ren without further court intervention.

It is understood that these reports are very sensitive and of great importance to you and your children. Your report has been reviewed prior to its submission to court, to ensure that all policy and standards for the preparation of the report have been followed. Despite the care taken by Family Justice Counsellors in undertaking and writing each report, sometimes parents have difficulty with the information in the report.

I am available to further discuss the report I prepared with you if you wish, prior to your court hearing. Should this be a matter being held in the British Columbia courts, I will need a subpoena should you require my attendance to give evidence at court. A faxed subpoena rather than personal service meets the requirements. No witness fees apply.
Please note that if this is a Provincial Court matter, you first need to comply with Rule 11 of the Provincial Court (Family) Rules to request the judge’s permission to call me as a witness. I can provide you with further information on this process. If this is a BC Supreme Court matter, please refer to Supreme Court (Family) Rules 13-1.

Sincerely,

Family Justice Counsellor
2.27 Completed Report Letter: Care and Time—Full Report

Note: Download the most recent version from SharePoint.

![Completed Report Letter: Care and Time—Full Report](image)

Date

Client name

Address

Dear __________:

RE: __________ Report

Enclosed please find your copy of the Section 211 Full Report. The original report has been submitted to the court location Provincial/Supreme Court Registry, and a copy has been sent to your counsel if you are represented.

A Section 211 Full Report provides objective information to the court about your child/ren and their family relationships. With this information, you may be able to resolve the issues by considering the report content and recommendations. Through this assessment process, you may find a way to meet the best interests of your child/ren without further court intervention.

It is understood that these reports are very sensitive and of great importance to you and your children. Each report is reviewed prior to its submission to court, to ensure that all policy and standards for the preparation of the report have been followed. Despite the care taken by Family Justice Counsellors in undertaking and writing each report, sometimes parents have difficulty with the information in the report and the recommendations.

I am available to further discuss this report with you if you wish, prior to your court hearing. The manager of the Family Justice Report Service, __________, can be reached at (604) __________. She too is available to discuss your concerns should you wish.

If necessary, the Judge who hears your case will have this report to assist them in making the most appropriate decisions for your family. It is important to remember that although a recommendation is given, it is the Judge who makes the final decisions about your child/ren.
I will need a subpoena should you require my attendance to give evidence at court. A faxed subpoena rather than personal service meets the requirements, and no witness fees are needed. Please note that if this is a Provincial Court matter, you **first** need to comply with Rule 11 of the *Provincial Court (Family) Rules* to request the judge’s permission to call me as a witness. I can provide you with further information on this process. If this is a BC Supreme Court matter, please refer to *Supreme Court (Family) Rules* 13-1.

Sincerely,

Family Justice Counsellor
2.28 Applicants Seeking Disclosure of FJC Records

Note: Download the most recent version from SharePoint.

DIRECTIONS FOR APPLICANTS SEEKING DISCLOSURE OF FAMILY JUSTICE COUNSELLOR (FJC) RECORDS BY WAY OF COURT ORDER

The Ministry of Justice will take no position with regard to an application for production of FJC records prepared pursuant to section 211 of the Family Law Act, on the condition that the wording of the proposed order is as follows:

1. The party to whom the application and order should be directed is the “Ministry of Justice, Family Justice Services Division”, and not the Family Justice Counsellor who prepared the records under section 211 of the Family Law Act.

2. In accordance with section 8 of the Crown Proceeding Act, Supreme Court Civil Rule 4-3(6), and Supreme Court Family Rule 6-3(3), service on the provincial government must be effected through service on the Attorney General in Victoria. Our physical address for purposes of service under section 8(b)(i) is:

   Ministry of Justice
   Legal Services Branch, 4th Floor
   1001 Douglas Street
   Victoria, BC V8W 9J7
   Attn:

   OR VIA FAX: 250 356-8992

3. The order should allow the Ministry up to 21 days to produce the records. In most cases, the records can be produced in a shorter time period, but considering the number of requests received, the volume of records held in offices located around the province, and the fact that older records are often in microfiche form and located in long term storage, it may take up to 21 days to locate and copy all records.
4. The order should stipulate that the Ministry is not obligated to disclose:

(a) information obtained pursuant to section 10(2) of the Family Law Act;
(b) the names of informants pursuant to section 14 of the Child, Family and Community Service Act or any information tending to disclose the identity of informants;
(c) information conveyed to the Ministry by third parties in confidence on the basis that it would not be disclosed;
(d) information with respect to which a claim of privilege is otherwise advanced, such as information subject to solicitor and client privilege or information subject to a claim of public interest immunity.

5. The order should provide that any and all information disclosed will be limited to use in the within proceeding and that the parties and their counsel will not use the information otherwise, without the prior written consent of the Ministry or by an order authorizing such use.

6. The order should provide for payment to the Ministry of its reasonable expenses of producing the records in question.

7. Please note that Ministry records are not normally retained beyond seven years. Accordingly, the Ministry may not be able to comply with an order for production of records more than seven years old.
2.29 FJRS Assessment Form

Note: Download the most recent version from SharePoint.

![FJRS Assessment Form Image]
3. CHILDREN

Please include all children involved in this matter.

<table>
<thead>
<tr>
<th>Legal Names</th>
<th>Birth Date</th>
<th>Sex</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Where are the children living now?
   - [ ] Mainly with you
   - [ ] Mainly with the other person
   - [ ] Only with you
   - [ ] Only with the other person
   - [ ] About equal time with each of you
   - [ ] With a relative or other person
   - [ ] Living with together with both of you
   - [ ] Living with a foster family

2. Have you attended the Parenting After Separation program?
   - [ ] Yes  [ ] No  Approximate date: __________________________

3. Have you tried mediation to work out your current differences?
   - [ ] Yes  [ ] No  If so, when did you try mediation? __________________________

4. Do you have a court order or separation agreement?
   - [ ] Yes  [ ] No  [ ] Don’t know  If so, is it:  [ ] Provincial  [ ] Supreme  [ ] Unknown
   In which court registry is it filed? __________________________

5. Do you feel there is an immediate risk of violence in your family?  [ ] Yes  [ ] No

   Has the other person ever caused you to be concerned for your own safety or your children’s safety?
   - [ ] Yes  [ ] No

   Notes: ____________________________________________________________

6. Are there any outstanding civil or criminal protection orders (Family Law Act protection orders, peace bonds, probation or bail orders)?
   - [ ] Yes  [ ] No  [ ] Don’t know
7. What issues are you dealing with at this time?
- [ ] Where the children will live
- [ ] Time each parent spends with the children
- [ ] Child support/special expenses
- [ ] Spousal support
- [ ] Taking the children out of province
- [ ] Decisions about the children
- [ ] Threatening or violent behaviour
- [ ] Enforcing or changing a court order
- [ ] Financial issues (property, assets, debts)
- [ ] Other________________

8. Have you talked with your children about the current situation? (If you have more than one child, please mark your answer for the oldest child)
- [ ] Yes, quite a lot
- [ ] Yes, to some extent
- [ ] Not at all
- [ ] Not yet
## PART II

Please answer the following questions by marking the box that applies with an X. Feel free to add your own comments or examples after each question.

1. **How often have you used the courts to deal with your separation/ divorce/ parenting issues?**
   - Never
   - One time
   - 2-3 times
   - 4 or more times

   **Comments or examples:**

2. **How well do you and the other parent person talk to each other about the children?**
   - Very well
   - Sometimes well
   - Poorly
   - Very poorly

   **Comments or examples:**

3. **When you and the other parent person can’t agree on something, what usually happens?**
   - We work it out together
   - One person gives in
   - One person makes the decision
   - We don’t work it out

   **Comments or examples:**

4. **How do you decide the amount of time the children will spend with each of you?**
   - We work it out together
   - One person gives in
   - One person decides
   - We don’t work it out

   **Comments or examples:**

5. **How often are the children exposed to the conflict between you and the other person?**
   - Not at all
   - 1 or 2 times a month
   - 1 or 2 times a week
   - Always

   **Comments or examples:**

6. **What influence do you think the other parent/ person has on the children’s lives?**
   - Very positive
   - Positive
   - Negative
   - Very negative

   **Comments or examples:**

7. **Do you expect you will have problems working out your joint finances, managing your debt, or calculating support?**
   - No problems expected
   - Minor problems expected
   - Moderate problems expected
   - Major problems expected

   **Comments or examples:**
<table>
<thead>
<tr>
<th>Comments or examples:</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Are you having difficulty coping with day-to-day activities responsibilities?</td>
</tr>
<tr>
<td>Comments or examples:</td>
</tr>
<tr>
<td>9. Do you or the other parent/person use drugs or alcohol to the point that it interferes with the parenting?</td>
</tr>
<tr>
<td>Comments or examples:</td>
</tr>
<tr>
<td>10. Do you or the other parent/person have mental health issues that affect parenting?</td>
</tr>
<tr>
<td>Comments or examples:</td>
</tr>
<tr>
<td>11. Do you feel you have people to support you through hard times?</td>
</tr>
<tr>
<td>Comments or examples:</td>
</tr>
<tr>
<td>12. Has there been any pushing, shoving, grabbing, slapping or arm twisting between you and the other parent/person?</td>
</tr>
<tr>
<td>Comments or examples:</td>
</tr>
<tr>
<td>13. Has there been any kicking, punching, biting, or throwing things between you and the other parent/person?</td>
</tr>
<tr>
<td>Comments or examples:</td>
</tr>
<tr>
<td>14. Has there been any coercion, threats to harm, or stalking between you and the other parent/person?</td>
</tr>
<tr>
<td>Comments or examples:</td>
</tr>
</tbody>
</table>
15. Has there been any choking, burning, or using guns or knives between you and the other parent/person?  

<table>
<thead>
<tr>
<th></th>
<th>Never</th>
<th>1 or 2 times</th>
<th>3 – 5 times</th>
<th>More than 5 times</th>
</tr>
</thead>
</table>

Comments or examples:

16. Has there been any forced or unwanted sexual behaviour between you and the other parent/person?  

<table>
<thead>
<tr>
<th></th>
<th>Never</th>
<th>1 or 2 times</th>
<th>3 – 5 times</th>
<th>More than 5 times</th>
</tr>
</thead>
</table>

Comments or examples:

17. Has the other parent/person been abusive towards you in any other way?  

<table>
<thead>
<tr>
<th></th>
<th>Never</th>
<th>1 or 2 times</th>
<th>3 – 5 times</th>
<th>More than 5 times</th>
</tr>
</thead>
</table>

Comments or examples:

18. Have you been abusive towards the other parent/person in any other way?  

<table>
<thead>
<tr>
<th></th>
<th>Never</th>
<th>1 or 2 times</th>
<th>3 – 5 times</th>
<th>More than 5 times</th>
</tr>
</thead>
</table>

Comments or examples:

19. Have you ever received medical help for injuries caused by the other parent/person?  

<table>
<thead>
<tr>
<th></th>
<th>Never</th>
<th>1 or 2 times</th>
<th>3 – 5 times</th>
<th>More than 5 times</th>
</tr>
</thead>
</table>

Comments or examples:

20. Do you have concerns for your safety or the safety of another family member at this time?  

<table>
<thead>
<tr>
<th></th>
<th>Never</th>
<th>Sometimes</th>
<th>Often</th>
<th>Always</th>
</tr>
</thead>
</table>

Comments or examples:

21. Have your children witnessed or been affected by family violence, or do you have concerns for their safety?  

<table>
<thead>
<tr>
<th></th>
<th>No</th>
<th>Sometimes</th>
<th>Strong concerns</th>
<th>Always</th>
</tr>
</thead>
</table>

Comments or examples:

22. Do you have concerns about the children's adjustment to the separation?  

<table>
<thead>
<tr>
<th></th>
<th>No</th>
<th>Sometimes</th>
<th>Strong concerns</th>
<th>Very strong concerns</th>
</tr>
</thead>
</table>

Comments or examples:
3. Appendices – General

3.1 Complaint Response Format

Summary of complaint

- Summarize the issues as presented by the complainant; and
- Identify issues that fall outside the scope of the investigation.

Investigation process

- Outline steps taken to address the issues; and
- Identify materials reviewed and people interviewed.

Findings

- Identify results of the investigation in relation to the issues identified by the complainant; and
- Note policy section(s) and/or standard(s) that have been referenced in addressing the issue.

Outcome

- Summarize the results of your findings;
- State actions that will be taken to address the issues that have been substantiated; and
- Conclude your involvement and/or state the next steps for the complaint.
3.2 **FJC Appointment Request Form**

Note: Download the most recent version from [SharePoint](http://example.com).

---

1. This form should be signed by the Local Manager of the Family Justice Centre and submitted to the Family Justice Services Division Headquarters six to eight weeks in advance of appointment expiry date.

2. Do not submit more than eight weeks in advance.

3. Questions regarding training/policy requirements should be directed to the Program Analyst, Family Justice Services Division.

4. Refer to page 4 for family justice counsellor appointment policy.

This is a request for:

- [ ] Initial appointment
- [ ] Renewal (previous expiry date was ________________________)
- [ ] Reappointment due to lapse in appointment or rescission (date last appointed was ________________________)

Legal name in full: ______________________________________

Employee number: ______________________________________

Family Justice Centre: ____________________________________

Office address: _________________________________________

Office telephone: ________________________________________

The person meets Family Justice Services Division policy criteria for appointment as a Family Justice Counsellor and:

*1. is presently employed as a Family Justice Counsellor
*2. has achieved the required 80 hours training standard; and
*3. has completed the required 20 hours of supplementary annual training for each of the years since last appointment date

*Any exceptions to 1, 2 or 3 must be described in the attachment to this form (see page 2).

______________  ______________
Signature of Local Manager/Supervisor  Date

---

Ministry of Justice
Justice Services Branch
Family Justice Services Division
Family Justice website: [www.justicebc.ca/fjc](http://www.justicebc.ca/fjc)

Amended February 2013
Page 295
Part 2

Request for Exemption to Training Standard

(a) This is to request an exemption to Family Justice Counsellor Appointment Criteria #1, i.e., that the person seeking appointment is currently employed as a Family Justice Counsellor, for the following reason(s):

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

(b) This is to request an exemption to Family Justice Counsellor Appointment Criteria #2, i.e., that the person seeking appointment has achieved the 80 hour training standard, for the following reasons:

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

The plan to achieve the 80-hour standard is as follows, including courses that will be completed and date by which the 80-hour standard will be achieved:

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

(c) This is to request an exemption to Family Justice Counsellor Appointment Criteria #3, i.e., that the person seeking appointment has completed 20 hours of supplementary annual training for each of the years since their last appointment date, for the following reasons:

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
The plan to achieve the supplementary annual training standard is as follows, including courses that will be completed and date by which the supplementary annual training standard will be achieved:

Signed:

____________________________________ Applicant

____________________________________ Local Manager, Family Justice Centre

____________________________________ Provincial Executive Director, Family Justice Services Division
FAMILY JUSTICE COUNSELLOR APPOINTMENT POLICY - SUMMARY

AUTHORITY

Section 10(1) Family Law Act

The Attorney General may appoint a person to be a family justice counsellor.

INITIAL APPOINTMENT

In order to be recommended for initial appointment as a family justice counsellor by the Provincial Executive Director, FJSD, a person must have successfully completed 80 hours of basic conflict resolution and mediation skills training as offered by the Family Justice Counsellor Recruitment and Individualized Training Program.

Appointments will be for a two-year period.

RENEWAL/REAPPOINTMENT

In order to be recommended for renewal of an existing appointment or re-appointment by the Provincial Executive Director, FJSD, a person must:

*1. be working as a Family Justice Counsellor;
*2. have completed the 80 hours of basic conflict resolution and mediation skills training;
*3. have verification of 20 hours of supplementary annual training in courses pertaining to:
   - family dynamics in separation;
   - divorce;
   - family violence and screening for abuse;
   - legal and financial issues in separation and divorce;
   - assessment and report writing;
   - child development; and
   - separated parenting plan.

It is the responsibility of the applicant to prove the appropriateness of their training and experience. All appointments will be renewed for a two-year period.

* An exemption to 1, 2 and 3 may be approved by the Provincial Executive Director, Family Justice Services Division.
3.3 **Client Comment Card**

Note: Download a black and white copy or colour copy from [SharePoint](#).

---

**Family Justice Services**

---

**COMPLIMENT OR CONCERN?**

**WE WELCOME FEEDBACK**

Do you have compliments or concerns about our services and your experience with our Family Justice Centre?

**WHAT TO DO:**

Speak with the person who provided the services to you, speak with the Local Manager of the Family Justice Centre, or note your compliment/concern below and drop it in the box provided at the Family Justice Centre.

---

**CONCERN UNRESOLVED?**

Put your concern in writing to the Regional Manager responsible for the Family Justice Centre where you received service.

Provide your name, address, and/or phone number only if you would like to receive a response.

**Mail/Fax:**

Vancouver Metro/Vancouver Island
Family Justice Services Regional Office
#300 - 65 Front Street
Nanaimo, BC V9R 5H9
Fax: 250 741-5533

North/Interior/Fraser
Family Justice Services Regional Office
#200A - 2777 Gladwin Road
Abbotsford, BC V2T 4V1
Fax: 604 851-7142

---

**The Regional Manager will:**

- Co-ordinate a thorough examination of the issues related to your concern.
- Contact you by mail (if you have provided your contact information) with the results of the examination and confirm that your concerns have been addressed.
- Keep track of the comment provided and use the information to continuously improve the quality of service provided to the public.

---

Ministry of Justice
Justice Services Branch
Family Justice Services Division