Appendix 3 – Proposed Provincial Family Court Rules Explained

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PROVINCIAL COURT FAMILY RULES

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Provincial Court Family Rules Explained

This table sets out a draft of the proposed Provincial Court Family Rules

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PART 1 – PURPOSE AND INTERPRETATION **Division 1 – General Information for These Rules**	
Purpose **1** (1) The purpose of these rules is to encourage parties to resolve their cases by agreement or to help them obtain a just and timely decision in a way that (a) takes into account the impact that the conduct of a case may have on a child and family, (b) minimizes conflict, (c) promotes cooperation between the parties, and (d) provides processes for resolution that are efficient and consistent with the complexity of the cases to be resolved. (2) These rules apply to cases arising under the *Family Law Act* and the *Family Maintenance Enforcement Act*.	This rule sets out the purpose of the *Provincial Court Family Rules* (*PCFR*). The rule signals to users that the *PCFR* are designed to encourage parties to resolve their cases by agreement or to help them obtain just and timely decisions. The statement of application to the *Family Law Act (FLA)* and the *Family Maintenance Enforcement Act (FMEA)* carries over from the existing rules.
Definitions and interpretation **2** (1) In these rules: **"adult"** means a person who is at least 19 years of age; **"case"** means a proceeding started under these rules; **"case management registry"** means a registry specified in rule 3 (b) to which Part 4 *[Family Management Conferences in Case Management Registries]* applies; **"certificate of service"** means a certificate in Form 7 *[Certificate of Service]*, prepared in accordance	This rule sets out the definitions to be used in the new *PCFR*. The definition of "**adult**" has been included because of its application to service requirements under the rules. The definition of "**case**" is new and has been included because the rules are aiming to be clear on when terms such as case, matter and court file are used. "**Case management registry**" is a new addition to the rules. These are registries where family management conferences are held. Victoria is the first registry to be listed as a case management registry. The "**certificate of service**" replaces, in part, the affidavit of service in the existing rules. The certificate of service is intended to make service

with rule 193 *[proving service]*, that certifies service; **"clerk"** means a person who provides administrative support to the court; **"consensual dispute resolution"** means (a) mediation with a family law mediator who is qualified as a family dispute resolution professional in accordance with section 4 *[family law mediators]* of the Family Law Act Regulation, (b) a collaborative family law process conducted in accordance with a collaborative participation agreement, or (c) facilitated negotiation of a child support or spousal support matter with a child support officer employed by the Family Justice Services Division of the Ministry of Attorney General; **"court"** means the Provincial Court; **"early resolution registry"** means a registry specified in rule 3 (a) to which Part 2 *[Early Resolution Registries]* applies; **"extraordinary parenting matter"** means any of the following matters: (a) giving, refusing or withdrawing consent, by a guardian, to medical, dental or other health-related treatments for a child, if delay will result in risk to the child's health; (b) applying, by a guardian, for a passport, licence, permit, benefit, privilege or other thing for a child, if delay will result in risk of harm to the child's physical, psychological or emotional safety, security or well-being; (c) relating to the removal of a child under section 64 *[orders to prevent removal of child]* of the *Family Law Act*; (d) determining matters relating to interjurisdictional issues under section 74 (2) (c) *[determining whether to act under Part 4 – Care of and Time with Children]* of the *Family Law Act*; (e) relating to the wrongful removal of a child under section 77 (2) *[wrongful removal of child]* of the *Family Law Act*; (f) seeking an extraordinary remedy under section 231 (4) or (5) *[extraordinary remedies]* of the *Family Law Act*;	easier for self-represented litigants who would otherwise be required to take an extra step to have an affidavit of service sworn or affirmed. The definition of "**clerk**" has been changed to better reflect their actual role in the Court Services Branch. The definition of "**consensual dispute resolution**" (CDR) is new and has been included as part of the new early resolution requirements. The definition of "**court**" is unchanged from the existing rules. The definition of "**early resolution registry**" is new. Early resolution registries require parties to participate in a needs assessment, parenting education course, and if appropriate, one CDR session before filing a claim or reply. The definition of "**extraordinary parenting matter**" is new. Extraordinary parenting matters capture a distinct list of time sensitive matters that will be reviewed by a judge to assess urgency and may proceed directly to a hearing in front of a judge before parties complete any applicable initial requirements.

(g) relating to the return of a child who has been wrongfully removed or retained under the Convention on the Civil Aspects of International Child Abduction signed at the Hague on October 24, 1980; **"family justice counsellor"** means a person appointed as a family justice counsellor under section 10 *[family justice counsellors]* of the *Family Law Act*; **"family justice manager"** means a person (a) in a class of decision makers prescribed under the *Family Law Act*, and (b) appointed as a decision maker under the *Provincial Court Act*;	The definition of "**family justice counsellor**" is modified from the existing rules to remove an outdated reference to the former *Family Relations Act*. Family Justice Services Division has confirmed there are no appointments of family justice counsellors under the *Family Relations Act* still in effect. "**Family justice manager**" is a new term, also referenced in section 215 of the *FLA*. Under these rules, family justice managers have authority to make decisions about certain procedural, case management and interim orders. It is contemplated that in the future, someone with family law expertise other than a judge may be appointed in this role, increasing the capacity of judges to conduct hearings and trials.
"family justice registry" means a registry specified in rule 3 (c) to which Part 7 *[Family Justice Registries]* applies; **"family law matter"** means a case about one or more of the following: (a) parenting arrangements, including parental responsibilities and parenting time; (b) child support; (c) contact with a child; (d) guardianship of a child; (e) spousal support; **"family member"**, with respect to a person, means (a) the person's spouse or former spouse, (b) a person with whom the person is living, or has lived, in a marriage-like relationship, (c) a parent or guardian of the person's child, (d) a person who lives with, and is related to, (i) the person, or (ii) a person referred to in any of paragraphs (a) to (c), or (e) the person's child, and includes a child who is living with, or whose parent or guardian is, a person referred to in any of paragraphs (a) to (e); **"family violence"** includes (a) physical abuse of a family member, including forced confinement or deprivation of the necessities of life, but not including	The definition of "**family justice registry**" is the same in substance as the existing rules, specifically the existing rule 5. The definition of "**family law matter**" is new and is used to refer to the matters specified. In early resolution registries, parties seeking an order concerning a family law matter are subject to the applicable early resolution requirements. The definition also supports the new rule and form that is specific to these issues. The definition of "**family member**" has been adopted from the *FLA* and is applicable in the context of family violence and protection orders. The definition of "**family violence**" has been adopted from the *FLA* and explains what constitutes family violence.

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;	
"file" means to file with the clerk in the registry; **"filed copy"** means a copy of a document that is filed and date stamped with the registry stamp; **"needs assessor**" means a family justice counsellor who conducts a needs assessment under rule 18 *[participating in needs assessment]* or 106 *[requirements in family justice registries]*; **"parenting education program"** means an educational program that is designed to support informed and child-focused decisions and that is approved by the Family Justice Services Division of the Ministry of Attorney General; **"parenting education program registry"** means a registry specified in rule 3 (d) to which Part 8 *[Parenting Education Program Registries]* applies; **"party"** includes the following persons who may be named in a case: (a) a person who files a notice to resolve a family law matter, or is named as the other party on a notice to resolve, under rule 16	The definition of "**file**" is updated to clarify that this term is used as a verb within these rules, and that documents are to be filed with a clerk. The definition of "**filed copy**" is unchanged from the existing rules. "**Needs assessor**" is a new term, used to describe the role of a family justice counsellor when conducting a needs assessment in early resolution registries and family justice registries. Needs assessment is a core steps in the early resolution process and ensuring consistency in the tool used, the training to conduct assessment, and the ability to monitor performance is important to ensure consistent and effective service to parties. Family justice counsellors meet with each party to do the assessment. Lawyers who are representing a client and advocates typically will only assess the party they are representing or assisting. The definition of "**parenting education program**" allows for programs other than the existing Parenting After Separation to be approved by Family Justice Services Division in the future as meeting the parenting education requirement. The definition of "**parenting education program registry**" is new. These registries are referred to under the existing rules as "Rule 21 registries". The definition of "**party**" has been changed from the existing rules to no longer refer to "applicants" and "respondents".

[where to file notice to resolve family law matters]; (b) a person who files a claim or application; (c) a person who files a reply, or may file a reply, to a claim; (d) a person who is named as the other party in an application under these rules; (e) a person who is added as a party under these rules; (f) the Director of Maintenance Enforcement, if the application is made under Division 2 *[Enforcement of Support Orders Under the Family Maintenance Enforcement Act]* of Part 11 *[Enforcement]*;	
"peace officer" means (a) a sheriff, or (b) a police officer, police constable or constable, including a member of the Royal Canadian Mounted Police who is deemed to be a provincial constable under section 14 (2) *[Royal Canadian Mounted Police as provincial police force]* of the *Police Act*;	The definition of "**peace officer**" is new and has been included because of its application to service requirements under the rules.
"registry" means the Provincial Court registry that is responsible for (a) providing services to people on behalf of the court in a particular region of the Province, and (b) maintaining all documents and records that are filed for a case.	The definition of "**registry**" has been changed from the existing rules to be more descriptive.
(2) In these rules, unless a term is otherwise defined or a contrary intention appears, the definitions in the *Family Law Act* apply.	Subrule (2) is the same as the existing rule 1(4). It sets out that unless otherwise indicated, the definitions in the *FLA* apply.
Parts that apply in certain registries **3** In these rules, (a) the Victoria registry is an early resolution registry for the purposes of Part 2 *[Early Resolution Registries]*, (b) the Victoria registry is a case management registry for the purposes of Part 4 *[Family Management Conferences in Case Management Registries]*, (c) the Kelowna, Nanaimo, Surrey and Vancouver (Robson Square) registries are	Rule 3 is new. It maps out which registry locations correspond with which types of registries and directs parties to the applicable Parts of the rules. Some of the rules require program and service funding to effectively implement. The timing of the application of all of the rules to every registry is dependent on funding and as such the timeline for full implementation is not certain.

family justice registries for the purposes of Part 7 *[Family Justice Registries]*, and (d) the Abbotsford, Campbell River, Chilliwack, Courtenay, Kamloops, Kelowna, Nanaimo, New Westminster, North Vancouver, Penticton, Port Coquitlam, Prince George, Richmond, Surrey, Vancouver (Robson Square) and Vernon registries are parenting education program registries for the purposes of Part 8 *[Parenting Education Program Registries]*.	
Financial statements **4** When financial statements are required or referred to in these rules, they must be filed, unless otherwise indicated, (a) in Form 4 *[Financial Statement]*, and (b) with any attachments that are described in that form for the family law matter or other specific circumstances that apply.	This rule sets out the requirements for financial statements. The rule replaces part of the existing rule 4 and is intended to make the rules and forms relating to financial statements more user-friendly. The form has been simplified to provide clearer instructions on when to use the form and its various parts. It requests only basic information, allowing for further disclosure to be made only when necessary.
Division 2 – Understanding How to Use These Rules	
Which court has jurisdiction **5** (1) These rules apply in the Provincial Court and to issues within its jurisdiction. (2) The jurisdictions of the Supreme Court and the Provincial Court may be different or may overlap, as described in the following sections of the *Family Law Act*: (a) section 192 *[Supreme Court jurisdiction]*; (b) section 193 *[Provincial Court jurisdiction]*; (c) section 194 *[overlapping court jurisdiction]*.	This rule sets out that the rules apply only to the Provincial Court and issues within its jurisdiction and directs users to sections of the *FLA* that address jurisdictional matters between the Provincial and Supreme courts.
What kinds of issues may be addressed under these rules **6** These rules set out the process for parties who have cases in the Provincial Court involving family law matters and other issues, including (a) case management, (b) protection orders under Part 9 *[Protection from Family Violence]* of the *Family Law Act*, (c) extraordinary parenting matters,	This rule sets out what kinds of issues can be addressed under these rules. Issues that can be addressed under the rules include family law matters as well as case management, protection orders under Part 9 of the *FLA*, extraordinary parenting matters, relocation, enforcement and enforcement of support orders under the *FMEA*. See also rule 7, which sets out what kinds of issues must be addressed elsewhere.

(d) relocation, (e) enforcement, and (f) enforcement of support orders under the *Family Maintenance Enforcement Act*.	
What kinds of issues must be addressed elsewhere **7** These rules do not apply to certain issues for which jurisdiction is addressed under other enactments, including (a) divorce, which is addressed under (i) the *Divorce Act*, and (ii) the Supreme Court Family Rules, (b) property division, which is addressed under (i) the *Family Law Act*, and (ii) the Supreme Court Family Rules, (c) adoption, which is addressed under (i) the *Adoption Act*, and (ii) the Supreme Court Family Rules, (d) child protection, which is addressed under (i) the *Child, Family and Community Service Act*, and (ii) the Provincial Court (Child, Family and Community Service Act) Rules, (e) adult guardianship, which is addressed under (i) the *Adult Guardianship Act*, and (ii) the Provincial Court (Adult Guardianship) Rules, and (f) interjurisdictional support orders, which are addressed under the *Interjurisdictional Support Orders Act*, except as provided in rules 147 (a) *[filing orders]* and 149 *[applying to change interjurisdictional orders]*.	This rule is a companion to rule 6 and directs users to legislation that applies to issues that cannot be addressed under the *PCFR*. Matters that must be addressed elsewhere include divorce, property division, adoption, child protection, adult guardianship, and interjurisdictional support orders.
Which registry to use **8** (1) The registry that must be used for filing a form or document under these rules is the following: (a) if there is an existing case, the registry where the existing case is located; (b) if there is not an existing case, the registry closest to the following:	This rule explains how to determine which registry to use. Subrule (1) introduces new policy that restricts where parties can file. Subrule (2) provides guidance to the registry as to when to open a new file.

(i) if the case involves a child-related issue, the registry for the residence where the child lives most of the time; (ii) if the case does not involve a child-related issue, the registry for the residence of the person who first files a document under these rules. (2) If there is an existing case, (a) the existing court file must be used if the parties are the same, or (b) a new court file in the same registry must be used if paragraph (a) does not apply. (3) A party seeking an order about a protection order or an extraordinary parenting matter may do so in any registry, with permission of the court.	Subrule (3) underscores that protection orders and extraordinary parenting matters can be filed and/or heard with leave at any registry. This is to respond to circumstances where a party may have left their residence because of concerns about family violence and needs to apply for an order in another court location. Parties can apply to file in another registry by seeking a case management order under Part 6, Division 2, rule 81(1)(n) or rule 82(1)(i).
Initial requirements for certain registries **9** If a family law matter claim must be filed in any of the following registries, the parties must meet the applicable initial requirements: (a) for an early resolution registry specified in rule 11 *[early resolution registry]*, the parties must meet the early resolution requirements described in Part 2 *[Early Resolution Registries]* before filing a family law matter claim or reply under these rules; (b) for a family justice registry specified in rule 105 *[application of Part]*, the parties must meet the requirements described in Part 7 *[Family Justice Registries]* before a family management conference or readiness hearing may be scheduled in a family justice registry; (c) for a parenting education program registry specified in rule 112 *[application of Part]*, the parties must meet the requirements described in Part 8 *[Parenting Education Program Registries]* before a family management conference or readiness hearing may be scheduled in a family justice registry.	This rule explains the initial requirements that apply in certain registries. Subrule (a) explains the initial requirements in early resolution registries that parties must meet before filing a family law matter claim or reply. Subrule (b) explains the initial requirements in family justice registries that parties must meet before a family management conference or readiness hearing may be scheduled. Subrule (c) explains the initial requirements in parenting education registries that parties must meet before a family management conference or readiness hearing may be scheduled.
Agreement or resolution possible at any time **10** Parties may come to an agreement or otherwise reach resolution about family law issues at any time.	This rule is intended to underscore the party-driven nature of the rules. It stresses for parties that, despite the processes set out in the rules, they are always free to come to an agreement on their own.

PART 2 – EARLY RESOLUTION REGISTRIES **Division 1 – Definition and Application to Early Resolution Registries**	This entire part is similar in substance to the existing Rule 5.01, which only applies to the Victoria registry.
Early resolution registry **11** The rules set out in this Part apply in the Victoria registry.	This rule sets out which registry the rules in this part apply. Currently Victoria is operating under Rule 5.01 of the existing rules and the early resolution aspects of that rule resemble this current proposal.
Division 2 – Early Resolution Requirements	
Early resolution requirements **12** Before filing a family law matter claim under Part 3 *[Family Law Matter Claims]*, a party seeking resolution of a family law matter in an early resolution registry must, unless otherwise provided in these rules, (a) file a notice to resolve in Form 1 *[Notice to Resolve a Family Law Matter]*, (b) provide a copy of the notice to resolve to each other party, (c) participate in a needs assessment under rule 18 *[participating in needs assessment]*, (d) complete a parenting education program under rule 19 *[completing parenting education program]*, and (e) participate in at least one consensual dispute resolution session under rule 20 *[participating in consensual dispute resolution]*.	This rule sets out the requirements that must be met before a party can file a family law matter claim (equivalent to an application under the existing rule) in an early resolution registry. Form 1 [*Notice to Resolve a Family Law Matter*] is a new form that is the initiating document for the new process in early resolution registries. It differs from the existing Application to Obtain an Order in that it prompts a referral to the early needs assessment and CDR process. It does not ask parties to assert positions or arguments. This approach was taken to help parties avoid an adversarial mindset at the beginning of the process. The normal rules of service do not apply to the Notice to Resolve a Family Matter. It can be provided to each other party by almost any means of communication (including text, social media, email, etcetera). Formal service of the Notice to Resolve a Family Matter is not required because there are no legal consequences that rely on the document being served. Also, Family Justice Services Division will contact the second party to explain the process and notify them of the next steps.
Exception to early resolution requirements **13** The early resolution requirements described in rule 12 (a) do not apply if the family law matter claim is only for child support and that party has	This rule sets out the circumstances in which early resolution requirements do not apply, cease to apply, or are not required. "Other orders" referenced in subrule (c) are:

assigned child support rights to the government under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*, (b) cease to apply if the court file for the case is transferred under rule 81 *[case management orders – judge]* or 82 *[case management orders – family justice manager]* to a registry that is not an early resolution registry, and (c) are not required if a party is only applying for one or more orders under Part 6 *[Applying for Other Orders]*.	• Case management orders • Protection orders under Part 9 of the *FLA* • Orders about Extraordinary Parenting Matters • Orders about Relocation • Consent Orders
Certain parties exempt from requirements **14** A party who is the government, a ministry or a public officer is not required to meet the requirements that apply to a party under this Part.	This rule sets out that government, ministries, and public officials are exempt from the early resolution requirements.
Protection orders and orders about extraordinary parenting matters take priority **15** For certainty, if a party applies for an order about a family law matter and (a) an order about a protection order under Part 9 *[Protection from Family Violence]* of the *Family Law Act*, or (b) an extraordinary parenting matter, the party may apply for the order about the protection order or the extraordinary parenting matter before complying with rule 12 *[early resolution requirements]*.	This rule underscores that orders about protection orders and orders about extraordinary parenting matters may proceed on an expedited basis without first complying with the early resolution requirements if there is also a family law matter.
Division 3 – Notice to Resolve	
Where to file notice to resolve family law matter **16** A notice to resolve a family law matter must be filed in the following registry: (a) if there is an existing case, the same registry where the existing case is located, and (i) if the family law matter has the same parties as the existing case, the existing court file is used, or (ii) if the family law matter is being filed by a person other than the parties to the family law matter in the existing	This rule is new and sets out which registry is the appropriate registry in which to file the Notice to Resolve a Family Matter.

case, a new court file in the same registry is used; (b) if there is not an existing case, the registry that is closest to the following: (i) if the case involves a child-related issue, the registry for the residence where the child lives most of the time; (ii) if the case does not involve a child-related issue, the registry for the residence of the party who initially files a notice to resolve.	
Intention to proceed in certain cases after one year **17** (1) The parties must meet the requirements of subrule (2) if no family law matter claim has been filed and more than one year has passed since the latest date on which one of the parties (a) filed a notice to resolve a family law matter in Form 1 *[Notice to Resolve a Family Law Matter]*, (b) participated in a needs assessment, (c) completed a parenting education program, or (d) participated in a consensual dispute resolution session. (2) Before the parties described in subrule (1) may proceed, (a) a party must file a notice of intention to proceed in Form 2 *[Notice of Intention to Proceed]* and provide a copy of the notice to each other party, and (b) the parties must participate in a new needs assessment.	This rule sets out requirements that must be met before the parties can proceed after one year has passed since the proceedings were initiated (specifics laid out in subrule (1)). Subrule (2) sets out the requirements that must be met before parties can proceed. The rationale is that the period of time following a separation can be very unsettled and a family's circumstances and needs often change substantially over the course of a year, warranting a further needs assessment. A one year time limit was selected as the two year time limit for the parenting education requirement seems too long and less than a year might be too soon especially if parties are trying to resolve issues by agreement.
Division 4 – Needs Assessment	Each party must participate in an individual needs assessment with a Family Justice Counsellor who will: help the party identify their needs; provide referrals to the Parenting After Separation program, community service providers, and lawyers who can give legal advice; provide information about preparing financial information; identify if there is a risk of family violence; and make a determination about whether CDR is appropriate.

Participating in needs assessment **18** Unless otherwise provided in these rules, each party must participate individually in a needs assessment conducted by a needs assessor for the following: (a) assistance with identifying legal and non-legal needs; (b) information about resolving issues, including (i) how to resolve family law matters and other issues out of court, and (ii) how to apply for a court order; (c) provision of (i) a referral to an appropriate parenting education program under Division 5 *[Parenting Education Program]*, or (ii) an exemption from a parenting education program under that Division; (d) referrals to other resources, including where and how (i) to seek legal advice, (ii) to access legal information, (iii) to access resources for issues that are not legal in nature, and (iv) to access resources for children dealing with family changes; (e) assessment of whether consensual dispute resolution under Division 6 *[Consensual Dispute Resolution]* is not appropriate; (f) assessment of any risk of family violence; (g) referrals to other resources for individuals and families experiencing or concerned about family violence.	Each party must participate in an individual needs assessment with a Family Justice Counsellor who will: help the party identify their needs; provide referrals to the appropriate parenting education program (e.g. Parenting After Separation), community service providers, and lawyers who can give legal advice; provide information about preparing financial information; identify if there is a risk of family violence; and make a determination about whether CDR is not appropriate. This rule requires each party to participate in a needs assessment and describes the needs assessment process. Family Justice Services Division currently uses an assessment tool to: identify the needs of families; assess for safety, family violence, and other relevant issues; and determine the appropriateness of mediation. Family justice counsellors receive training on assessing for family violence and other dynamics that may be operating in a family. Assessment helps to identify legal issues in order to make appropriate referrals to legal advice and information early in the process. Assessment also identifies non-legal issues that families need support with, including: how to effectively parent apart, referrals for children dealing with family changes, housing, and debt issues, counselling, and referrals for individuals and families experiencing or concerned about family violence.
Division 5 – Parenting Education Program	
Completing parenting education program **19** Each party must complete a parenting education program unless a needs assessor exempts that party because (a) the party has already completed the parenting education program in the 2 years before the date of the needs assessment,	There are some small differences between the existing rule 21 and the parenting education requirement in early resolution registries. Rule 21 currently requires completion by only one party before a first appearance date will be set. The second party is supposed to complete Parenting After Separation (PAS) before they can be heard. However, this is difficult to enforce.

(b) the family law matter is related only to spousal support, (c) every child involved in the family law matter has reached 19 years of age, (d) the party resides in a community where the parenting education program is not offered in person and the party cannot access an online version, (e) the parenting education program is not offered in a language in which the party is fluent, (f) the party is unable to attend the parenting education program in person and cannot complete an online version due to literacy challenges, or (g) the party cannot complete the parenting education program due to a serious medical condition.	The early resolution registry requires both parties to complete a parenting education program before they may file their pleadings (i.e. family law matter claim or reply). Exemptions are also clarified, updating some of the language around inability to access the program or participate due to language barriers.
Division 6 – Consensual Dispute Resolution	This division sets out the requirement for parties to participate in at least one CDR session unless exempted by a needs assessor or CDR professional. It also authorizes CDR professionals to determine the proper form for financial information to take.
Participating in consensual dispute resolution **20** (1) The parties must attempt to resolve a family law matter by participating in at least one consensual dispute resolution session unless (a) a needs assessor determines that the parties cannot access consensual dispute resolution services, or (b) a needs assessor or a consensual dispute resolution professional determines that participation in a consensual dispute resolution session is not appropriate. (2) To prepare for a consensual dispute resolution session, each party must participate in any preparatory meetings or other preparatory process as required by the consensual dispute resolution professional.	This rule sets out the exemption under which parties are not required to participate in at least one CDR session. "**consensual dispute resolution**" (CDR) means: (a) mediation with a family law mediator who is qualified as a family dispute resolution professional in accordance with section 4 *[family law mediators]* of the Family Law Act Regulation, (b) a collaborative family law process conducted in accordance with a collaborative participation agreement, or (c) facilitated negotiation of a child support or spousal support matter with a child support officer employed by the Family Justice Services Division of the Ministry of Attorney General;

Certain parties not required to comply with consensual dispute resolution **21** The requirements described in rule 20 do not apply to any parties if one of the parties is (a) the Director of Maintenance Enforcement, or (b) a director under the *Child, Family and Community Service Act*.	This rule specifies who is not required to comply with the CDR requirements set out under rule 21.
Financial information for consensual dispute resolution **22** If financial information for consensual dispute resolution is required, it must be provided in the form required by the consensual dispute resolution professional.	This rule allows CDR professionals to determine the form in which financial information for CDR is to be provided and requires parties to comply.
Division 7 – Requirements Before Filing	
Early resolution requirements must be met before claim filed **23** Before filing a claim about a family law matter under rule 26 *[applying for family law matter order]* in an early resolution registry, a party must meet the applicable early resolution requirements described in rule 12 *[early resolution requirements]*.	This rule sets out that the early resolution requirements must be met before filing a family law matter claim. This means that both parties need to have attended a needs assessment, completed a parenting education program, and participated in at least one CDR session (if appropriate) before filing their claims or replies. There are exemptions provided for parenting education and CDR (for example the latter may not be suitable for all families). Family Justice Services Division (FJSD) will be responsible for monitoring whether the applicable early resolution requirements have been met. In the Victoria prototype, FJSD have been communicating compliance through a file summary document that is provided to the court registry.
Early resolution requirements must be met before reply filed **24** Before filing a reply under rule 31 *[replying to family law matter claim]* to a family law matter claim in an early resolution registry, a party must meet the applicable early resolution requirements described in rule 12 *[early resolution requirements]*.	This rule sets out that the early resolution requirements must be met before filing a reply to a family law matter claim.

PART 3 – FAMILY LAW MATTER CLAIMS **Division 1 – Applying for Family Law Matter Orders**	
Application of Part **25** The rules set out in this Part apply in all registries.	This rule sets out that this part applies in all registries.
Applying for family law matter order **26** A party who is applying for an order about the following must file and serve a family law matter claim in Form 3 *[Family Law Matter Claim]*: (a) a new order about a family law matter; (b) to change or cancel all or part of an existing final order about a family law matter; (c) to set aside or replace all or part of an agreement about a family law matter.	This rule sets out the procedure for applying for family law matter orders. It is carried over from section 16 of Appendix B of the existing rules. For applications concerning family law matters, a "Family Law Matter Claim" will be used. The form/process is used to apply for a new order, change or cancel an existing order or to set aside or replace an agreement about a family law matter. Applications for orders that are not about family law matters are made using other forms. See Part 6 for rules specific to non-family law matters.
Additional documents when applying for certain orders **27** A party must file the following additional documents with a family law matter claim: (a) for an order about an existing order or written agreement, a copy of the existing order or written agreement; (b) for an order about child support, a financial statement in Form 4 *[Financial Statement]* and any information or documents required by the child support guidelines; (c) for an order about being appointed as a guardian of a child, an affidavit in Form 5 *[Guardianship Affidavit]* with the following exhibits attached: (i) a record check from the Ministry of Children and Family Development; (ii) a protection order record check from the protection order registry; (iii) a criminal record check; (d) for an order about spousal support, a financial statement in Form 4	This rule directs parties to additional documents that must be filed with a family law matter claim, depending on the specific type of family law matter for which an order is being sought. It is carried over from section 16 and 17 of Appendix B of the existing rules.

Time periods in relation to orders about guardianship **28** The following periods apply to applications for orders about guardianship under section 51 *[orders respecting guardianship]* of the *Family Law Act*, including consent orders: (a) an affidavit filed under rule 27 (c) must be sworn no more than 7 days before the date that the documents under that rule are filed; (b) the record checks under rule 27 (c) must be dated within 60 days before the date that the documents under that rule are filed.	This rule carries forward the current time periods that apply to guardianship applications under section 51 of the Family Law Act. (a)There are seven days to swear an affidavit from the date the document is filed under rule 28. (b)There are 60 days for the record checks to be dated before the date that a document under rule 28 is filed.
Serving family law matter claim **29** (1) If a party is applying for an order about a family law matter under rule 26 *[applying for family law matter order]*, the party must ensure the personal service of the family law matter claim by having an adult who is not a party leave a copy of the following documents with the party who is to be served: (a) the family law matter claim; (b) a blank copy of Form 6 *[Reply to a Family Law Matter Claim (with Counterclaim)]*; (c) any applicable additional documents, as described in rule 27. (2) If a certificate of service is required under these rules, an adult who serves documents under subrule (1) must complete a certificate of service in Form 7 *[Certificate of Service]* and provide it to the party who filed the family law matter claim. (3) If a reply is not filed under Division 2 within 21 days of service of a family law matter claim under subrule (1), the party applying for an order about a family law matter must file the certificate of service.	This rule sets out the process for effecting service of a family law matter claim on the other party. A notable difference is that the time period for a reply is 21 days, whereas it is 30 days in the existing rules. The time has been shortened from 30 to 21 days to reduce delay for those families that are proceeding to court. 21 days was selected in part because it is divisible by 7 and therefore easier for parties to calculate by reference to the days of the week (e.g. a party who is served with a family law matter claim on Friday March 1st has until Friday March 22nd to file a reply).
Division 2 – Family Law Matter Replies and Counterclaims	
After receipt of family law matter claim **30** (1) When a party is served with a family law matter claim, the party may reply to the family law matter claim as described in rule 31.	This rule sets out a party's options when served with a family law matter claim and directs them to the rule that sets out the consequences for not filing a reply

(2) If the party served with a family law matter claim does not reply, the consequences described in rule 33 *[if no reply filed]* apply.	(rule 34). It is carried over from section 19 of Appendix B of the existing rules.
Replying to family law matter claim **31** If a party is served with a family law matter claim and chooses to reply, (a) the party must file a reply in Form 6 *[Reply to a Family Law Matter Claim (with Counterclaim)]* within 21 days after the date that the party is served the family law matter claim, (b) the party may, in the reply, do any of the following: (i) agree with one or more of the orders applied for in the family law matter claim; (ii) disagree with one or more of the orders applied for in the family law matter claim; (iii) include a counterclaim in accordance with rule 32, and (c) the party must file a financial statement in Form 4 *[Financial Statement]* with the reply if the family law matter claim is about child support or spousal support.	This rule sets out the process that a party must follow if a party is served with a family law matter claim and chooses to reply. It is carried over from section 21 of Appendix B of the existing rules. The time has been shortened from 30 to 21 days to reduce delay for those families that are proceeding to court. 21 days was selected in part because it is divisible by 7 and therefore easier for parties to calculate by reference to the days of the week (e.g. a party who is served with a family law matter claim on Friday March 1st has until Friday March 22nd to file a reply). A party that requires additional time to file a reply can make an application under Part 6, Division 2, rule 81(1)(n) or rule 82(1)(i) for a case management order modifying the time to file.
Applying for counterclaim **32** (1) In a reply, a party may include a counterclaim to apply for an order about a different family law matter that was not included in the family law matter claim. (2) A party must file the applicable additional documents described in rule 27 *[additional documents when applying for certain orders]* with the counterclaim if the counterclaim is about any of the following: (a) an existing order or agreement; (b) child support; (c) appointment as a guardian; (d) spousal support.	This rule sets out how a party can apply for a counterclaim and what additional documents may be required. Counterclaims will be in the form of schedules that are separate from reply schedules. This will help to clarify when a new issue is being raised in a reply as opposed to using the counterclaim to respond to an issue that has already been raised in an existing claim by asking for different terms in an order. This rule is substantially carried over from section 22 of Appendix B of the existing rules.
If no reply filed **33** If a party does not file a reply within 21 days in	

accordance with rule 31 (a) *[replying to family law matter claim]*, (a) the party is not entitled to receive notice of any part of the proceedings, including any conference, hearing or trial, and (b) a judge or family justice manager may make orders without that party's knowledge.	This rule sets out the consequences for not filing a reply. It is carried over from section 23 of Appendix B of the existing rules. If a party does not reply, they are not entitled to receive notice of any proceedings and a judge or family justice manager may make orders without the party's knowledge. This operates to avoid holding up one party's claim for relief by the other party simply not engaging in the court process.
Judge or family justice manager may direct matters if party does not file reply **34** Despite rule 33, a judge or family justice manager may (a) direct that a party who does not file a reply under rule 31 receive notice of and attend a family management conference or another conference or hearing, and (b) issue a summons in Form 29 *[Summons – General]*.	This rule sets out that, despite the rule that says a party is not entitled to notice of proceedings if they do not file a reply, a judge or family justice manager may direct that the party receive notice of proceedings and, additionally, may issue a summons. This rule is carried over from section 24 of Appendix B of the existing rules.
Copy to filing party **35** The registry must, within 21 days after a reply is filed under rule 31, provide a copy of the reply and all documents filed with the reply to the party who filed the family law matter claim.	This is the same requirement as in the existing rules. It clarifies that the registry is responsible for forwarding all documents filed with the reply to the party who filed the family law matter claim, which is existing registry practice.
Replying to counterclaim **36** A party who is replying to a counterclaim must file and serve a reply to the counterclaim in Form 8 *[Reply to a Counterclaim]* within 14 days after the date that the party receives the reply with counterclaim.	This rule sets out how a party can reply to a counterclaim. It is carried over from section 26 of Appendix B of the existing rules. The time to file a reply to a counterclaim has been reduced to 14 days to facilitate a timely resolution and recognizes that the party who is served with the counterclaim is already engaged in the court process.
PART 4 – FAMILY MANAGEMENT CONFERENCES IN CASE MANAGEMENT REGISTRIES **Division 1 – Application and Purpose**	Part 4 introduces family management conferences, outlines how they work, and sets out what types of orders can be made in family management conferences. Family management conferences are a new process intended to assist parties with certain orders while increasing trial readiness.

	Family management conferences take the place of first appearances ("family remand") in case management registries. Depending on resources available in the registry, a family management conference could be conducted by a judge or by a family justice manager, if and when one is appointed. Divisions 1, 2, and 3 apply regardless of who is presiding, Division 4 describes what can happen before a judge, and Division 5 describes what can happen before a family justice manager.
Application of Part **37** The rules set out in this Part apply in the Victoria registry.	The family management conference model applies in case management registries, defined in rule 3 (b) as the Victoria registry. Currently Victoria is operating under Rule 5.01 of the existing rules and the case management aspects of that rule resemble this current proposal as described for a judge conducting a family management conference. The description of what authority a family justice manager would have is new. Other registries may be designated as case management registries at a later point in time.
Purpose of family management conferences **38** (1) A family management conference is an informal and time-limited process in which the judge or family justice manager (a) assists the parties to identify the issues to be resolved, (b) explores options to resolve the issues, (c) may make orders and directions under Division 2 *[Case Management Orders]* of Part 6 based on information provided by or on behalf of the parties to ensure that a file is ready to proceed to the next step in the process, (d) may make interim orders under rule 48 *[interim orders – judge]* or 56 *[interim orders – family justice manager]* to address needs until the parties resolve their family law matters, and (e) may make orders under (i) rule 33 *[if no reply filed]*, if a party does not file a reply,	This rule describes the purpose and scope of the family management conference. Family management conferences are intended to help parties achieve readiness and move cases forward for adjudication.

(ii) rule 50 *[consent orders – judge]*, by consent of the parties, and (iii) rule 53 *[orders made in the absence of a party – judge]* or 59 *[orders made in the absence of a party at family management conference – family justice manager]*, in the absence of a party. (2) A judge at a family management conference may make any other orders or directions as appropriate in addition to those referred to in subrule (1) (c).	
Division 2 – Scheduling Family Management Conference	This division explains how a family management conference is scheduled. The process offers more flexibility to scheduling first appearances than under the existing rules. The new process encourages parties to participate in scheduling, helping to ensure parties and their lawyers are available on the scheduled dates. This process should reduce the number of adjournments that occur because of missed appearances.
Scheduling family management conference if reply filed **39** If a family law matter claim and a reply have been filed and the parties have met all applicable initial requirements under rule 9 *[initial requirements for certain registries]*, the registry must provide the parties with information about the procedure for scheduling a family management conference.	Existing rule 6(1) sets out how the registry notifies parties when a first appearance has been set. In case management registries, family management conferences may not be automatically scheduled. This rule explains that the registry must inform the parties about how conferences are scheduled once a claim and reply have been filed and initial requirements have been met. The specific practice for scheduling may vary from registry to registry.
Scheduling family management conference if no reply filed **40** If a party has filed a family law matter claim and (a) a reply has not been filed, (b) based on the certificate of service, at least 21 days have passed since the family law matter claim was served, and (c) the party has met all applicable initial requirements under rule 9 *[initial requirements for certain registries]*, the registry must provide that party with information about the procedure for scheduling a family management conference.	This rule sets out how a family management conference is scheduled if no reply has been filed. A party has 21 days to file a reply. If no reply is filed, and as long as initial requirements have been met, the registry will provide the party who filed the claim with information on how to schedule a conference.

Division 3 – Attendance and Procedural Matters for Family Management Conference	This division explains who must attend a family management conference, information and evidence requirements for parties, procedures where more than one year has passed without a final order, and what rules apply for family management conferences before a judge or family justice manager.
Attendance at family management conference **41** If a family management conference is scheduled, all parties to a family law matter claim must attend the family management conference.	As the purpose of the family management conference is to assist the parties in achieving readiness and moving the case forward for adjudication, parties must attend the conference. This will replace the first appearance process under existing rule 6.
Lawyer attendance at family management conference **42** A lawyer for each party may attend a family management conference with the party.	Rule 42 requires parties to attend the family management conference. Rule 43 explains that parties who are represented by a lawyer may choose whether their lawyer also attends.
Family management conference may proceed **43** A family management conference may proceed without a party who (a) does not file a reply, or (b) does not attend.	This rule ensures that one party cannot delay another party seeking resolution by not filing or participating in the family management conference. Orders can be made in a party's absence.
Information presented in family management conferences **44** For the purposes of a family management conference, the parties may be required to provide the following for consideration by the judge or family justice manager: (a) information provided in a family law matter claim, reply and reply to counterclaim, if any; (b) evidence provided in a financial statement; (c) evidence given orally on oath or affirmation; (d) affidavit evidence; (e) submissions.	This rule sets out the types of information and evidence that may be required at a family management conference.
Intention to proceed – family management conferences **45** (1) A notice of intention to proceed must be filed in accordance with subrule (2) if	Similar to proposed rule 18, this rule establishes that if a party has reached the stage where a party has filed a family law matter claim, there has been no final order, and over the course of one year there has

(a) a party has filed a family law matter claim, (b) there is no final order in respect of the claim, and (c) more than one year has passed since the parties have taken any step under these rules. (2) If subrule (1) applies, before a party may proceed, (a) the party must file a notice of intention to proceed in Form 2 *[Notice of Intention to Proceed]*, serve it on each other party and file a certificate of service, and (b) the parties must participate in a family management conference.	been no action taken under the rules, the next step to refresh the process will be a notice of intention to proceed. Such notice will prompt a return to a family management conference where the judge or family justice manager will help determine the next steps for re-entering the process. The ability to refresh the process following a time lapse is important as family dynamics and finances can change significantly in a year. This also enables the court to have recent information to determine the most appropriate next steps for the parties.
Judge or family justice manager **46** A family management conference may take place before a judge or a family justice manager, as applicable, in accordance with the following: (a) Division 4 *[Family Management Conference Proceedings Before Judge]*; (b) Division 5 *[Family Management Conference Proceedings Before Family Justice Manager]*.	Depending on resources available in the registry and whether a family justice manager has been appointed, a family management conference could be before a judge or before a family justice manager. This rule explains that the rules in Division 4 apply where a family management conference takes place before a judge, and the rules in Division 5 apply where a family management conference takes place before a family justice manager.
Division 4 – Family Management Conference Proceedings Before Judge	This division describes the types of orders and directions that a judge can make at a family management conference and the related processes and requirements.
Completion of requirements – judge **47** A judge at a family management conference may make an order that a party complete the following, as applicable: (a) the early resolution requirements described in rule 12 *[early resolution requirements]*; (b) the family justice registry requirements described in rule 106 *[requirements in family justice registries]*; (c) the parenting education program registry requirements described in rule 115 *[requirements in parenting education program registries]*.	This rule underscores that, at a family management conference, parties who have not completed any applicable initial requirement may be ordered to do so. A registry may be designated as a case management registry in addition to being an early resolution registry, family justice registry or parenting education program registry, as described in rule 3. This list is the same for a judge or family justice manager (rule 55).
Interim orders – judge **48** A judge at a family management conference may make	This rule establishes that a judge can make interim orders at a family management conference and that

interim orders, including interim orders about one or more of the following: (a) parental responsibilities; (b) parenting time; (c) child support; (d) contact with a child; (e) guardianship of a child; (f) spousal support.	the interim order may address issues around parenting arrangements, contact, support, and guardianship. This list differs from that for a family justice manager (rule 56) in that this list includes interim guardianship orders.
Interim orders for guardianship **49** (1) A judge at a family management conference may make an interim order for guardianship under section 51 *[orders respecting guardianship]* of the *Family Law Act* without an affidavit in Form 5 *[Guardianship Affidavit]* having been filed if the judge is satisfied that it is in the best interests of the child that an interim order for guardianship be made before that affidavit is filed. (2) An interim order for guardianship under subrule (1), unless renewed by a judge, (a) may not exceed a term of 90 days after the date the order is made, and (b) if no term is specified, expires 90 days after the date the order is made.	This rule sets guidelines around an interim order for guardianship and focuses on the best interests of the child and resembles the existing rule 18.1 provisions around interim orders. Subrule 2 sets out that an interim order must be renewed after 90 days or it will expire automatically. Division 5 does not authorize a family justice manager to make interim orders for guardianship.
Consent orders – judge **50** A judge at a family management conference may make orders with the consent of the parties, including final orders about one or more of the following: (a) parental responsibilities; (b) parenting time; (c) child support; (d) contact with a child; (e) guardianship of a child; (f) spousal support.	This rule establishes that a judge can make consent orders at a family management conference and that the consent order may be a final order with respect to any family law matter issue. This model is designed to encourage consent orders to be made at any stage. Division 5 does not authorize a family justice manager to make final orders by consent.
Conduct orders – judge **51** A judge at a family management conference may make any conduct order that may be made under Division 5 *[Orders Respecting Conduct]* of Part 10 *[Court Processes]* of the *Family Law Act*, including the following:	Conduct orders often assist in facilitating settlement or managing behaviours that might frustrate the resolution of a family law matter. This rule lists some of the more likely conduct orders that a judge would make at a family management conference, while giving the judge authority to make any conduct

(a) prohibiting a party from making an application respecting any matter over which a parenting coordinator has authority to act under an agreement or order, other than an application to change or set aside a parenting coordinator determination, without permission of the judge, under section 223 *[orders respecting case management]* of the *Family Law Act*; (b) requiring the parties to participate in family dispute resolution, under section 224 (1) (a) *[orders respecting dispute resolution, counselling and programs]* of the *Family Law Act*; (c) requiring one or more of the parties, or a child, to attend counselling, specified services or programs, under section 224 (1) (b) of the *Family Law Act*; (d) allocating or requiring one party to pay the fees related to family dispute resolution, counselling, specified services or programs, if the party is ordered to attend, under section 224 (2) of the *Family Law Act*; (e) setting restrictions or conditions respecting communications between parties, including respecting when or how communications may be made, under section 225 *[orders restricting communications]* of the *Family Law Act*, unless it would be more appropriate for a protection order to be made under Part 9 *[Protection from Family Violence]* of that Act; (f) reporting to the court or to a person named by the judge at the time and in the manner specified, under section 227 *[other orders respecting conduct]* of the *Family Law Act*.	order under the *Family Law Act*. The list is not exhaustive. This list differs from that for a family justice manager (rule 57) in that a judge can make any conduct order under the *Family Law Act* including those listed, whereas a family justice manager is limited to the conduct orders listed.
Preparing for subsequent hearing – judge **52** The parties may be required to attend a family management conference to prepare for a hearing, even if Part 3 *[Family Law Matter Claims]* does not apply to the parties, if one of the parties has applied for one of the following orders: (a) enforcing, changing or setting aside a filed determination of a parenting coordinator; (b) prohibiting the relocation of a child under section 69 *[orders respecting relocation]* of the *Family Law Act*;	This rule establishes that parties may be required to attend a family management conference to prepare for a hearing even when their application is not a family law matter claim, provided that they are requesting one of the orders listed. The rationale is that these particular matters may benefit from the additional case management available through a family management conference. This list differs from that for a family justice manager (rule 58) in that rule 58 also includes using

(c) setting reasonable and necessarily incurred expenses under any of the following sections of the *Family Law Act*: (i) section 61 *[denial of parenting time or contact]*; (ii) section 62 *[when denial is not wrongful]*; (iii) section 212 *[orders respecting disclosure]*; (iv) section 213 *[enforcing orders respecting disclosure]*; (v) section 228 *[enforcing orders respecting conduct]*; (vi) section 230 *[enforcing orders generally]*.	the family management conference to help parties get ready for a hearing based on an application to change, suspend or cancel an order made by a judge in the absence of a party to assist the court in allocating court time appropriately and ensuring readiness of an application before it goes before a judge. If a judge is conducting a trial management conference, the matter would already be scheduled for a family management conference before them.
Orders made in the absence of a party – judge **53** (1) A judge at a family management conference may make an order, including a final order, in the absence of a party. (2) If an order is made under subrule (1), to apply to change, suspend or cancel the order, the absent party must file and serve on each other party the following at least 7 days before the date referred to in the application for the court appearance: (a) an application for case management order in Form 11 *[Application for Case Management Order Without Notice or Attendance]*; (b) any supporting evidence or documents. (3) A judge may change, suspend or cancel an order made in the absence of a party if the judge determines that (a) there is a good reason to change, suspend or cancel the order, and (b) the absent party applied in accordance with subrule (2) within a reasonable time for the change, suspension or cancellation of the order.	This rule authorizes judges to make orders, including final orders, in the absence of a party at a family management conference. It also explains the process for a party to apply to change, suspend, or cancel an order made in their absence, and in what circumstances a judge is authorized to change, suspend, or cancel an order. This rule differs from that for a family justice manager (rule 59) in that family justice managers may make and vary interim orders only.
Directions or orders to attend – judge **54** A judge at a family management conference may direct or order that a party (a) participate in consensual dispute resolution,	Part of the purpose for the family management conference is to identify next steps for the parties. This rule articulates the various forms of attendance that may be required after a family management conference.

(b) return for another family management conference, (c) attend a family settlement conference, (d) attend a trial preparation conference, or (e) attend a hearing or trial.	Under the existing rules, a judge may make an order or give directions as the judge considers necessary or appropriate. The proposed rules carry this language forward with respect to judges, but limit family justice managers to making orders only (rule 60). This is to make it very clear that if a family justice manager requires a person to attend, in the form of an order, it is reviewable by a provincial court judge.
Division 5 – Family Management Conference Proceedings Before Family Justice Manager	This division describes the types of orders that a family justice manager can make at a family management conference and the related processes and requirements.
Completion of requirements – family justice manager **55** A family justice manager at a family management conference may make an order that a party complete the following, as applicable: (a) the early resolution requirements under rule 12 *[early resolution requirements]*; (b) the family justice registry requirements under rule 106 *[requirements in family justice registries]*; (c) the parenting education program registry requirements under rule 115 *[requirements in parenting education program registries]*.	This rule underscores that, at a family management conference, parties who have not completed any applicable initial requirement may be ordered to do so. A registry may be designated as a case management registry in addition to being an early resolution registry, family justice registry or parenting education program registry, as described in rule 3. This list is the same as for a judge (rule 47) conducting a family management conference.
Interim orders – family justice manager **56** A family justice manager at a family management conference may make one or more of the following interim orders with or without the consent of the parties: (a) parental responsibilities; (b) parenting time; (c) child support; (d) contact with a child; (e) spousal support; (f) changing, suspending or cancelling an order made by a family justice manager.	This rule sets out the types of interim orders that a family justice manager can make at a family management conference. These cover orders around parenting arrangements, contact, and support. Unlike the interim orders that a judge may make under rule 48, a family justice manager cannot make an interim guardianship order. This rule also authorizes family justice managers at a family management conference to change, suspend, or cancel an order made by a family justice manager (but not a judge).
Conduct orders at family management conference – family justice manager **57** A family justice manager at a family management conference may make one or more of the following	Conduct orders often assist in facilitating settlement or managing behaviours that might frustrate the resolution of a family law matter. This rule sets out

conduct orders: (a) prohibiting a party from making an application respecting any matter over which a parenting coordinator has authority to act under an agreement or order, other than an application to change or set aside a parenting coordinator determination, without permission of the family justice manager, under section 223 *[orders respecting case management]* of the *Family Law Act*; (b) requiring the parties to participate in family dispute resolution, under section 224 (1) (a) *[orders respecting dispute resolution, counselling and programs]* of the *Family Law Act*; (c) requiring one or more of the parties, or a child, to attend counselling, specified services or programs, under section 224 (1) (b) of the *Family Law Act*; (d) allocating or requiring one party to pay the fees related to family dispute resolution, counselling, specified services or programs, if the party is ordered to attend, under section 224 (2) of the *Family Law Act*; (e) setting restrictions or conditions respecting communications between parties, including respecting when or how communications may be made, under section 225 *[orders restricting communications]* of the *Family Law Act*, unless it would be more appropriate for a protection order to be made by a judge under Part 9 *[Protection from Family Violence]* of that Act; (f) reporting to the court or to a person named by the family justice manager at the time and in the manner specified, under section 227 *[other orders respecting conduct]* of the *Family Law Act*.	the conduct orders that a family justice manager can make at a family management conference. This list differs from that for a judge (rule 51) in that a judge can make any conduct orders under the *Family Law Act* including those listed, whereas a family justice manager is limited to the conduct orders listed.
Family management conferences to prepare for subsequent hearing – family justice manager **58** The parties may be required to attend a family management conference conducted by a family justice manager to prepare for a hearing conducted by a judge, even if Part 3 *[Family Law Matter Claims]* does not apply to the parties, when one of the parties has applied for one of the following orders:	This rule establishes that parties may be required to attend a family management conference to prepare for a hearing even when their application is not a family law matter claim, provided that they have applied for one of the orders listed. We anticipate that these particular matters may benefit from the additional case management available through a family management conference.

(a) enforcing, changing or setting aside a filed determination of a parenting coordinator; (b) changing, suspending or cancelling an order made by a judge in the absence of the party, except a protection order under the *Family Law Act*; (c) prohibiting the relocation of a child under section 69 *[orders respecting relocation]* of the *Family Law Act*; (d) setting reasonable and necessarily incurred expenses under any of the following sections of the *Family Law Act*: (i) section 61 *[denial of parenting time or contact]*; (ii) section 62 *[when denial is not wrongful]*; (iii) section 212 *[orders respecting disclosure]*; (iv) section 213 *[enforcing orders respecting disclosure]*; (v) section 228 *[enforcing orders respecting conduct]*; (vi) section 230 *[enforcing orders generally]*.	This list differs from that for a judge (rule 52) in that this list includes in subrule (b) the ability to help parties with readiness (not changing the order) to respond to a request for an order to change, suspend or cancel an order made by a judge in the absence of a party (except a protection order made under the *Family Law Act*). This will help to ensure party readiness for the hearing before the judge.
Orders made in the absence of a party at family management conference – family justice manager **59** (1) A family justice manager may make an interim order under this Part in the absence of a party. (2) If an order is made under subrule (1), to apply to change, suspend or cancel the order, the absent party must file and serve on each other party the following at least 7 days before the date referred to in the application for the court appearance: (a) an application for case management order in Form 9 *[Application for Case Management Order]*; (b) any supporting evidence or documents. (3) A family justice manager may change, suspend or cancel an interim order made by the family justice manager in the absence of a party, if the family justice manager determines that (a) there is a good reason to change, suspend or cancel the interim order, and	This rule authorizes family justice managers to make interim orders in the absence of a party at a family management conference. It also explains the process for a party to apply to change, suspend, or cancel an interim order made in their absence, and in what circumstances family justice managers are authorized to change, suspend, or cancel an interim order. This rule differs from that for judges (rule 53) in that family justice managers may make only interim orders (not final orders) and may vary only interim orders made by family justice managers (not judges).

(b) the absent party applied in accordance with subrule (2) within a reasonable time for the change, suspension or cancellation of the order.	
Order to attend – family justice manager **60** A family justice manager at a family management conference may order that a party (a) participate in consensual dispute resolution, (b) return for another family management conference, (c) attend a family settlement conference, (d) attend a trial preparation conference, or (e) attend a hearing or trial.	Part of the purpose of the family management conference is to identify next steps for the parties. This rule articulates the various forms of attendance that may be required after a family management conference. Under the existing rules, a judge may make an order or give directions as the judge considers necessary or appropriate. The proposed rules carry this language forward with respect to judges (rule 54), but limit family justice managers to making orders only. This is to make it very clear that if a family justice manager requires a person to attend, in the form of an order, it is reviewable by a provincial court judge.
Review of orders or directions **61** (1) A party may, with permission of a judge, seek review of an order or direction made by a family justice manager under these rules by filing the following within 14 days after the date that the order or direction was made: (a) an application for review in Form 10 *[Application for Review]*; (b) a copy of the order or direction to be reviewed; (c) any supporting evidence or documents. (2) The party seeking review of an order or direction must serve the documents filed under subrule (1) on each other party at least 7 days before the date referred to in the application for the court appearance. (3) In granting permission for review of an order or direction, a judge may consider if (a) the order or direction conflicts with any other order or direction in respect of the parties, (b) the order or direction is correct, and (c) the proposed review involves matters of sufficient importance.	This rule explains the process for a party to request a review of an order or direction made by a family justice manager. The rule provides criteria for a judge to consider in granting permission for review.

(4) A judge who grants permission for review of an order or direction may do the following: (a) impose any appropriate terms for the review; (b) give directions about notice of the hearing of the review.	
PART 5 – READINESS HEARINGS **Division 1 – Attending Readiness Hearings**	This Part is new and sets out the rules pertaining to Readiness Hearings.
Application of Part **62** The rules set out in this Part apply in registries other than case management registries set out in rule 3 (b) *[Parts that apply in certain registries]*.	This rule is new and sets out that the rules in this Part apply in registries other than case management registries.
Readiness hearings **63** A readiness hearing is a summary process in which a judge may make (a) case management orders and directions, including orders and directions under Division 2 *[Case Management Orders]* of Part 6 to ensure that a file is ready to proceed to the next step in the court process, and (b) any directions or orders under this Part.	This new rule sets out that the readiness hearing is a summary process and outlines that a judge may make case management orders and any other directions or orders under this Part. Readiness hearings take the place of first appearances ("family remand") in registries other than case management registries.
Division 2 – Scheduling Readiness Hearings	This division explains how a readiness hearing is scheduled. The process offers more flexibility to scheduling first appearances than under the existing rules. The new process encourages parties to participate in scheduling, helping to ensure parties and their lawyers are available on the scheduled dates. This process should reduce the number of adjournments that occur because of missed appearances.
Scheduling readiness hearings if reply filed **64** If a family law matter claim and a reply have been filed and the parties have met all applicable initial requirements under rule 9 *[initial requirements for certain registries]*, the registry must provide the parties with information about the procedure for scheduling a	Existing rule 6(1) sets out how the registry notifies parties when a first appearance has been set. To make appearances more meaningful, readiness hearings may not be automatically scheduled. This rule explains that the registry must inform the parties about how a readiness hearing is scheduled once a claim and reply have been filed and initial

readiness hearing.	requirements have been met. The specific practice for scheduling may vary from registry to registry.
Scheduling readiness hearings if no reply filed **65** When a party has filed a family law matter claim and (a) a reply has not been filed, (b) based on the certificate of service, at least 21 days have passed since the family law matter claim was served, and (c) the party has met all applicable initial requirements under rule 9 *[initial requirements for certain registries]*, the registry must provide that party with information about the procedure for scheduling a readiness hearing.	This new rule sets out how a readiness hearing is scheduled if no reply has been filed. A party has 21 days to file a reply. If no reply is filed, and as long as initial requirements have been met, the registry will provide the party who filed the claim with information on how to schedule a readiness hearing.
Division 3 – Attendance and Procedural Matters for Readiness Hearings	This division explains who must attend a readiness hearing, information, and evidence requirements for parties, procedures where more than one year has passed without a final order, and what may happen at a readiness hearing.
Attendance at readiness hearing **66** If a readiness hearing is scheduled, all parties to a family law matter claim must attend the readiness hearing.	This new rule sets out that all parties are obligated to attend a scheduled readiness hearing.
Lawyer attendance at readiness hearing **67** A lawyer for each party may attend a readiness hearing with the party.	Rule 67 explains that parties who are represented by a lawyer may choose whether their lawyer also attends.
Readiness hearing may proceed **68** A readiness hearing may proceed without a party who (a) does not file a reply, or (b) does not attend.	This new rule sets out the two conditions when a hearing may proceed without a party: where a party does not file a reply and where they fail to attend the hearing. One party cannot delay another party seeking resolution by not filing a reply or attending the readiness hearing. Orders can be made in a party's absence.
Information presented in readiness hearings **69** For the purposes of a readiness hearing, the parties may	This new rule sets out the types of information and evidence that may be required at a readiness hearing.

be required to provide the following for consideration by the judge: (a) information provided in a filed family law matter claim, reply and reply to counterclaim, if any; (b) evidence provided in a financial statement; (c) evidence given orally on oath or affirmation; (d) affidavit evidence; (e) submissions.	
Intention to proceed – readiness hearing **70** (1) A notice of intention to proceed must be filed in accordance with subrule (2) if (a) a party has filed a family law matter claim, (b) there is no final order in respect of the claim, and (c) more than one year has passed since the parties have taken any step under these rules. (2) If subrule (1) applies, before a party may proceed, (a) the party must file a notice of intention to proceed in Form 2 *[Notice of Intention to Proceed]*, serve it on each other party and file a certificate of service, and (b) the parties must participate in a readiness hearing.	This new rule establishes that if a party has reached the stage where a party has filed a family law matter claim, there has been no final order, and over the course of one year there has been no action taken under the rules, the next step to refresh the process will be a notice of intention to proceed. Such notice will prompt a return to a readiness hearing where the judge will help determine the next steps for re-entering the process. The ability to refresh the process following a time lapse is important as family dynamics and finances can change significantly in a year.
Division 4 – Proceedings in Readiness Hearings	
Completion of requirements **71** A judge at a readiness hearing may make an order that a party complete the following, as applicable: (a) the early resolution requirements under rule 12 *[early resolution requirements]*; (b) the family justice registry requirements under rule 106 *[requirements in family justice registries]*; (c) the parenting education program registry requirements under rule 115 *[requirements in parenting education program registries]*.	This new rule underscores that, at a readiness hearing, parties who have not completed any applicable initial requirement may be ordered to do so.
Interim orders **72** A judge at a readiness hearing may make interim	This new rule establishes that a judge can make interim orders at a readiness hearing and that the

orders, including interim orders about one or more of the following: (a) parental responsibilities; (b) parenting time; (c) child support; (d) contact with a child; (e) guardianship of a child; (f) spousal support.	interim order may address issues around parenting arrangements, contact, support, and guardianship.
Interim orders for guardianship **73** (1) A judge at a readiness hearing may make an interim order for guardianship under section 51 *[orders respecting guardianship]* of the *Family Law Act* without an affidavit in Form 5 *[Guardianship Affidavit]* having been filed if the judge is satisfied that it is in the best interests of the child that an interim order for guardianship be made before that affidavit is filed. (2) An interim order for guardianship under subrule (1), unless renewed by a judge, (a) may not exceed a term of 90 days after the date the order is made, and (b) if no term is specified, expires 90 days after the date the order is made.	This rule sets guidelines around an interim order for guardianship and focuses on the best interests of the child and resembles the existing rule 18.1 provisions around interim orders. Subrule 2 sets out that an interim order must be renewed after 90 days or it will expire automatically.
Consent orders **74** A judge at a readiness hearing may make orders with the consent of the parties, including final orders about one or more of the following: (a) parental responsibilities; (b) parenting time; (c) child support; (d) contact with a child; (e) guardianship of a child; (f) spousal support.	
Conduct orders **75** A judge at a readiness hearing may make any conduct order that may be made under Division 5 *[Orders Respecting Conduct]* of Part 10 *[Court Processes]* of the *Family Law Act*, including the following: (a) prohibiting a party from making an application respecting any matter over which	Conduct orders often assist in facilitating settlement or managing behaviours that might frustrate the resolution of a family law matter. This rule lists some of the more likely conduct orders that a judge would make at a readiness hearing, while giving the judge authority to make any conduct order under the *Family Law Act*.

a parenting coordinator has authority to act under an agreement or order, other than an application to change or set aside a parenting coordinator determination, without permission of the judge, under section 223 *[orders respecting case management]* of the *Family Law Act*; (b) requiring the parties to participate in family dispute resolution, under section 224 (1) (a) *[orders respecting dispute resolution, counselling and programs]* of the *Family Law Act*; (c) requiring one or more of the parties, or a child, to attend counselling, specified services or programs, under section 224 (1) (b) of the *Family Law Act*; (d) allocating or requiring one party to pay the fees related to the family dispute resolution, counselling, specified services or programs, if the party is ordered to attend, under section 224 (2) of the *Family Law Act*; (e) setting restrictions or conditions respecting communication between parties, including respecting when or how communications may be made, under section 225 *[orders restricting communications]* of the *Family Law Act*, unless it would be more appropriate for a protection order to be made by a judge under Part 9 *[Protection from Family Violence]* of that Act; (f) reporting to the court or to a person named by the judge at the time and in the manner specified, under section 227 *[other orders respecting conduct]* of the *Family Law Act*.	This proposed rule builds substantially on the existing rule 6(3)(i).
Orders made in the absence of party **76** (1) A judge at a readiness hearing may make an order, including a final order, in the absence of a party. (2) If an order is made under subrule (1), to apply to change, suspend or cancel the order, the absent party must file and serve on each other party the following at least 7 days before the date referred to in the application for the court appearance: (a) an application for case management order in Form 9 *[Application for Case Management Order]*; (b) any supporting evidence or documents.	This new rule authorizes judges to make orders, including final orders, in the absence of a party at a readiness hearing. It also explains the process for a party to apply to change, suspend, or cancel an order made in their absence, and the circumstances in which a judge is authorized to change, suspend, or cancel an order. This rule builds on the existing rule 20 (4).

(3) A judge may change, suspend or cancel an order made in the absence of a party if the judge determines that (a) there is a good reason to change, suspend or cancel the order, and (b) the absent party applied in accordance with subrule (2) within a reasonable time.	
Directions or orders to attend **77** A judge at a readiness hearing may direct or order that a party (a) participate in consensual dispute resolution, (b) attend another readiness hearing, (c) attend a family settlement conference, (d) attend a trial preparation conference, or (e) attend a hearing or trial.	Part of the purpose for the readiness hearing is to identify next steps for the parties. This new rule articulates the various forms of attendance that may be required after a readiness hearing.
PART 6 – APPLYING FOR OTHER ORDERS **Division 1 – General**	Part 6 sets out the rules for applying for orders other than orders requested as part of a family law matter claim (Part 3). The orders included in this part are matters that have been identified as not appropriate for the early resolution process or family law matter claim process, due to either the nature or urgency of the order sought.
Application of Part **78** The rules set out in this Part apply in all registries.	This rule explains that the rules in Part 6 apply in all registries.
Overview of requirements in this Part **79** This Part sets out the rules for how a person applies for one or more of the following orders: (a) case management; (b) protection orders under Part 9 *[Protection from Family Violence]* of the *Family Law Act*; (c) extraordinary parenting matters; (d) relocation; (e) by consent, without a hearing.	This rule sets out the types of orders that can be applied for under this part.

Division 2 – Case Management Orders	This division describes the types of case management orders that can be made by a judge (rule 81) or a family justice manager (rule 82) and identifies which case management orders can be made without notice or attendance (rule 83). Case management orders can be made at any time and are available in all registries. They are not restricted to case management registries or to family management conferences or readiness hearings. However, the model envisions that most case management orders in a case management registry will be made during a family management conference, with or without application. If an application for a case management order in a case management registry is made subsequent to a family management conference or is required prior to the scheduling of a family management conference, an appearance before the court will be scheduled. The appearance may occur in the form of a family management conference or a hearing depending on local practice.
Case management orders at any time **80** Case management orders under this Division may be made at any time.	This rule underscores that case management orders could be made at a family management conference, a readiness hearing, or any other time in the court process.
Case management orders – judge **81** (1) A judge may make one or more of the following case management orders: (a) transferring a court file to another registry for all purposes or specific purposes; (b) adding or removing a party to a case; (c) settling or correcting the terms of an order made under these rules; (d) setting a specified period for the filing and exchanging of information or evidence, including a financial statement in Form 4 *[Financial Statement]*; (e) correcting or amending a filed document, including the correction of a name or date of birth;	This rule sets out the case management orders that can be made by a judge. These types of orders are currently sought using a Notice of Motion. Under the proposed rules, parties who apply for these orders must file and serve an Application for Case Management Order with supporting evidence or documents. This can be found in Form 9. This list differs from the orders that a family justice manager may make under rule 84 in that this list gives judges a broader scope of authority for certain types of orders. It also gives judges authority to make certain types of orders that family justice managers do not have authority to make. The following chart shows how orders in the two lists correspond to each other:

(f) requiring that a parentage test be taken under section 33 *[parentage tests]* of the *Family Law Act*;

(g) specifying or requiring information that must be disclosed by a person who is not a party to a case;

(h) adjourning a conference, hearing or trial;

(i) requiring that a person who prepared a report under section 211 *[orders respecting reports]* of the *Family Law Act* attend a trial as a witness;

(j) respecting the conduct and management of a case, including pre-trial and trial process and evidence disclosure, as set out in rule 126 (2) (c) of these rules;

(k) appointing a lawyer for a child;

(l) allowing a person to attend a conference or hearing using electronic communication;

(m) waiving or modifying any requirement related to service or giving notice to a person, including allowing an alternative method for the service of a document;

(n) waiving or modifying any other requirement under these rules, including a time limit set under these rules or a time limit set by an order or direction of a judge, even after the time limit has expired;

(o) requiring access to information in accordance with section 242 *[orders respecting searchable information]* of the *Family Law Act*;

(p) recognizing an extraprovincial order other than a support order.

(2) A party applying for a case management order under subrule (1) must file and serve on each other party and every other person who may be directly affected by the case management order the following, at least 7 days before the date referred to in the application for the court appearance:

(a) an application for a case management order in Form 9 *[Application for Case Management Order]*;

(b) any supporting evidence or documents.

Rule 81 subrule	Corresponding rule 82 subrule	Difference between rule 81 and rule 82
a	a	No difference
b		Omitted in rule 84
c	b	Reduced scope in rule 84
d	c	No difference
e	d	No difference
f	e	No difference
g	f	No difference
h		Omitted in rule 84
i		Omitted in rule 84
j		Omitted in rule 84
k		Omitted in rule 84
l	g	Reduced scope in rule 84
m	h	No difference
n	i	Reduced scope in rule 84
o	j	No difference
p		Omitted in rule 84

Case management orders – family justice manager

This rule sets out the case management orders that can be made by a family justice manager.

82	(1) A family justice manager in a case management registry may make one or more of the following case management orders: (a) transferring a court file to another registry for all purposes or specific purposes; (b) settling or correcting the terms of an order made by a family justice manager under these rules; (c) setting a specified period for the filing and exchanging of information or evidence, including a financial statement in Form 4 *[Financial Statement]*; (d) correcting or amending a filed document, including the correction of a name or date of birth; (e) requiring that a parentage test be taken under section 33 *[parentage tests]* of the *Family Law Act*; (f) specifying or requiring information that must be disclosed by a person who is not a party to a case; (g) allowing a person to attend a conference or hearing using electronic communication, if the conference or hearing is before a family justice manager; (h) waiving or modifying any requirement related to service or giving notice to a person, including allowing an alternative method for the service of a document; (i) waiving or modifying any requirement under Parts 1 *[Purpose and Interpretation]* to 4 *[Family Management Conferences in Case Management Registries]* that is within the jurisdiction of a family justice manager, including any related time limit set by an order or direction of a family justice manager, even after the time limit has expired; (j) requiring access to information in accordance with section 242 *[orders respecting searchable information]* of the *Family Law Act*. (2) A party applying for a case management order under subrule (1) must file and serve on each other party and every other person who may be directly affected by the case management order the	These types of orders are currently sought using a Notice of Motion. Under the proposed rules, parties who apply for these orders must file and serve an Application for Case Management Order with supporting evidence or documents in Form 9. Refer to chart in the explanation for rule 81 for how this list corresponds to the case management orders that a judge can make.

following, at least 7 days before the date referred to in the application for the court appearance: (a) an application for a case management order in Form 9 *[Application for Case Management Order]*; (b) any supporting evidence or documents.	
Case management orders – without notice or attendance **83** (1) A party may apply for the case management orders described in rules 81 (1) (l) to (p) *[case management orders – judge]* and 82 (1) (g) to (j) *[case management orders – family justice manager]* without notice to any other parties or without attending before the court by filing an application for case management order without notice or attendance in Form 11 *[Application for Case Management Order Without Notice or Attendance]*. (2) A judge or family justice manager considering an application under this rule for a case management order without notice or attendance may do any of the following: (a) approve and sign the order without the attendance of the parties; (b) give directions to obtain further information or evidence, including a direction requiring that the parties attend court; (c) require that notice be given to any other parties; (d) reject the application with reasons. (3) If a case management order is made without notice under this rule, the party who applied for the order must serve on each other party the following: (a) the case management order that is made; (b) the application for the case management order without notice or attendance; (c) any supporting evidence or documents.	This section sets out that a subset of the case management orders listed in the previous sections can be applied for without notice to the other party(ies) or without attending before the court, using Form 11. Judges may review applications under this rule for orders listed in rule 81 (1) (l) to (p), while family justice managers may review applications under this rule for orders listed in rule 82 (1) (g) to (j). The section also explains how to apply. This rule is carried over from section 43 of Appendix B of the PCFR.
Division 3 –Protection Orders	Division 3 sets out the procedures for obtaining, changing and terminating protection orders under Part 9 [*Protection from Family Violence*] of the *Family Law Act*.

	An application for a protection order can be made before complying with any initial family law matter requirements. A new form 12 (Application About a Protection Order) is required for applications about protection orders. At least seven days' notice is required, but a party can apply to have this requirement waived. New procedures for terminating a protection order are included to improve enforcement of protection orders. There is no limit on protection order applications.
Priority – protection orders **84** If a party is applying for both an order about a protection order under Part 9 *[Protection from Family Violence]* of the *Family Law Act* and an order about a family law matter, the application for the order about the protection order may be made before complying with the following, as applicable: (a) the early resolution requirements under rule 12 *[early resolution requirements]* of these rules; (b) the family justice registry requirements under rule 106 *[requirements in family justice registries]* of these rules; (c) the parenting education program registry requirements under rule 115 *[requirements in parenting education program registries]* of these rules.	This rule underscores that if a party is seeking both an order about a protection order and an order about a family law matter, the application for a protection order can be made before complying with any initial family law matter requirements. This rule has been updated from section 44 of Appendix B of the existing rules.
Applying for *Family Law Act* protection orders or to change or terminate protection orders **85** Subject to rule 87, a person who is applying for an order about the following must file and serve on the other party an application about a protection order in Form 12 *[Application About a Protection Order]* and any supporting evidence or documents: (a) a protection order under section 183 *[orders respecting protection]* of the *Family Law Act*; (b) to change a term or condition of, or to terminate, a protection order under section 187 *[changing or terminating orders respecting protection]* of the *Family Law Act*.	This rule introduces a new form (*Application About a Protection Order*) which, along with supporting evidence or documents, is required to apply for, change or terminate a protection order. The new form includes a guided affidavit so that parties do not need to obtain a separate affidavit when applying for a protection order. This rule has been updated from section 45 of Appendix B of the existing rules.

Protection orders – notifying other party **86** (1) Subject to rule 87, if a person is applying for an order about a protection order under this Division, the person must ensure the personal service of the application and supporting evidence or documents by having an adult who is not a party leave a copy of the application and supporting evidence or documents with the party to be served (a) at least 7 days before the date referred to in the application for the court appearance, or (b) if a period shorter than 7 days is required, in accordance with an order from the court. (2) The adult who serves the application under subrule (1) must complete a certificate of service in Form 7 *[Certificate of Service]* and provide it to the person applying for an order about a protection order.	This rule sets out the notice and service requirements for applications about protection orders. The application and supporting documents must be served with at least 7 days' notice, unless an order specifies otherwise. Rule 87 explains the process for applying for protection orders without notice. Subrule (2) explains that the person serving the application documents must complete a certificate of service and provide it to the person who made the application. This rule has been updated from section 45 of Appendix B of the existing rules.
Protection orders – without notice **87** (1) A person may apply for an order to waive or modify the requirements under rule 86 by filing Form 11 *[Application for Case Management Order Without Notice or Attendance]*. (2) If a judge determines that notice of an application made under rule 85 *[applying for Family Law Act protection orders or to change or terminate protection orders]* should be given to a party, the judge may make any directions the judge considers appropriate, including (a) the date for the hearing, (b) the amount of notice, and (c) how notice must be given.	This rule explains that a person may apply to have their application about a protection order heard without notice. If the judge determines that notice is required, they may give directions as described in (2). Under the existing rule 20 (3), protection orders may be made without notice. This rule has been updated from section 46 of Appendix B of the existing rules.
Evidence at protection order hearing **88** Evidence at a hearing about a protection order under rule 85 may be given (a) orally on oath or affirmation, or (b) by affidavit.	This rule explains that evidence at a protection order hearing may be given orally on oath or affirmation or by affidavit. The rule is carried over from section 47 of Appendix B of the existing rules.
Form of orders **89** A protection order made under Part 9 *[Protection from Family Violence]* of the *Family Law Act* must be in Form 14 *[Protection Order]* of these rules and does not	This rule specifies the form that is to be used for a protection order.

need to be signed by the parties or their lawyers.	The rule is carried over from rule 18(3.1) and (4) in which only an order prepared by a party's lawyer must sign as approved.
Judge to make new protection order **90** If a judge changes a term or condition of an existing protection order, including an extension of the protection order, the judge must terminate the existing protection order and make a new protection order.	This rule explains that when a term or condition in a protection order is changed, the judge must terminate the existing order and create a new order. The protection order registry and police have advised that, when more than one protection order appears to be in effect, confusion over what terms are enforceable can be a barrier to enforcement. The purpose of this rule, in tandem with rule 90, is to facilitate greater clarity on what terms are enforceable by ensuring that only one protection order is in effect at a given time. The rule is carried over from section 48 of Appendix B of the existing rules.
What happens if protection order is made or changed **91** If a judge makes or changes a protection order in accordance with this Division, a clerk must, as soon as possible, (a) prepare the protection order, unless the judge directs otherwise, (b) provide a copy of the protection order to the protection order registry, (c) serve or provide a copy of the protection order on or to the party against whom the protection order was made or changed, as follows: (i) if that party is present when the order is made or changed, provide the party with the protection order; (ii) if that party is not present when the order is made or changed, arrange for the personal service of the protection order on that party within British Columbia; (iii) if the registry is unable to arrange service under subparagraph (ii), notify the person who obtained the order and that person would subsequently be responsible for service, and	This rule sets out the responsibilities of the clerk when a protection order is made or changed. The clerk is responsible for preparing the protection order and providing copies to the protection order registry, the applicant, and the party against whom the protection order was made. Under the existing rule 18 (2.1), the clerk prepares the protection order unless a judge orders otherwise in order to prevent delays in preparing the order. Rule 90 carries this forward. Subrule (c) formalizes a practice in place since December 2016 of using contracted process servers to serve protection orders on persons against whom the order was made if the person was not present in court when the order was made. The subrule specifies that if the registry is unable to arrange for service, the person who obtained the order must make arrangements for service of the protection order. The rule is carried over from section 49 of Appendix B of the existing rules.

(d) provide a copy of the protection order to the person who applied for the order.	
What happens if protection order is terminated **92** If a judge terminates a protection order, a clerk must, as soon as possible, (a) prepare the order terminating a protection order in Form 13 *[Order Terminating a Protection Order]*, unless the judge directs otherwise, (b) provide a copy of the termination order to the protection order registry, and (c) provide a copy of the termination order to the parties.	This new rule sets out the responsibilities of the clerk when a protection order is terminated. The clerk is responsible for preparing orders terminating protection orders and providing copies to the protection order registry and other parties. The purpose of this rule, in tandem with rule 90, is to facilitate greater clarity on what terms are enforceable by ensuring that only one protection order is in effect at a given time. The rule is carried over from section 50 of Appendix B of the existing rules.
No limitation on protection order applications **93** A person may make subsequent applications about protection orders, including in the following circumstances: (a) an earlier application for a protection order was denied or dismissed; (b) the protection order has expired; (c) the protection order has been changed or terminated.	This rule underscores that there is no limitation on protection order applications. It is an updated version of section 52 in Appendix B of the existing rules. Organizations that assist people with obtaining protection orders have advised that individuals at risk of violence may be unaware that they can apply for subsequent protection orders where an earlier application was denied or where an earlier order is no longer in effect.
Division 4 – Orders About Extraordinary Parenting Matters	Division 4 sets out new procedures for applying for orders about extraordinary parenting matters. These matters are currently addressed through the Notice of Motion process. Extraordinary parenting matters are defined in rule 2 (1) of the proposed rules. The purpose of these orders is to provide timely access to the court on specific parenting matters, such as consent for medical treatment, license and passport applications, interjurisdictional matters, and preventing removal of a child that are urgent or time sensitive. An application for an order about extraordinary parenting matters can be made without complying with any initial family law matter requirements. A new form (Application About Extraordinary Parenting Matter) is required. At least seven days'

	notice is required, although a party can apply to have this requirement waived. Notice and service requirements are explained.
Priority – extraordinary parenting matters **94** If a party is applying for both an order about an extraordinary parenting matter and an order about a family law matter, the application for the order about the extraordinary parenting matter may be made before complying with the following, as applicable: (a) the early resolution requirements under rule 12 *[early resolution requirements]*; (b) the family justice registry requirements under rule 106 *[requirements in family justice registries]*; (c) the parenting education program registry requirements under rule 115 *[requirements in parenting education program registries]*.	This updated rule underscores that if a party is seeking both an order about a family law matter and an order about an extraordinary parenting matter, the application for the latter can be made before complying with any initial family law matter requirements.
Applying for orders about extraordinary parenting matters **95** Subject to rule 97, a party who is applying for, or applying to change a term or condition of or to cancel, an order about an extraordinary parenting matter must file and serve on each other party, (a) the application for an order about an extraordinary parenting matter in Form 15 *[Application About Extraordinary Parenting Matter]*, and (b) any supporting evidence or documents.	This rule sets out the required procedure and form for a party to apply for an order about extraordinary parenting matters. It is carried over from section 54 in Appendix B of the existing rules.
Extraordinary parenting matters – notifying other party **96** (1) Subject to rule 97, if a party is applying for an order about an extraordinary parenting matter, the party must ensure that the application and supporting evidence or documents are served as follows: (a) if there is an address, an email address or a fax number provided for the address for service on the court file for the party to be served, there may be service (i) by leaving the documents at the party's address for service,	This rule sets out the notice and service requirements when applying for an order about extraordinary parenting matters. The application and supporting documents must be served with at least 7 days' notice, unless an order specifies otherwise. Rule 97 explains the process for applying for an order about extraordinary parenting matters without notice. This rule is substantially updated from section 55 in Appendix B of the existing rules.

(ii) by mailing the documents by ordinary mail to the party's address for service, (iii) by emailing the documents to the party's email address, or (iv) by faxing the documents to the party's fax number; (b) if there is no address for service on the court file for the party to be served, there may be personal service (i) by having an adult who is not a party leave the documents with the party to be served, or (ii) as otherwise ordered for the service of the application and supporting evidence or documents. (2) An application and supporting evidence or documents must be served (a) at least 7 days before the date referred to in the application for the court appearance, or (b) if a period shorter than 7 days is required, in accordance with an order from the court. (3) An adult who serves documents under subrule (1) must complete a certificate of service in Form 7 *[Certificate of Service]* and provide it to the person applying for an order about an extraordinary parenting matter.	
Extraordinary parenting matters – without notice **97** (1) A party may apply for an order to waive or modify the requirement under rule 96 to serve another party by filing Form 11 *[Application for Case Management Order Without Notice or Attendance]*. (2) If a judge determines that notice of an application made under rule 95 *[applying for orders about extraordinary parenting matters]* should be given to a party, the judge may make any directions the judge considers appropriate, including (a) the date for the hearing, (b) the amount of notice, and (c) how notice must be given.	This rule sets out the process for applying for an order about extraordinary parenting matters to be heard without notice. If the judge determines that notice is required, they may give directions as described in subrule (2). This rule is updated from section 56 in Appendix B of the existing rules.

Presenting evidence – extraordinary parenting matters **98** Evidence at a hearing about an extraordinary parenting matter under rule 95 may be given (a) orally on oath or affirmation, or (b) by affidavit.	This rule explains that evidence at an extraordinary parenting matter hearing may be given orally on oath or affirmation, or by affidavit. This rule is carried over from section 57 in Appendix B of the existing rules.
Division 5 – Orders about Relocation	Division 5 sets out a new process for applying for an order prohibiting the relocation for a child under section 69 of the *Family Law Act*. These orders are currently sought using the Notice of Motion process.
Applying for orders about relocation **99** A party who is applying for an order under section 69 *[orders respecting relocation]* of the *Family Law Act* prohibiting the relocation of a child must file and serve the following on each other party, at least 7 days before the date referred to in the application for the court appearance: (a) an application for an order prohibiting the relocation of a child in Form 16 *[Application for Order Prohibiting the Relocation of Child]*; (b) a copy of the applicable written agreement or order referred to in section 65 *[definition and application]* of the *Family Law Act*; (c) a copy of, or the details about, the notice of relocation described in section 66 *[notice of relocation]* of the *Family Law Act*.	This rule sets out the process for applying for an order prohibiting the relocation of a child. At least 7 days' notice is required, along with a new form (*Application for Order Prohibiting the Relocation of Child*) and supporting documents as listed in subrules (b) and (c). This rule is updated from section 58 in Appendix B of the existing rules.
Division 6 – Consent Orders	Court users have described the process for applying for consent orders under the existing rules as cumbersome. The proposed rules seek to streamline the process. Rules 100 and 101 set out the process for applying for a consent order about a family law matter. Rule 102 sets out the process for applying for a consent order about case management. Rule 103 sets out processes that apply to consent orders generally.
Applying for consent orders about family law matters without hearing **100** The parties who are applying for an order about a family law matter by consent without attendance at	This rule explains that parties can apply for a consent order about a family law matter without attendance at court by filing an application using the specified form

court must file the following: (a) an application for a consent order in Form 17 *[Application for a Family Law Matter Consent Order]*; (b) a draft consent order in Form 18 *[Consent Order]* signed by the parties or their lawyers; (c) any applicable additional documents, as described in rule 27 *[additional documents when applying for certain orders]*, in accordance with rule 28 *[time periods in relation to orders about guardianship]*.	along with a draft consent order and any applicable additional documents. This rule is updated from section 59 in Appendix B of the existing rules.
Consideration of consent orders **101** A judge considering an application for a family law matter consent order may do the following: (a) approve and sign the consent order without the parties' attendance at court; (b) give directions to obtain further information or evidence, including to require that the parties attend court; (c) make changes to the draft consent order and require that the parties attend the registry to review and sign the changes; (d) reject the application with reasons.	This rule sets out the options available to a judge when considering an application for a consent order about a family law matter. This rule is updated from section 60 in Appendix B of the existing rules.
Applying for consent orders about case management **102** (1) The parties applying for a consent order about a case management order must file an application for a case management order in Form 9 *[Application for Case Management Order]* and must specify in that form whether the parties are requesting a court appearance. (2) If the parties specify in Form 9 that they are not requesting a court appearance, the parties must file a draft consent order in Form 18 *[Consent Order]* signed by the parties or their lawyers. (3) A judge or family justice manager considering an application for a consent order about a case management order may do the following: (a) approve and sign the consent order without the parties' attendance at court; (b) give directions to obtain further information or evidence, including to require that the parties attend court;	This rule explains that parties can apply for a consent order about case management by filing an application using the specified form and indicating whether they wish to attend court. If they do not wish to attend court, they must also file a draft consent order. This rule also sets out the options available to a judge or family justice manager when considering an application for a consent order about case management. This rule is updated from section 63 in Appendix B of the existing rules.

(c) make changes to the draft consent order and require that the parties attend the registry to review and sign the changes; (d) reject the application with reasons.	
General process for consent orders **103** (1) If an application is made for a consent order without the attendance of the parties at court, a clerk must place the application, draft consent order and supporting documents before a judge, or a family justice manager if the consent order is within the jurisdiction of the family justice manager, who may (a) approve and sign the consent order without the parties' attendance at court, (b) require a party to file additional information or evidence, or (c) direct that the parties, and any other person specified by the judge or family justice manager, attend before the judge or family justice manager to explain why the order should be made. (2) If a direction is given under subrule (1) (c), the parties and any other person specified by the judge or family justice manager must be notified by the clerk and the notification must include the date, time and place for the court attendance and any other information in the direction. (3) If a consent order is made, a clerk must provide a filed copy of the consent order to the parties or their lawyers. (4) Parties who have applied for a consent order and have had their application rejected must include a copy of the reasons for rejection with subsequent related applications for consent orders.	This rule sets out processes that apply to consent orders generally. Subrules (1), (2), and (3) set out the responsibilities of the clerk, where an application is made for a consent order without the attendance of the parties, to place the application and supporting documents before a judge, and to notify the parties and any other specified parties of any direction made by the judge. The clerk must also provide a copy of any consent order made to the parties or their lawyers. Subrule (4) explains that, when applying for a consent order after a previous application has been rejected, parties must include a copy of the reasons for the rejection with their subsequent application. This rule is updated from section 64 in Appendix B of the existing rules.
Consent orders at any time **104** The parties may consent to an order at any time during a conference, hearing or trial by providing any evidence of the consent that the judge or family justice manager may require.	This rule is new and is intended to underscore the party-driven nature of the rules. It stresses for parties that, despite the processes set out in the rules, they are able to consent to the making of an order at any time.
PART 7 – FAMILY JUSTICE REGISTRIES	Part 7 sets out the rules for Family Justice Registries. This carries forward the requirements under Rule 5 in the existing rules.

	Rule 106 explains that parties must individually participate in a needs assessment before a family justice counsellor prior to appearing before a judge in a readiness hearing or family management conference. Rules 107 and 108 provide exceptions to this requirement. Rules 110 and 111 explain what happens after the needs assessment has been completed.
Application of Part **105** The rules set out in this Part apply in the following family justice registries, as set out in rule 3 (c): (a) Kelowna; (b) Nanaimo; (c) Surrey; (d) Vancouver (Robson Square).	This rule explains that Part 7 applies to family justice registries, as set out in rule 3 (c). As and when funding becomes available additional registries may be added.
Requirements in family justice registries **106** (1) Before attending a family management conference under Part 4 *[Family Management Conferences in Case Management Registries]* or a readiness hearing under Part 5 *[Readiness Hearings]*, parties seeking resolution of a family law matter in a family justice registry must meet the requirements described in subrule (2). (2) Unless otherwise provided in these rules, each party must participate individually in a needs assessment conducted by a needs assessor for the following: (a) assistance with identifying legal and non-legal needs; (b) information about resolving issues, including (i) how to resolve family law matters and other issues out of court, and (ii) next steps in the court process; (c) provision of (i) a referral to an appropriate parenting education program, or (ii) an exemption from a parenting education program under Part 8 *[Parenting Education Program Registries]*;	This rule explains that, in family justice registries, parties must individually participate in a needs assessment conducted by a family justice counsellor prior to attending a family management conference or readiness hearing. Exceptions to this requirement are provided in rules 107 and 108. Note that a family justice registry may also be designated as a case management registry and/or parenting education registry. Parties will also need to comply with other requirements provided in rule 9 if applicable. Subrule (2) lists the types of needs that are assessed and services that are provided in the needs assessment. This rule is updated from section 10 in Appendix B of the existing rules.

(d) referrals to other resources, including where and how (i) to seek legal advice, (ii) to access legal information, (iii) to access resources for issues that are not legal in nature, and (iv) to access resources for children dealing with family changes; (e) referrals to consensual dispute resolution or to another family dispute resolution professional, if appropriate; (f) assessment of any risk of family violence; (g) referrals to other resources for individuals and families experiencing or concerned about family violence.	
Exceptions to family justice registry requirements **107** The family justice registry requirements described in rule 106 (2) (a) do not apply if the family law matter claim is only for support and that party has assigned support rights to the government under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*, (b) cease to apply if the court file for the case is transferred under rule 81 *[case management orders – judge]* or 82 *[case management orders – family justice manager]* to a registry that is not a family justice registry, and (c) are not required if a party is only applying for one or more orders under Part 6 *[Applying for Other Orders]*.	This rule explains that the requirement to attend a needs assessment set out in rule 106 does not apply if the file is transferred to a registry that is not a family justice registry or if the application only concerns matters listed in subrule (b). This rule substantially carries forward existing subrule 5 (2).
Certain parties exempt from requirements **108** A party who is the government, a ministry or a public officer is not required to meet the requirements that apply to a party under this Part.	This rule exempts government parties from the needs assessment and referral requirements. Early resolution registries, family justice registries and parenting education registries all contemplate services which assist family members to resolve their private disputes. They are not services that apply towards a public body or government employee who may be involved in an aspect of a family law case. This rule carries forward existing subrule 5 (11).

First referral by clerk **109** After a party files a family law matter claim or a reply to a family law matter claim, a clerk must refer the parties to a needs assessor for a needs assessment under rule 106 *[requirements in family justice registries]*.	This rule sets out the responsibilities of the clerk to refer parties to a family justice counsellor for a needs assessment following the filing of a claim or reply on a family law matter claim. This rule carries forward existing subrule 5 (3).
Requirements to be met and referral to judge **110** At any time after participating in a needs assessment with a needs assessor, a party may do one or both of the following: (a) request to attend court on one or more issues in the case by filing a referral request in Form 19 *[Referral Request]*; (b) apply for a consent order under rule 100 *[applying for consent orders about family law matters without hearing]*.	This rule sets out that the referral request, as is currently used in Rule 5 registries, will continue to operate in family justice registries under the new rules. A referral request is required where a party seeks to have unresolved matters heard before a judge. A party may request to attend court and/or apply for a consent order at any time following their needs assessment. This rule updates the existing subrule 5 (5).
Scheduling family management conferences or readiness hearings **111** After the parties have filed a referral request in Form 19 *[Referral Request]*, the registry must provide the parties with information about the procedure for scheduling (a) a family management conference under Part 4 *[Family Management Conferences in Case Management Registries]*, or (b) a readiness hearing under Part 5 *[Readiness Hearings]*.	This new rule sets out how a family management conference or readiness hearing will be scheduled after a referral request has been filed. The registry will provide the parties with information on the scheduling procedure.
PART 8 – PARENTING EDUCATION PROGRAM REGISTRIES	This part sets out the rules that apply in parenting education program registries. Much of this rule carries forward provisions in the existing rule 21 although there are some changes noted below. Parties in a parenting education registry must attend a parenting education program prior to attending a family management conference or readiness hearing unless they are exempt for one of the reasons provided (rule 115). A family management conference or readiness hearing cannot be scheduled until at least one party has filed proof of completion

	of the program or filed a Notice of Exemption from Parenting Education Program (rule 118).
Application of Part **112** The rules set out in this Part apply in the following parenting education program registries, as set out in rule 3 (d): (a) Abbotsford; (b) Campbell River; (c) Chilliwack; (d) Courtenay; (e) Kamloops; (f) Kelowna; (g) Nanaimo; (h) New Westminster; (i) North Vancouver; (j) Penticton; (k) Port Coquitlam; (l) Prince George; (m) Richmond; (n) Surrey; (o) Vancouver (Robson Square); (p) Vernon.	This rule explains that Part 8 applies to parenting education program registries, as set out in rule 3 (d). As and when funding becomes available additional registries may be added. Note that the Victoria registry still has a parenting education program requirement but it is governed by Part 2 the early resolution registry rule which has slightly different requirements.
Purpose **113** The purpose of this Part is to promote the best interests of children by providing a parenting education program to persons who are in a dispute over child-related issues.	This rule underscores that the purpose of the parenting education program is to promote the best interests of children. This carries forward subrule 21 (2) of the existing rules.
Definition **114** In this Part, **"certificate of completion"** means a certificate issued on behalf of the Ministry of Attorney General attesting that the person named has completed a parenting education program.	This rule defines the term "Certificate of Completion" in the context of parenting education program registries. This replaces the existing term Certificate of Attendance.
Requirements in parenting education program registries **115** (1) Before attending a family management conference or readiness hearing about a family law matter claim, each party must complete a parenting education program unless a local manager of the Family Justice Services Division	This rule explains that a party must complete the parenting education program prior to attending a family management conference or readiness hearing, unless they are exempt under subrule (1) or (2).

of the Ministry of Attorney General or a designate of the local manager, exempts that party because (a) the family law matter is related only to spousal support, (b) every child involved in the family law matter has reached 19 years of age, (c) the party resides in a community where the parenting education program is not offered in person and the party cannot access an online version, (d) the parenting education program is not offered in a language in which the party is fluent, (e) the party is unable to attend the parenting education program in person and cannot complete an online version due to literacy challenges, (f) the party cannot complete the parenting education program due to a serious medical condition, or (g) a consent order is filed that resolves all issues involving children. (2) To request an exemption from the requirement under subrule (1), a party must submit a request for exemption in Form 20 *[Notice of Exemption from Parenting Education Program]* to the Family Justice Services Division of the Ministry of Attorney General for approval. (3) The requirement under subrule (1) to complete a parenting education program does not apply if (a) the party has already completed the parenting education program in the 2 years before the date of the family management conference or readiness hearing, as applicable, or (b) the claim is for child support only and that party has assigned child support rights to the government under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*.	Subrule (1) (a) to (g) lists circumstances in which a local manager of the Family Justice Services Division may exempt a party from having to complete the parenting education program. Subrule (2) lists circumstances in which a party is exempt from having to complete the parenting education program. See also Rule 117: Parties must file a Certificate of Completion or Notice of Exemption from Parenting Education Program prior to attending a family management conference or readiness hearing. See also rule 118: A family management conference or readiness hearing cannot be scheduled until at least one party has filed a Certificate of Completion or Notice of Exemption from Parenting Education Program. The exemption provisions have been updated from the existing rule 21 to reflect the availability of on-line parenting education.
Certain parties exempt from parenting education program registry requirements **116** A party who is the government, a ministry or a public officer is not required to meet the requirements that apply to a party under this Part.	This rule exempts government parties from the parenting education program requirements. Early resolution registries, family justice registries and parenting education registries all complete services which assist individuals to resolve their private

	disputes and are not intended to be processes for disputes between private citizens and public.
Demonstrating exemption or completion **117** (1) A party who is exempted under rule 115 must file a notice of exemption in Form 20 *[Notice of Exemption from Parenting Education Program]* before attending a family management conference or readiness hearing, as applicable. (2) A party who completes a parenting education program must file a certificate of completion before attending a family management conference or readiness hearing, as applicable.	This new rule explains that a party must file a Certificate of Completion or Notice of Exemption from Parenting Education Program prior to attending a family management conference or readiness hearing.
Requirements to be met before scheduling **118** The registry may schedule a family management conference or readiness hearing only after at least one party has filed, as applicable, (a) a certificate of completion, or (b) a notice of exemption in Form 20 *[Notice of Exemption from Parenting Education Program]*.	This rule explains that a family management conference or readiness hearing cannot be scheduled until at least one party has filed a Certificate of Completion or Notice of Exemption from Parenting Education Program. This rule leaves open the possibility that a family management conference or readiness hearing could be scheduled even if one party is not in compliance with rule 115. The practice will remain the same as it is now: the readiness hearing can be scheduled after one party has filed their Certificate of Completion or exemption form and the rules will say that both parties must complete before appearing.
PART 9 – FAMILY SETTLEMENT CONFERENCES	This Part sets out the rules for Family Settlement Conferences, previously the Family Case Conferences under existing rule 7. Previous Rule 7 provided for case conferences for guardianship, parenting arrangements or contact. The proposed Rule is broader and intended to allow for settlement conferences on support issues, including spousal support.
Application of Part **119** The rules set out in this Part apply in all registries.	This rule sets out that the rules in this Part apply in all registries within the province.
Judge to conduct family settlement conference **120** A family settlement conference must be conducted by	

a judge unless a judge is not available, in which circumstance a family justice manager may conduct the family settlement conference.	This new rule highlights when a judge is not available, a family justice manager may conduct a family settlement conference.
Different judge to conduct family settlement conference **121** A judge who conducts a family settlement conference may conduct a trial in respect of the same issues only if no other judge is reasonably available to conduct the trial.	While it is preferred that a judge who conducts a family settlement conference is not the judge conducting a trial, that restriction is not always practical. This new rule provides that the same judge who does the settlement conference may conduct the trial only if there are no other judges to conduct the trial.
Attendance at family settlement conference **122** (1) If directed or ordered to attend a family settlement conference, the parties must attend and may be accompanied by a lawyer. (2) On request of a party, the judge or family justice manager conducting a family settlement conference may allow a person who is not a party to attend the family settlement conference.	This new rule sets out the requirements for attendance at a family settlement conference. If the parties are directed or ordered to attend a family settlement conference, it is mandatory for them to attend it. If represented, their lawyers may attend. A party may request the judge or family justice manager to grant permission that a person who is not a party be able to attend the family settlement conference as well.
What happens at family settlement conference **123** (1) A judge or family justice manager at a family settlement conference helps the parties try to resolve any issues in dispute by agreement. (2) At a family settlement conference, the judge or family justice manager may do one or more of the following: (a) make any order with the consent of the parties; (b) make a conduct order under Division 5 *[Orders Respecting Conduct]* of Part 10 *[Court Processes]* of the *Family Law Act*; (c) adjourn the family settlement conference for a period or generally for any purpose, including to allow the parties to comply with an order made under paragraph (a); (d) direct or order the parties (i) to participate in consensual dispute resolution, (ii) to attend a further family settlement conference,	This rule sets out the purpose of the family settlement conference. At a family settlement conference, a judge or family justice manager assists the parties in resolving disputes by agreement. Subrule (2) describes the types of orders and directions that a judge can make at a family settlement conference. Subrule (3) sets out the orders that can be made if evidence is not required. Subrule (4) sets out that an order may still be made in the absence of a party under subrule (3) (a) or (b). This rule substantially updates the existing rule 7 (4).

(iii) to attend a trial preparation conference, or (iv) to attend a conference, hearing or trial; (e) make an order for disclosure of information, including financial information, that may assist readiness for a hearing or trial; (f) give a non-binding opinion on the probable outcome of a hearing or trial. (3) At a family settlement conference, if evidence is not required, (a) the judge may make any order that may be made at a family management conference or at a readiness hearing, and (b) the family justice manager may make any order that may be made under rule 82 *[case management orders – family justice manager]* that may assist the parties to resolve any issues in dispute by agreement or may assist in readiness for a hearing or trial. (4) A judge or family justice manager at a family settlement conference may make an order under subrule (3) (a) or (b), as applicable, in the absence of a party.	
PART 10 – TRIALS **Division 1 – Trial Preparation Conferences**	
Application of Part **124** The rules set out in this Part apply in all registries.	This rule explains that the rules in Part 10 apply in all registries.
Who must attend trial preparation conference **125** (1) When directed or ordered to attend a trial preparation conference, the parties or their lawyers, if any, must attend the trial preparation conference in accordance with this rule. (2) If a party is not represented by a lawyer, the party must attend the trial preparation conference. (3) If a party is represented by a lawyer, the party must	This rule sets out who must attend a trial preparation conference. It substantially updates the existing rule 8 (2). A trial preparation conference is not scheduled in all cases; however, subrule (1) explains that when parties are ordered or directed to attend a trial preparation conference, the parties or their lawyers must attend in accordance with this rule. Subrule (2) sets out that if the party is unrepresented, the party must attend the trial preparation conference.

(a) attend the trial preparation conference with the lawyer, or (b) be available for consultation, if the lawyer attends without the party. (4) If a child will be represented by a lawyer at a trial, the lawyer must attend the trial preparation conference.	Subrule (3) set out that if the party is represented, the party must either attend the conference with the lawyer or be available for consultation if the lawyer attends without the party. Subrule (4) sets out that a lawyer of a child must attend the conference if the child will be represented by a lawyer at the trial.
What happens at trial preparation conference **126** (1) The judge in a trial preparation conference (a) sets the time required for the trial and the trial date, (b) determines the evidence to be required at the trial, and (c) establishes the procedure to be followed at the trial. (2) A judge may make any order or give any direction that the judge considers appropriate, including the following: (a) if any applications relating to the case have not yet been heard, requiring that those applications be heard (i) at the trial preparation conference, or (ii) within a period, or by a date, specified by the judge; (b) requiring that the parties file a statement of agreed facts within a period, or by a date, specified by the judge; (c) requiring that a party (i) disclose information, including financial information, that may assist in readiness for trial, (ii) allow inspection or copying of, or bring to trial, specified records that are or have been in the party's possession, power or control, (iii) submit evidence by affidavit at the trial in accordance with any specific directions given by the judge, or (iv) serve on each other party a written summary of the proposed evidence of a witness within a period, or by a date, specified by the judge.	This rule sets out what happens during a trial preparation conference. It substantially updates the existing rule 8 (4). Subrule (1) explains the decisions a judge makes during the trial preparation conference to prepare for the trial. Subrule (2) sets out the type of orders a judge may make to prepare for trial, including requiring the parties to file a statement of agreed facts, requiring a party to disclose information such as financial information and submitting evidence by affidavit at the trial. Subrule (3) sets out that a judge may determine if the trial will include any alternative trial processes such as a maximum amount of time for the trial, the type of evidence, a limit on the number of witnesses, and alternative ways to examine and cross-examine parties if family violence is an issue. Subrule (4) sets out that the judge may decide to adjourn the trial.

(3) A judge may determine at a trial preparation conference whether the trial will include any of the following alternative trial processes: (a) the setting of a maximum amount of time for the trial or parts of the trial; (b) the type of evidence to be introduced; (c) a limit on the number of witnesses; (d) if family violence is an issue, alternative ways to examine and cross-examine parties. (4) The judge at a trial preparation conference may, if necessary, adjourn the trial.	
Trial judge and trial preparation conference **127** (1) Subject to subrule (2), the judge who conducts the trial preparation conference is to conduct the trial, if possible. (2) If the judge who conducts a trial preparation conference makes an order, direction or determination (a) that a party submit evidence by affidavit under rule 126 (2) (c) (iii), or (b) about an alternative trial process under rule 126 (3), the same judge must conduct the trial.	Because judges may approach a case in different ways, it is considered important that the judge who conducts the trial preparation conference is the judge who will be presiding over the trial, whenever possible. It is not possible to set a strict requirement given the current method of assignment of judges, which gives the court maximum flexibility in utilizing judicial resources. This new rule sets out that if a judge conducting the trial preparation conference makes an order, direction or determination about an alternative trial process or asks a party to submit evidence by affidavit, the same judge must also conduct the trial. Subrule (1) sets out that if the orders mentioned in subrule (2) have not been made, the same judge should still try to conduct both the trial preparation conference and the trial.
Division 2 – Trial Processes	
Adjourning trial date **128** (1) A party may apply to adjourn a trial under rule 81 *[case management orders – judge]* as follows: (a) if the application is not with the consent of the parties, more than 45 days before the scheduled trial date; (b) if the application is with the consent of the parties, more than 14 days before the scheduled trial date;	There is a provision that if parties consent to an adjournment that an application can be made up to 14 days before the scheduled trial date. If an adjournment application is not with the consent of parties, then the existing 45-day time requirement applies. Parties will be able to file a consent desk order for adjournment, articulating reasons why, at least 14 days before the scheduled trial date or less if there are exceptional circumstances. The process will be under rule 83 *[case management orders]*.

(c) if special circumstances apply, by court order, at any time. (2) Without an application by a party, the judge may adjourn a trial at any time.	Subrule (2) sets out that a judge may adjourn a trial at any time, even if a party has not filed an application. This rule is substantially updated from the existing rule 11 (1).
Child's evidence **129** A trial judge may admit a child's evidence about a family law dispute, including hearsay evidence, in accordance with section 202 *[court may decide how child's evidence is received]* of the *Family Law Act*, in the manner that the trial judge considers appropriate.	This new rule explains that a judge may admit evidence of a child, in the form that the judge determines appropriate.
Reports under section 211 of *Family Law Act* **130** If a report is prepared under section 211 *[orders respecting reports]* of the *Family Law Act*, the report must (a) include the name and address for service of the person who prepared the report, (b) include the person's qualifications, employment and educational experience, and (c) unless otherwise ordered, be filed and served on all the parties at least 30 days before the date set for the trial.	This rule sets out the procedure around a report prepared under section 211 of the FLA. The report must include the name, address and qualifications of the person preparing the report, and be filed at least 30 days before trial. This rule is updated form the existing rule 11 (1.1).
Applications related to reports under section 211 of *Family Law Act* **131** (1) If an application under rule 81 *[case management orders – judge]* is made for an order that a person who prepared a report under section 211 *[orders respecting reports]* of the *Family Law Act* attend a trial, that person must be served with the application and supporting documents. (2) A person who prepared a report under section 211 of the *Family Law Act* may (a) attend a conference or hearing, (b) file submissions on availability for a trial, or (c) file any other information relevant to that person's attendance to assist with the trial judge's consideration of the application described in subrule (1).	This rule sets out that if an order is made for a person who prepared a report under s. 211 of the FLA to attend the trial, they must be served with the application and supporting documents. Instead of using the existing notice of motion process, these orders will be applied for through a case management order. Subrule (2) sets out that a person who prepared a report under s. 211 of the FLA may attend a hearing, file submissions on trial availability, or file any information relevant to their attendance. Subrule (3) sets out that if a person who prepared a report was directed to attend the trial and the judge determines that their attendance was not necessary, the judge might require the party who called the person who prepared the report to appear as a witness to pay for the costs associated with their attendance.

(3) If a person who prepared a report under section 211 of the *Family Law Act* was directed under an order to attend a trial and the trial judge determines that it was unnecessary to call that person as a witness, the trial judge may order the party who required that person to attend to pay to the other party the reasonable costs associated with that person's attendance.	
Attendance of witnesses **132** (1) A party who requires that a witness attend a hearing or trial must (a) complete a subpoena in Form 21 *[Subpoena to Witness]*, (b) serve the subpoena by personal service on the witness by having an adult leave the subpoena with the witness at least 7 days before the witness is required to attend the hearing or trial, and (c) when the subpoena is served, provide reasonable estimated travelling expenses to the witness. (2) A person who is served with a subpoena must (a) attend the hearing or trial on the date and at the time and place stated on the subpoena, and (b) bring any records and other things required by the subpoena. (3) A person who is served with a subpoena may, with 2 days' notice, apply for the subpoena to be cancelled if the person believes that (a) attendance as a witness should not be required, or (b) it would be a hardship to attend the hearing or trial as required by the subpoena. (4) An application under subrule (3) must be considered by the trial judge, if possible. (5) A judge who cancels a subpoena may make any order or give any directions that the judge considers necessary and advisable in the circumstances, including an order adjourning the hearing or trial.	This rule sets out the requirements that a party must fulfill when it requires a witness to attend court. The party must complete a subpoena to witness in Form 21, serve the subpoena by personal service and provide reasonable estimated travelling expenses to the witness. Subrule (2) sets out what a person served with a subpoena must do. Subrule (3) sets out the circumstances under which a subpoena can be cancelled by the person served with the subpoena if the person believes that their attendance as a witness should not be required or it would bring hardship to attend court. Subrule (4) sets out than an application for cancellation of a subpoena should be heard by the trial judge. Subrule (5) sets out that the judge hearing the application for cancellation of a subpoena may give any directions the judge deems appropriate. The rule condenses existing rule 10 (1) to (5).

If witness does not comply with subpoena

133 (1) A trial judge may issue a warrant in Form 22 *[Warrant for Arrest After Subpoena]* for the arrest of a witness who does not attend court as required by a subpoena if the trial judge is satisfied that

(a) the subpoena was served on the witness,

(b) reasonable travelling expenses were provided to the witness, and

(c) the witness can offer relevant evidence that should be considered in making a decision about one or more of the issues in dispute.

(2) A warrant issued under subrule (1) remains in force until

(a) the witness named in the warrant attends court, whether voluntarily or under the warrant, or

(b) the warrant is cancelled.

(3) A witness who is arrested under a warrant issued under subrule (1) must, as soon as possible, be brought before the trial judge who issued the warrant.

(4) If a trial judge determines that a witness's evidence is still required, the judge may

(a) release the witness on giving the witness a release in Form 23 *[Release from Custody]* requiring the witness to attend court on the date and at the time and place stated in the release, or

(b) order a peace officer to detain the witness in custody until the witness's presence is no longer required.

(5) If it is not possible for the witness referred to in subrule (3) to be brought before the trial judge who issued a warrant under subrule (1) in a timely manner, the witness must be brought before another judge and that judge may

(a) release the witness on giving the witness a release in Form 23 requiring the witness to attend court before the trial judge on the date and at the time and place stated in the release, or

(b) order a peace officer to detain the witness in custody until it is possible for the witness to attend court before the trial judge.

This rule sets out the circumstances during which a judge may issue a warrant for arrest of a witness who fails to attend court after being subpoenaed.

Subrule (2) sets out that a warrant for arrest of a witness mentioned in subrule (1) is effective until the witness attends court, or the warrant is cancelled.

Subrule (3) sets out that a witness arrested under warrant after failing to appear initially, must be brought before a judge as soon as possible.

Subrule (4) sets out that if, after serving a warrant on the witness, the witness's evidence is still required, the trial judge may either release a witness requiring them to attend court on the date specified or detain the witness until they are no longer required.

Subrule (5) sets out that if a witness who was arrested under a warrant issued under subrule (1) cannot be brought before the trial judge in a timely basis, they must be brought before a different judge who may release them with a requirement to appear on a specified date or detain them until they appear before the trial judge.

This rule condenses and updates existing rule 10 (6) to (9).

Requirements for report

134 (1) An expert's report that is to be introduced as evidence at a trial must be signed by the expert and must include the following:

(a) the expert's name, address and area of expertise;

(b) the expert's qualifications, employment and educational experience in the expert's area of expertise;

(c) the instructions provided to the expert about the case;

(d) the nature of the opinion being sought and the issues in the case to which the opinion relates;

(e) the expert's opinion respecting those issues;

(f) the expert's reasons for the opinion, including

(i) a description of the factual assumptions on which the opinion is based,

(ii) a description of any research conducted by the expert that led to the formation of the opinion, and

(iii) a list of the documents, if any, relied on by the expert in forming the opinion.

(2) A party may call an expert to provide opinion evidence only if the party serves a written summary of the expert's evidence on each other party

(a) at least 60 days before the expert is to give evidence, or

(b) within a shorter period if a trial judge shortens the time requirement.

(3) A party may introduce a report stating the opinions of an expert only if the party serves a copy of the report on each other party

(a) at least 60 days before the report is introduced, or

(b) within a shorter period if a trial judge shortens the time requirement.

(4) An expert report may be introduced in court without proof of the expert's signature.

(5) If a party who receives another party's expert report intends to call the expert to attend the trial

This rule sets out the requirements for introducing an expert report at trial. It must be signed by the expert, have the expert's personal details, qualifications, instructions provided to the expert about the case at hand, opinion being sought, expert's opinion on those issues, and the reasons for the opinion. Subrule (1) is a new addition.

Subrule (2) sets out the requirements for calling an expert to provide evidence. This subrule is updated from existing rule 11 (3). A timeframe of 60 days replaces the current limit of 30 days.

Subrule (3) sets out the requirements for introducing a report stating the opinions of an expert. This subrule is updated from existing rule 11 (4). A timeframe of 60 days replaces the current limit of 30 days.

Subrule (4) sets out that an expert report does not need proof of expert's signature before it can be introduced in court. This subrule substantially carries forward existing rule 11 (6).

Subrule (5) sets out that where a party receives another party's expert report (other than a report prepared under section 211 of the *FLA*), it may serve on the other party a notice, at least 30 days before the trial date, requiring the expert to attend trial for cross-examination. This subrule is updated from existing rule 11 (7). A timeframe of 30 days replaces the current limit of 14 days.

for cross-examination, the party must, at least 30 days before the trial date, serve on each other party a notice requiring the expert to attend the trial for cross-examination. (6) If a trial judge determines that it was not necessary to require a party's expert to attend, the trial judge may order the party who required the expert to attend to pay to the other party the reasonable costs associated with that expert's attendance. (7) When giving an opinion to the court under these rules, an expert has a duty to assist the court and is not to be an advocate for any party, whether the expert is appointed by the court or is retained by a party. (8) This rule does not apply to a report under section 211 *[orders respecting reports]* of the *Family Law Act* referred to in rule 130 of these rules.	Subrule (6) sets out that where the trial judge determines that it was not necessary for a party to require an expert to attend trial, the judge may require the party who required their attendance to compensate the other party for costs of attendance. This rule substantially carries forward the existing rule 11 (8). Subrule (7) underscores the role of an expert and that an expert must be impartial. It is a new addition to the rules relating to expert evidence. Subrule (8) is new and exempts reports under section 211 of the *FLA* from this rule.
Obtaining guardianship orders at trial – affidavit **135** (1) If there is a material change in any of the information contained in a party's affidavit relating to guardianship of a child under section 51 *[orders respecting guardianship]* of the *Family Law Act* between the date the affidavit was sworn and the date of the trial, the party must ensure that the affidavit is current as of the date of the trial. (2) If a material change referred to in subrule (1) relates to information contained in any record check attached to an affidavit, the party must (a) obtain a new record check, (b) file a new affidavit, attaching the new record check, and (c) serve a copy of the filed affidavit, with the new record check, on each of the parties and every other person who may be affected by the orders sought. (3) If a material change referred to in subrule (1) relates to information that is not contained in a record check attached to an affidavit, the party must (a) file a new affidavit, describing the material change, and	This rule sets out that parties must ensure that the information in an affidavit in relation to guardianship is current as of the trial date. This resembles the existing rule 18.1(5). Subrule (2) sets out the requirements where a material change in information is contained in a record check attached to an affidavit. The party must obtain a new record check, file a new affidavit along with the new record check and serve a copy of the affidavit with the new record check on each party. Subrule (3) sets out the requirements where the information is not contained in a record check attached to an affidavit. The party must file a new affidavit and serve a copy of the affidavit on all parties affected by the orders.

(b) serve a copy of the filed affidavit on each of the parties and every other person who may be affected by the orders sought.	
Judge may refer calculation of child support **136** At any time during a trial, a judge may refer calculation of child support to a person designated by the Attorney General to provide such assistance and require that the calculation be referred back to the judge.	This rule sets out that a judge may direct a person designated by the Attorney General to calculate child support and refer it back to the judge. This rule substantially carries forward existing rule 11 (9).
Division 3 – Informal Trial Pilot Project Rules	This Part refers to an informal trial procedure that may be implemented as a pilot project in order to determine its application and practicability in BC.
Availability of informal trial **137** (1) If a case is in a registry listed in subrule (2), the court may, with the written consent of the parties, refer the parties to an informal trial. (2) An informal trial is available in the following registries: (a) [registry names to be provided].	This new rule sets out where informal trials are available under the pilot project rules. With both parties' consent, the court may direct them to participate in an informal trial where available.
Informal trial **138** (1) An informal trial is an administrative trial procedure in which the trial judge may take a facilitative role to direct, control and manage the conduct of the trial. (2) An informal trial consists of the following: (a) with the consent of the parties, the referral to the informal trial by the court; (b) an informal trial hearing, which may proceed on more than one hearing date.	This new rule describes what an informal trial is. The judge has discretion over how the trial would be conducted, the witnesses to be presented and any evidence to be introduced, as well as how much weight is attached to each piece of evidence. Subrule (2) sets out that an informal trial consists of a referral to the informal trial by court and an informal trial hearing.
Preliminary matters for informal trial **139** At least 7 days before the first day of an informal trial hearing, each party must file and exchange with each other party (a) a written consent, and (b) any information required by the court.	This new rule sets out that each party must file and exchange with the other party a written consent (to participate in an informal trial process) and any information required by the court, at least 7 days before the first day of the informal trial.

Informal trial **140** (1) At an informal trial, (a) the trial judge (i) explains the informal trial process to the parties and the lawyers for the parties, if any, and (ii) confirms that the parties (A) have elected an informal trial with knowledge and understanding of the process, and (B) have not been threatened to agree to an informal trial or been promised anything in exchange for agreeing to an informal trial,	This new rule sets out the procedure for an informal trial. Subrule (1) (a) sets out that the trial judge explains the process to the parties and their lawyers, confirms that the parties understand the procedure and have not been threatened to agree to participate.
(b) the parties swear or affirm that (i) the information provided under rule 139, and (ii) any statements made during the informal trial are true and may be subsequently used as evidence during the informal trial and trial,	Subrule (1) (b) allows the court at the informal trial, to swear or affirm that the information already exchanged between the parties is true and to put them under oath or affirmation for the informal trial.
(c) the trial judge may request that each party explain the issues in dispute and, during the explanation of each party, the trial judge may inquire about any relevant issue or matter, and	Subrule (1) (c) sets out the process at the informal trial and the role of the judge within that process. The judge may ask the parties to explain the issues in dispute and may inquire into any relevant issues.
(d) at the request of a party or on the trial judge's own initiative, the trial judge may allow a witness other than a party to give evidence, including a report under section 211 *[orders respecting reports]* of the *Family Law Act* or expert evidence.	Subrule (1) (d) further sets out that the judge may allow a witness other than a party to present evidence at the informal trial.
(2) A trial judge at an informal trial may (a) identify the issues to be resolved, (b) make directions or orders regarding the type and form of evidence to be provided and any witnesses needed at trial, (c) make any orders that are required before trial, including (i) a protection order, (ii) any order that may be made at a family management conference, readiness hearing, family settlement conference or trial preparation conference, and	Subrule (2) sets out what a judge may do at an informal trial including what orders or directions the judge may make. Subrule (2) (c) underscores that the trial judge may make a protection order, any order that can be made at family management, family settlement, or trial preparation conference, and a final order under rule 141 (2) (facilitated resolution).

(iii) a final order in respect of a facilitated resolution under rule 141 (2), and (d) make any other interim or final order. (3) A trial judge at an informal trial (a) may admit any evidence that is relevant, material and reliable, even if the evidence might be inadmissible under strict rules of evidence, and (b) must determine the appropriate weight to be given to any particular evidence.	Subrule (3) sets out that the trial judge at an informal trial is able to admit any evidence that is relevant even if it might be inadmissible under strict rules of evidence and must determine the weight given to each piece of evidence.
Facilitated resolution **141** (1) During the informal trial, the trial judge may attempt to facilitate a resolution of some or all of the issues. (2) If the parties reach a facilitated agreement during the informal trial, the trial judge may make a final order on the terms agreed to by the parties.	This new rule sets out that a judge at an informal trial may try to assist parties to reach an agreement. Subrule (2) sets out that the judge may make a final order in the terms agreed to by the parties.
Continuation of hearing in informal trial **142** The continuation of an informal trial must be conducted in accordance with any directions made by the trial judge.	This new rule sets out that the informal trial must be conducted according to any directions made by the trial judge.
Court may direct trial **143** (1) If a trial judge determines at any time before or during an informal trial that the informal trial is inappropriate, the trial judge may direct that a proceeding continue under Division 2 *[Trial Processes]*. (2) If a trial judge makes a direction under subrule (1), (a) the trial judge determines the use to be made of any evidence already entered at the informal trial, if any, and may provide further directions, and (b) the trial judge is seized of the matter and must hear the continuation of the trial.	This new rule sets out that a trial judge may direct that the trial continue as a regular trial under Division 2 of this Part of the rules if the judge determines that the informal trial is not appropriate for the case. If a judge makes an order under subrule (1), they must determine what to do with the evidence that has been provided and provide any directions that will guide the conduct of the trial. Further, the same judge must conduct the rest of the trial.
PART 11 – ENFORCEMENT **Division 1 – Applying for Orders**	Part 11 sets out the rules about enforcement. Division 1 explains how to file a written agreement, parenting coordinator's determination,

	interjurisdictional support order or Supreme Court order (rules 145-147), how to apply for orders about enforcement (rule 148), and how to apply to set aside the registration of an order from another jurisdiction (rule 149). Division 2 deals with orders and agreements under the *Family Maintenance Enforcement Act*.
Application of Part **144** (1) The rules set out in this Part apply in all registries. (2) For certainty, a family justice manager has no authority under this Part.	This rule explains that the rules about enforcement apply in all registries. Subrule (2) underscores that enforcement matters are addressed before a judge rather than before a family justice manager.
Filing agreements **145** A party may file, using Form 24 *[Request to File an Agreement]*, a copy of a written agreement referred to in the following provisions of the *Family Law Act*: (a) section 15 *[when parenting coordinators may assist]*; (b) section 44 (3) *[agreements respecting parenting arrangements]*; (c) section 58 (3) *[agreements respecting contact]*; (d) section 148 (2) *[agreements respecting child support]*; (e) section 163 (3) *[agreements respecting spousal support]*.	This rule is substantially carried forward from existing rule 12(a) and explains how to file the written agreements listed. Applying to enforce a written agreement under rule 148 requires that the agreement be filed.
Filing parenting coordinator's determination **146** A party may file, using Form 25 *[Request to File a Determination]*, a copy of a determination by a parenting coordinator referred to in section 18 *[determinations by parenting coordinators]* of the *Family Law Act*.	This rule is substantially carried forward from the existing rule 12(b) and explains how to file a parenting coordinator's determination. Applying to enforce a parenting coordinator's determination (rule 148) requires that the determination be filed. In the existing rules, there was no specific form for filing a determination.
Filing orders **147** A party may file, using Form 26 *[Request to File an Order]*, a copy of any of the orders described in the following provisions:	This rule is new and explains how to file an interjurisdictional or Supreme Court order. Applying to enforce an order (rule 148) or to set aside the registration of a foreign order (rule 149) requires that the order be filed.

(a) section 18 *[registration of extraprovincial or foreign order]* of the *Interjurisdictional Support Orders Act*; (b) section 195 *[Provincial Court enforcement of Supreme Court orders]* of the *Family Law Act*; (c) Rule 15-3 (6) *[enforcement in Provincial Court]* of the Supreme Court Family Rules.	
Applying for orders about enforcement **148** A party who is applying for an order about any of the following must file and serve on each other party, at least 7 days before the date referred to in the application for the court appearance, an application about enforcement in Form 27 *[Application About Enforcement]*, including a copy of the agreement, determination or order to be enforced: (a) enforcing a filed written agreement or order; (b) enforcing, changing or setting aside a filed determination of a parenting coordinator; (c) setting reasonable and necessarily incurred expenses under any of the following sections of the *Family Law Act*: (i) section 61 *[denial of parenting time or contact]*; (ii) section 212 *[orders respecting disclosure]*; (iii) section 213 *[enforcing orders respecting disclosure]*; (iv) section 228 *[enforcing orders respecting conduct]*; (v) section 230 *[enforcing orders generally]*; (d) determining whether arrears are owing under a support order or agreement made under the *Family Law Act* and, if so, the amount of the arrears.	This new rule sets out the process for applying for orders concerning the matters listed in (a) to (d). These types of orders are currently sought using a Notice of Motion. Under the proposed rules, a new stand-alone form is required.
Applying to change interjurisdictional orders **149** A party who is applying for an order under section 19 (3) *[foreign orders after registration]* of the *Interjurisdictional Support Orders Act* to set aside the registration of a foreign order under that Act must file and serve on each other party, at least 7 days before the date referred to in the application for the court	This rule sets out the process for applying for an order to set aside the registration of a foreign order. These types of orders are currently sought using a Notice of Motion. Under the proposed rules, a new stand-alone form is required.

appearance, an application about enforcement in Form 27 *[Application About Enforcement]*, including a copy of the foreign order to be enforced.	
Division 2 – Enforcement of Support Orders under the *Family Maintenance Enforcement Act*	Division 2 explains how to apply for orders under the *Family Maintenance Enforcement Act* (rule 154), how to apply for enforcement of support orders or agreements under Family Maintenance Enforcement Act (rule 152), how warrants for arrest for failure to attend enforcement proceeding are issued and enforced (153), and how to serve documents under this division (156).
Definitions for this Division **150** In this Division: **"Act"** means the *Family Maintenance Enforcement Act*; **"debtor"** means a person required under a maintenance order to pay maintenance under the Act; **"support order"** has the same meaning as "maintenance order" in the Act, including an agreement deemed to be a maintenance order as referred to in that definition.	This rule sets out the definitions that apply to this division. The definition of "**support order**" is a new inclusion in the rules.
Proceeding may be held separately **151** (1) A proceeding under this Division may be held separately from any other proceedings under these rules. (2) The filing party may choose one of the following registries for a hearing under this Division: (a) the registry where the existing case is filed; (b) the registry closest to the debtor's last known address.	This rule is new and sets out that *FMEA* proceedings can be held separately from other proceedings and that the filing party has a choice in which registry the matter is heard. The Family Maintenance Enforcement Program, with input from registry, recommended that parties have a choice of registry to enable the debtor to participate.
Enforcement of support orders under *Family Maintenance Enforcement Act* **152** (1) A party who is applying for the following garnishment, summons or warrant, as applicable, to enforce a support order under the Act must file an application for garnishment, summons or warrant in Form 28 *[Application for Garnishment, Summons or Warrant]* and supporting documents:	The language in this rule substantially carries forward how to apply to enforce an *FMEA* support order or agreement.

(a) a summons in Form 29 *[Summons – General]* requiring the debtor to attend court or a warrant for arrest in Form 30 *[Warrant for Arrest]*, authorizing the apprehension of the debtor to bring the debtor before the court, under section 14 (2) *[failure to provide statement of finances]* of the Act, if a debtor fails to comply with an order to file a statement of finances or prescribed document, or both, made under section 14 (1) (a) of the Act;

(b) a garnishing order under section 18 *[garnishment]* of the Act to seize and attach, without further application or order, any debts due and owing by the garnishee to the debtor;

(c) a summons to a default hearing in Form 31 *[Summons to a Default Hearing]* to require the attendance of the debtor at a default hearing under section 19 *[summons for default hearing]* of the Act if the debtor defaults on a payment required by a support order;

(d) a summons under section 22 (1) (a) *[failure to report]* of the Act in Form 29 *[Summons – General]* or warrant for arrest under section 22 (1) (b) of the Act in Form 30 *[Warrant for Arrest]* if the debtor fails to report by

(i) failing to complete a statement of income and expenses and report to the court, the director or a person designated by the court, in accordance with an order under section 21 (1) (a) *[default hearing]* of the Act, or

(ii) failing to provide particulars of each change of residential address, place of employment or business address to the court, the director or a person designated by the court, in accordance with an order under section 21 (1) (b) of the Act;

(e) a summons to a committal hearing in Form 32 *[Summons to a Committal Hearing]* requiring the attendance of the debtor to a committal hearing under section 23 *[committal hearing]* of the Act if the debtor fails to pay, by a date specified in an order under section 21 (1) (d) or (11) (a) of the Act,

the full amount required by an order under section 21 (1) (e) of the Act; (f) a warrant of execution under section 27 *[warrant of execution]* of the Act if the debtor defaults on a payment required by a support order; (g) a warrant in Form 30 *[Warrant for Arrest]* for the arrest of the debtor under section 31 (a) *[arrest of absconding debtor]* of the Act if there are reasonable and probable grounds for believing that the debtor is about to leave British Columbia in order to evade or hinder the enforcement of a support order. (2) Unless the documents are served in accordance with subrule (3) or (4), the party who applied for the summons under subrule (1) must arrange for the personal service of the summons by having an adult who is not a party leave a copy of the following documents with the person to be served at least 7 days before the date for the hearing referred to in the summons: (a) the issued summons; (b) the application; (c) any supporting documents. (3) A clerk may have the documents referred to in subrule (2) served personally by a peace officer. (4) A judge may order another method of service for the documents referred to in subrule (2).	Subrule (2) sets out the service requirements for a summons under subrule (1). The 7-day notice requirement is consistent with other notice requirements and enables a party to make arrangements to attend. This 7-day notice requirement is a change from the 3-day notice requirement under the previous rules. See also rule 153: If a party does not attend after being issued a summons under rule 152, the judge may issue a warrant for their arrest. Rule 156 also sets out additional rules for arrest warrants issued pursuant to rule 152.
Issuing and enforcing warrants for arrest for failure to attend enforcement proceeding **153** (1) If a party who is served with a summons issued under rule 152 (1) does not attend court as required by the summons, the judge may issue a warrant for arrest in Form 30 *[Warrant for Arrest]* for the arrest of the party. (2) A warrant issued under subrule (1) or rule 152 (1) (a) or (g) remains in force until (a) the party named in the warrant attends court regarding proceedings related to the enforcement of support, or (b) the warrant is cancelled. (3) If arrested, the party named in a warrant issued under subrule (1) or rule 152 (1) (a) or (g) must	This rule sets out additional rules for summons and arrest warrants issued pursuant to rule 152. This rule substantially carries forward the language from the previous rules. Subrule (1) explains that a judge may issue an arrest warrant for a party that does not attend court after being issued a summons under rule 152. Subrule (2) explains how long an arrest warrant remains in force. Subrules (3) to (5) explain what happens when a party is arrested.

(a) be brought before a justice as soon as possible, and (b) be released when the party signs a release in Form 23 *[Release from Custody]* that requires the party's attendance in court. (4) The registry must provide notice to the party who applied for the summons or the warrant issued under rule 152 (1) of the new hearing date set out in the release form referred to in subrule (3) (b). (5) If the party named in a warrant does not attend court on a hearing date set out in a release form referred to in subrule (3) (b), the judge may, on that date, issue a new warrant for arrest.	
Applications for orders under *Family Maintenance Enforcement Act* **154** (1) A party who is applying for one of the following orders must file and serve on each other party and every other person who may be affected by the order, at least 7 days before the date referred to in the application for the court appearance, an application in Form 33 *[Application for Order Under the Family Maintenance Enforcement Act]* and supporting documents: (a) requiring a person to provide to the director correspondence and searchable information in the possession or control of that person under section 9 *[orders respecting correspondence and searchable information]* of the Act; (b) extending the time for filing a statement of finances with the court under section 13 (4) *[statement of finances required by court]* of the Act; (c) requiring the debtor to file a statement of finances or prescribed documents under section 14 (1) *[failure to provide statement of finances]* of the Act; (d) requiring the debtor to pay an amount on failing to file a statement of finances or, if required by section 12 or 13 of the Act, prescribed documents under section 14 (1) (b) of the Act; (e) providing that a corporation is jointly and separately liable with the debtor for payments required by the support order under section 14.2 (2) *[a corporation*	This rule substantially carries over the process and types of orders that a party can apply for under the *Family Maintenance Enforcement Act*. The 7-day notice requirement is new. 154(1)(m) requiring security of any form from the debtor is new.

controlled by the debtor or by the debtor and immediate family members] of the Act; (f) requiring payment by an attachee who failed under section 16 (3) *[withdrawal of notice of attachment]* or 24 (6) *[attachment orders]* of the Act to pay in accordance with a notice of attachment or to respond in accordance with the regulations; (g) providing that a notice of attachment has no effect because the attachee is no longer liable or that the notice of attachment contains or is based on a material error, under section 16 (5) of the Act; (h) changing an order made at a default hearing under section 21 (1) or (2) *[default hearing]* of the Act; (i) changing the amount exempt from attachment under an attachment order or notice of attachment; (j) setting aside an attachment order made under section 24 of the Act; (k) discharging or postponing the registration of a support order registered against land under section 26 (10) *[registration in land title office]* of the Act; (l) requiring that the Director of Maintenance Enforcement direct the Insurance Corporation of British Columbia to disregard, under section 29.2 (2) *[withdrawing the director's notice]* of the Act, (i) a notice not to issue or renew the driver's licence of a debtor, or (ii) a notice not to issue or renew the licence and corresponding number plates for any motor vehicle or trailer owned by a debtor; (m) requiring security in any form from the debtor under section 30.1 *[order requiring security for maintenance payments]* of the Act; (n) requiring an individual or authorized representative of a corporation, partnership or proprietorship to attend a default hearing or committal hearing and to file financial information under section 39 (1) *[third parties compellable]* of the Act.	

(2) A party who applies for the following orders under section 46 *[order restraining harassment]* of the Act must file and serve on each other party and every other person who may be affected by the order, at least 7 days before the date referred to in the application for the court appearance, an application in Form 33 *[Application for Order Under the Family Maintenance Enforcement Act]* and supporting documents: (a) restraining any person from molesting, annoying, harassing, communicating with or attempting to molest, annoy, harass or communicate with a creditor, a debtor or the Director of Maintenance Enforcement, a person to whom the director has delegated a power, duty or function under section 2 *[Director of Maintenance Enforcement]* of the Act or an employee of that person; (b) requiring a person named in an order under paragraph (a) (i) to enter into a recognizance in Form 34 *[Recognizance – Family Maintenance Enforcement Act]*, with or without sureties, or to post a bond, and (ii) to report to the court, or a person named by the court, at the times and places and for the period the court directs. (3) A restraining order under subrule (2) must be in Form 35 *[Restraining Order]*.	Subrule 2 sets out the process for applying for a restraining order under section 46 of the *FMEA*. The details regarding the process of and effect of applying for an order under section 46 of the *FMEA* are new additions to the rules.
Trial preparation conference **155** A judge may direct that a trial preparation conference be scheduled before the hearing of an application for an order under rule 154.	This new rule explains that a judge may direct that a trial preparation conference be held for applications for *FMEA* orders under rule 154. See part 10, division 1 for more information about trial preparation conferences.
Service of documents under this Division **156** (1) The following documents require personal service by an adult who is not a party leaving a copy of the document with the person to be served: (a) a general summons; (b) a summons to a committal hearing;	This rule substantially carries forward the service requirements under this division. Subrule (1) lists the documents that require personal service.

(c) a request for court enforcement under the Act. (2) Documents that do not require personal service under subrule (1) must be served as follows: (a) if there is an address, an email address or a fax number provided for the address for service on the court file for the person to be served, there may be service (i) by leaving the document at the person's address for service; (ii) by mailing the document by ordinary mail to the person's address for service; (iii) by emailing the document to the email address; (iv) by faxing the document to the fax number; (b) if there is no address for service on the court file for the person to be served, there may be personal service (i) by having an adult leave the documents with that person, or (ii) as otherwise ordered by the court. (3) The court may order that a document be served by a peace officer.	Subrule (2) explains the process for serving documents that do not require personal service. Subrule (3) underscores that the court may order that a peace officer serve a document.
General rules in respect of hearing of matters under this Division **157** (1) Evidence for a hearing may be provided (a) orally on oath or affirmation, or (b) by affidavit. (2) If a party does not attend a hearing, the hearing may proceed without that party. (3) A party may apply to transfer a court file begun under this Division by using the process set out in Division 2 *[Case Management Orders]* of Part 6 *[Applying for Other Orders]*.	This new rule provides general rules that apply to hearings concerning orders under the *FMEA*. Subrule (1) explains that evidence may be given orally on oath or affirmation or by affidavit. Subrule (2) underscores that a hearing may proceed without a party should that party fail to appear. Subrule (3) states that a party can apply to transfer a court file using the same process as in Part 6. This type of order is currently sought using a Notice of Motion. The process set out in Part 6 requires that parties who apply for an order to transfer a file to another registry must file an Application for Case Management Order with supporting evidence or documents and provide at least at least 7 days' notice before the date set for the hearing (Division 2, rule 81(1)(a)).

PART 12 – CONSEQUENCES	Part 12 sets out the consequences when a party does not comply with the rules. General consequences for non-compliance with rules are set out in rule 159. Consequences where a party fails to attend a hearing or trial are set out in rules 160 to 161. Requirements for extraordinary remedies available under section 231 of the *Family Law Act* are set out in rules 162-166.
Application of Part **158** The rules set out in this Part apply in all registries.	This rule explains that the consequences set out in this part apply in all registries
Non-compliance with rules **159** (1) A judge may do one or more of the following if a party does not comply with these rules: (a) disregard a document filed in the course of the proceedings; (b) change or cancel an order; (c) order a conference, hearing or trial to be cancelled or adjourned or to continue as if the party were not present, whether the party is actually present or not; (d) require that the party meet a requirement by a specified date; (e) require that the party pay (i) any other person for all or part of the expenses reasonably and necessarily incurred by that other person as a result of the non-compliance, (ii) an amount not exceeding $5 000 to or for the benefit of any other person, or a spouse or child whose interests were affected by that person's actions, or (iii) a fine not exceeding $5 000; (f) make any order or give any directions that the judge considers necessary and advisable in the circumstances, including an order dismissing or granting an application made.	This rule substantially carries forward the types of consequences that a judge can impose when a party has not complied with the rules. The ability for a judge to require payment of expenses or a fine as a result of non-compliance with rules is new. Subrule (2) is new and underscores that a failure to comply must be treated as an irregularity unless ordered otherwise.

(2) Unless a judge otherwise orders, a failure to comply with these rules must be treated as an irregularity.	
Failure of party to attend conference, hearing or trial **160** (1) Subject to rule 159, if a party fails to attend a conference, hearing or trial at the time scheduled for that conference, hearing or trial, the judge may, after receipt of any evidence of service of notice the judge considers appropriate, do one or more of the following: (a) dismiss, cancel or proceed with the conference, hearing or trial; (b) draw any inference from the failure to attend that the judge considers appropriate; (c) grant some or all of the orders sought; (d) issue a summons in Form 29 *[Summons – General]*. (2) If no party attends a conference, hearing or trial, the judge may dismiss the application.	This rule sets out the types of consequences that a judge can impose when a party does not attend a scheduled hearing or trial after being served with notice of the hearing or trial. The existing rules only addressed this situation in the context of respondents. The language is also conveyed differently. Subrule (2) underscores that a court can dismiss an application if no party attends a hearing or trial.
Issuing and enforcing warrants for arrest for failure to attend conference, hearing or trial **161** (1) If a party who is served with a summons or is present in court when the date for a conference, hearing or trial is set does not attend the conference, hearing or trial, the judge may issue a warrant for arrest in Form 30 *[Warrant for Arrest]* for the arrest of the party. (2) A warrant issued under subrule (1) remains in force until (a) the party named in the warrant attends court either voluntarily or under the warrant, or (b) the warrant is cancelled. (3) If arrested, the party named in a warrant issued under subrule (1) must (a) be brought before a justice as soon as possible, and (b) be released when the party signs a release in Form 23 *[Release from Custody]* that requires the party's attendance at court. (4) The registry must provide notice to each other party of the new hearing date set out in the release form referred to in subrule (3) (b).	Rule 161 has been added to address warrants for arrest for failure to attend other than in relation to *FMEA* as set out in rule 153. The rule substantially carries forward the procedure for warrants set out in the existing rules. Subrule (1) states a judge can issue an arrest warrant for a party who fails to attend a hearing or trial after being served with a summons or where the party was present in court when the hearing or trial date was set. Subrule (2) states the warrant remains in effect until the named party attends court or until the warrant is cancelled. Subrule (3) states a party who is arrested under this rule must be brought before a judge as soon as possible and be released after they have signed a release form that requires them to attend at court. Subrule (4) states the registry is responsible for providing notice to the party of the new hearing date stated in the release form.

(5) If the party named in a warrant does not attend court on a hearing date set out in the release form referred to in subrule (3) (b), the judge may, on that date, issue a new warrant for arrest.	Subrule (5) states if the party again does not attend court, the judge can issue another warrant for arrest.
Extraordinary remedies under section 231 of *Family Law Act* **162** (1) A judge may make an order in Form 36 *[Order for Imprisonment]* that a person be imprisoned for a term of no more than 30 days under section 231 (2) *[extraordinary remedies]* of the *Family Law Act* if the judge is satisfied that (a) the person has failed to comply with an order made under that Act, and (b) no other order will be sufficient to secure the person's compliance with the order made. (2) If satisfied under section 61 *[denial of parenting time or contact]* of the *Family Law Act* that a person has been wrongfully denied parenting time or contact with a child by the child's guardian, a judge may make an order requiring a police officer to apprehend the child and take the child to the person entitled to parenting time or contact. (3) If satisfied that a person having contact with a child has wrongfully withheld the child from a guardian of the child, a judge may make an order requiring a police officer to apprehend the child and take the child to the guardian. (4) No order may be made under subrule (1) without the person being given a reasonable opportunity to show why the order should not be made.	This new rule, together with rule 164, restates section 231 [*Extraordinary remedies*] of the *FLA*. Subrule (1) explains that imprisonment is available as a remedy where a party has failed to comply with an order and no order will be sufficient to secure compliance with the order. This subrule paraphrases subsections (1) and (2) of section 231 of the *FLA*. Subrule (4) underscores that a person cannot be imprisoned under subrule (1) until they have had an opportunity to show the court why imprisonment is not warranted. This subrule restates subsection (3) (a) of section 231 of the *FLA*. Subrule (2) explains that if a person is wrongfully denied parenting time or contact with a child, a judge can order a police officer to take the child to the person entitled to parenting time or contact. This subrule restates subsection (4) of section 231 of the *FLA*. Subrule (3) explains that if a person who has contact with a child wrongfully withholds the child from their guardian, a judge can order a police officer to take the child to the guardian. This subrule restates subsection (5) of section 231 of the *FLA*. A party can apply for the relief under subrule (1) using the Application about Enforcement under Part 11 and the relief under subrule (2) and (3) using the Application about Extraordinary Parenting Matter under Part 6.
Extraordinary remedy hearing **163** A judge may give directions as to the type of hearing about extraordinary remedies under rule 162, including whether the hearing will be conducted as a trial.	This new rule underscores that a judge can give directions about the type of hearing for dealing with extraordinary remedies.
Hearing about extraordinary remedy under section 231 of *Family Law Act* **164** (1) If the court is of the opinion that an order for imprisonment under rule 162 (1) *[extraordinary*	This new rule sets out arrest and imprisonment requirements under section 231 [*Extraordinary remedies*] of the *Family Law Act*.

remedies under section 231 of Family Law Act] may be necessary, it may issue a warrant in Form 30 *[Warrant for Arrest]* that the person be apprehended and brought before the court. (2) If a person referred to in subrule (1) is arrested and brought before the court, the court in a summary manner may determine whether imprisonment is necessary. (3) No determination may be made under subrule (2) without the person being given a reasonable opportunity to show why imprisonment is not necessary. (4) The court may order the release of a person apprehended under subrule (1) on receiving an undertaking in Form 23 *[Release from Custody]* from that person.	Subrule (1) sets out the procedure for issuing an arrest warrant under rule 165. Subrule (4) explains that a person who is arrested under subrule (1) may be released after entering into an undertaking using the prescribed form. Subrule (2) states that the court can determine at a summary hearing whether or not imprisonment is warranted. Subrule (3) underscores that a person cannot be imprisoned under subrule (2) until they have had an opportunity to show the court why imprisonment is not warranted. This subrule restates subsection (3) (a) of section 231 of the *FLA*.
Suspension of extraordinary remedy **165** The court at any time may direct that an imprisonment ordered under rule 162 *[extraordinary remedies under section 231 of Family Law Act]* be suspended for the period or on the terms or conditions the court may specify.	This new rule explains that a court can suspend an imprisonment order or specify terms or conditions for the suspension.
Release of person **166** On application by or on behalf of a person imprisoned under rule 162, the court may release that person, whether or not the period of the committal has elapsed.	This new rule explains that a person who has been imprisoned as an extraordinary remedy can apply to be released before the specified committal period has ended.
PART 13 – GENERAL RULES **Division 1 – General Procedural Rules**	This part sets out general rules. Division 1 sets out general procedural rules, including filing of deficient forms, how to request a conference or hearing, waiving or modifying requirements under the rules, giving procedural and practice directions, procedural considerations for children's views and children's lawyers, attendance by electronic means, use of photocopies, and confidentiality of information. Division 2 sets out general procedures for orders. Division 3 sets out procedures for affidavits, the requirement to file multiple copies of documents, and who can search court files. Division 4 sets out procedures for service. Division 5 sets out

	procedures for changing a filed document. Division 6 sets out procedures for electronic filing.
Application of Part **167** The rules set out in this Part apply in all registries.	This rule explains that the general rules set out in part 13 apply in all registries.
Deficient forms **168** (1) A clerk may refuse to accept a form for filing if it is not in the correct form or if the form is not completed in accordance with the instructions. (2) A party may apply for an order under rule 81 *[case management orders – judge]* or 82 *[case management orders – family justice manager]* to permit the filing of a form that is deficient.	Rule 168 is new. Subrule (1) states that if an incorrect form is used or the form is completed incorrectly, the clerk may refuse to file the form. However, under subrule (2) a party can apply under rule 81 or 82 for an order to permit the filing of a form even if it is deficient. Subrules 81 (1) (n) and 82 (1) (i) authorize a judge or family justice manager to make an order waiving or modifying requirements under the rules.
Requesting conference or hearing **169** (1) If any of the following circumstances apply, a party may request that a court appearance be scheduled and must file and serve on each other party a request for scheduling in Form 37 *[Request for Scheduling]*: (a) the matter was adjourned by the court without setting a new date; (b) a party was referred to a program, professional or resource, or required to attend, participate or complete a requirement, by the court; (c) a party was required by the court to address a deficiency under these rules; (d) a review of the terms of the order was provided for in the order; (e) a party is applying to change, suspend or cancel an interim order under section 216 (3) *[court may make interim orders]* of the *Family Law Act*; (f) a party is applying for an interim order under section 216 or 217 *[interim orders before changing, suspending or terminating orders]* of the *Family Law Act* after attendance at a family management conference or readiness hearing. (2) A party requesting that a court appearance be scheduled must serve the form under subrule (1)	This new rule sets out the process for a party to get before a judge or family justice manager in circumstances other than of an application or adjournment to a specific date. Many registries use an administrative form to reschedule these appearances. This rule formalizes the process.

on each other party at least 7 days before the date referred to in the application for the court appearance.	
Judge may waive or modify requirements in rules **170** A judge may, at any time, waive or modify (a) any requirement under these rules, including a requirement related to service or giving notice to a person under these rules, or (b) a time limit set by these rules or by an order of the court, even after the time limit has expired.	This rule substantially carries forward existing rule 20(2) and sets out that judges can waive or modify requirements and time limits at any time.
Judge may give directions **171** A judge may give directions on any procedural matter that is not provided for in these rules or an enactment.	This rule carries forward existing rule 20(8) and sets out that judges can give directions on procedural matters not covered in the proposed rules or in legislation.
Practice directions **172** The chief judge of the court may issue practice directions consistent with these rules and their purpose.	This rule carries forward existing rule 20(13) and sets out that the chief judge of the court can issue practice directions that are consistent with the proposed rules.
Child's views **173** If a case involves a child, the child's views must be considered unless it is inappropriate to do so.	This new rule underscores that the court must consider the child's views unless it is inappropriate to do so. There is currently no rule in the existing rules that addresses the views of the child. While this provision is a restatement of the contents of the *FLA*, the Working Group believed it was important to reiterate this in the rules, without prescribing or limiting how the child's views would be obtained.
Child's lawyer **174** (1) If a case involves a child and the child is represented by a lawyer in the case, the lawyer for the child must (a) file and serve on the parties Form 38 *[Notice of Lawyer for Child]* when the lawyer starts representing the child, and (b) file and serve on the parties Form 39 *[Notice of Removal of Lawyer for Child]* when the lawyer stops representing the child. (2) The lawyer for a child	This new rule sets out the procedural requirements and entitlements for lawyers representing children. The existing rules do not have such provisions.

(a) must be notified of all hearings, conferences and trial dates relating to the case, (b) must be served all documents that the parties are served, and (c) may attend all hearings, conferences and trial dates relating to the case.	
Attendance by means of electronic communication **175** (1) The court may allow a person to attend a conference, hearing or trial by means of electronic communication. (2) The court may consider the following in making an order under subrule (1): (a) the distance between the person's residence and the location of the conference, hearing or trial; (b) difficulty in attending because of illness or disability; (c) the financial cost associated with attending; (d) the expense incurred, or savings realized, by using electronic communication; (e) any concerns related to security, including a risk of family violence; (f) any difficulty in conducting the conference, hearing or trial that may arise from using electronic communication.	This new rule explains that the court can order a person to attend a court appearance by means of electronic communication. Under the existing rules, there are no provisions that allow for attendance through means of electronic communication. Subrule (2) sets out possible factors that a court may consider in making an order to attend through electronic communication.
Copies permissible instead of originals **176** With the permission of the judge or the family justice manager, as applicable, a copy of a document may be used in court instead of the original.	This rule allows a copy of a document instead of the original to be used in court with the permission of a judge or family justice manager. This rule is carried forward from the previous rules, but now also includes the family justice manager.
Confidentiality of information **177** A party must not use or disclose any information of any other parties contained in a record provided or entered as evidence under these rules except to the extent necessary to resolve a case under these rules.	This rule prohibits parties from using or disclosing information about the other party except as necessary to resolve a family law matter. This rule expands on the existing rule 20(9) which only governed confidentiality of financial information.

Division 2 – General Procedure for Orders	Division 2 sets out the general procedure for orders, including the preparation, signing and correction of orders.
Effective date of orders **178** An order takes effect at the time it is made unless ordered otherwise.	This rule underscores that an order takes effect at the time it is made unless ordered otherwise. This carries forward existing rule 18(1).
Preparation of orders **179** (1) If one or more of the parties are represented by a lawyer, any one of the lawyers must prepare an order made at a conference, hearing or trial in Form 40 *[Order – General]*, unless another form is required by these rules, and provide it to any other lawyers for the other parties or, if the parties are unrepresented, to the registry (a) within 14 days of the date the order is made, or (b) within the period permitted by the court. (2) Unless the court orders otherwise, an order that is prepared by a party's lawyer and is not made by consent under section 219 *[persons may consent to order being made]* of the *Family Law Act* must be approved and signed (a) by the party's lawyer, and (b) if any other party is represented by a lawyer, by the other party's lawyer. (3) If the other party or the other party's lawyer does not approve and sign an order prepared in accordance with subrule (1), reasons for not signing must be provided to whoever prepared the order (a) within 14 days of the date the order was provided to that other party, or (b) within the period permitted by the court. (4) If no party is represented by a lawyer, a clerk must prepare an order made at a conference, hearing or trial	This rule sets out the procedure for the preparation of orders. Subrule (1) explains that a lawyer representing one of the parties is responsible for preparing the order using the prescribed form and establishes a time within which the order must be prepared. This rule differs from the existing rule 18(2) which requires a lawyer to prepare the order if the lawyer is representing the party who the order was made in favour of. Subrule (2) is carried forward from the existing rule 18(4) and states that if a party is represented by a lawyer, the lawyer must sign the order, unless the order is a consent order. Subrule (3) explains that if the other party or other party's lawyer does not approve and sign the order, they must provide reasons within the specified timeframe. The requirement to provide reasons for not approving and signing an order is new. Subrule (4) states that if no parties are represented by a lawyer, the order must be prepared by the clerk within the specified timeframe.

(a) within 14 days, or (b) within the period permitted by the court. (5) After an order is signed in accordance with subrule (2), it must be delivered to the registry to be signed by the judge or family justice manager and filed. (6) After an order is filed under subrule (5), the registry must provide a filed copy of the order to the parties or their lawyers.	Subrule (5) states that signed orders must be delivered to the registry so that the order can be signed by the judge or family justice manager and filed. Subrule (6) states that the registry will provide a copy of the filed order to the parties or their lawyers.
Designate may sign **180** An order to be signed by a judge or family justice manager under these rules may be signed by a designate of the judge or family justice manager.	This rule explains that an order can be signed by a designate of a judge or family justice manager. This is to prevent delays in orders if a judge or family justice manager are away or unavailable when the order is prepared. The existing rule 18(6.1) only allowed a designate to sign in the context of a protect order issued under Part 9 of the *FLA.*
Correction of orders **181** Any judge may correct, at any time, a clerical mistake or omission in an order.	This rule explains that any judge can correct a clerical error in an order at any time. This carries forward existing rule 18(8).
Division 3 – Affidavits and General Rules for Filing	Division 3 sets out rules for affidavits, the requirement to file multiple copies of documents, and who can search court files.
Form of affidavits **182** (1) Unless a rule provides otherwise, an affidavit must be in Form 41 *[Affidavit – General]*. (2) An affidavit must (a) be expressed in the first person and include the name, address and occupation of the person swearing or affirming the affidavit, (b) state whether the person swearing or affirming the affidavit is a party or the lawyer, agent, director, officer or employee of a party, (c) be divided into paragraphs numbered consecutively and have page numbers, and	This rule expands on the existing rule 13. It sets out details of the procedural requirements for affidavits. Affidavits must be in the specified form (*Affidavit – General*) and follow the formal requirements listed in subrule (2).

(d) have page numbers for the exhibits if the affidavit has any exhibits. (3) An affidavit is made when (a) the person swearing or affirming the affidavit (i) signs the affidavit, or (ii) if the person is unable to sign the affidavit, places that person's mark on it, and (b) the person before whom the affidavit is sworn or affirmed completes and signs a statement confirming that the affidavit was sworn or affirmed in the person's presence. (4) The person before whom an affidavit is sworn or affirmed must identify each exhibit referred to in the affidavit by signing a certificate placed on or attached to the exhibit. (5) Subject to subrule (6), an affidavit must state only what a person swearing or affirming the affidavit would be permitted to state in evidence at a trial. (6) An affidavit may contain statements as to the information and belief of the person swearing or affirming the affidavit, if the source of the information and belief is given.	Subrule (3) explains that affidavits are made at the time the affidavit is signed or at the time the confirmation of the swearing or affirming of the affidavit is signed. Affidavits referring to exhibits must follow the specific requirement set out in subrule (4). Subrule (5) states that an affidavit must not contain statements that would be impermissible to state in evidence at a trial. Subrule (6) explains that affidavits containing statements as to the information and belief of the person making the affidavit are permissible as long the source of the information and belief is stated.
Requirement to file additional copies if not filing electronically **183** Unless the party files electronic documents in accordance with Division 6 *[Electronic Filing]*, a party who files a document under these rules must file (a) one copy for the court, (b) one copy for the filing party, (c) one copy for each party other than the filing party, and (d) if applicable, one copy for each lawyer for a child.	This rule requires that a party who files documents must file copies for each of the parties listed unless they are filing the documents electronically. Division 6 of this Part provides requirements for electronic filing. This is similar to existing rule 13(4), but differs in setting out specifically that the court, filing party and each other party receive a copy.
Who can search court files **184** No one is entitled to search a court file under these rules except (a) a party to the court file,	This rule prohibits anyone except the parties listed from searching a court file. This carries forward existing rule 20(10) but omits 20(10)(c)'s "a person named in the application as a respondent or who is

(b) a lawyer, whether or not the lawyer for a party, and including a lawyer for a child, (c) a family justice counsellor, (d) a person authorized by a judge, and (e) a person authorized in writing by a party to the court file or authorized in writing by that party's lawyer.	named as a party to the agreement, as the case may be".
Division 4 – Service	
Address for service **185** (1) Each party must provide an address for service where the party can receive notice or service of documents. (2) An address for service may be an address other than the party's home address. (3) Each party is responsible for checking, on a regular basis, for the receipt of notice or service of documents at that party's address for service, including any email address or fax number that was provided for service. (4) If a party's address for service changes, the party must file a notice of change of address in Form 42 *[Notice of Address Change]* and serve a copy on each other party as soon as possible. (5) If a party's address for service is outside British Columbia, the party must provide an email address for service.	Subrule (1) sets out that there must be an address for each party so that documents can be served on them. Subrule (2) is new and underscores that the address for service does not have to be the home address. A party may choose to use the address of their lawyer, a work address, or other address where they can receive documents. Subrule (3) is new and explains that it is the party's responsibility to check whether they were served with any documents. Subrule (4) sets out that if a party's address changes, the party must file a notice for the address change and serve a copy of the notice on the other party. Subrule (5) is new and sets out that, where the address for service is outside of BC, the party must provide an email address where documents can be served.
Ordinary service **186** Except when a document must be provided to another person using personal service, a document may be provided (a) by leaving the document at the person's address for service, (b) by mailing the document by ordinary mail to the person's address for service, (c) by emailing the document to the person's email address for service, or	This rule sets out that where personal service is not required, a document may be served by leaving it at the address for service, ordinary mail, email or fax. Rule 186(a) is a change from the former rule 9(1)(a)(i) that required leaving the documents with the party's lawyer or with the party to be served.

(d) by faxing the document to the person's fax number for service.	
Personal service of certain documents **187** The following documents require personal service by an adult who is not a party leaving a copy of the document with the person to be served: (a) a family law matter claim; (b) a summons or subpoena; (c) an application about a protection order; (d) a protection order, if the person against whom the protection order application is made was not present in court; (e) a request for court enforcement under the *Family Maintenance Enforcement Act*; (f) any document that the court has determined requires personal service; (g) any document that is to be served on a party who has not provided an address for service.	This rule substantially carries over which documents require personal service. Personal service is done by an adult who is not a party. These documents include a family law matter claim, summons, application about a protection order, protection order, request for court enforcement under the *FMEA*, any document for which the court requires personal service, and any document to be served on a party that has not provided an address for service. The ability for the court to determine a document requires personal service and the requirement for a document to be personally served on a party who had not provided an address for service are new.
Summons **188** Unless otherwise ordered by the court, a summons under these rules must be served at least 7 days before the date set in the summons for the appearance.	This rule sets out that a summons requires at least 7 days' notice. Under the existing rules, at least 3 days' notice was the requirement. This change has been made to allow time for a party to make arrangements to attend court.
Service completed **189** A document is deemed to have been served on a person as follows: (a) if served by leaving a copy at an address for service (i) at or before 4 p.m. on a day that is not a Saturday or holiday, the document is deemed to be served on the day of service, or (ii) on a Saturday or holiday or after 4 p.m. on any other day, the document is deemed to be served on the next day that is not a Saturday or holiday;	This rule setting out the details of completion of service is new. A document is considered to have been served to a person according to the following rules: If a document has been served by leaving a copy at the party`s address, by email, by fax, or by personal service at or before 4pm on a day that is neither a Saturday nor a holiday, the document is deemed to have been served on that day (subrules 189 (a) (i), (c) (i), (d) (i), (e) (i)).  If a document is served by leaving a copy at the person`s address, by email, by fax, or by personal service on a Saturday or holiday or after 4pm

(b) if served by sending a copy by ordinary mail to an address for service, on the 14th day after it is mailed; (c) if served by transmitting a copy by email to the email address provided in the address for service (i) at or before 4 p.m. on a day that is not a Saturday or holiday, the document is deemed to be served on the day of transmission, or (ii) on a Saturday or holiday or after 4 p.m. on any other day, the document is deemed to be served on the next day that is not a Saturday or holiday; (d) if served by transmitting a copy by fax to the fax number provided in the address for service (i) at or before 4 p.m. on a day that is not a Saturday or holiday, the document is deemed to be served on the day of transmission, or (ii) on a Saturday or holiday or after 4 p.m. on any other day, the document is deemed to be served on the next day that is not a Saturday or holiday; (e) if served by personal service (i) at or before 4 p.m. on a day that is not a Saturday or holiday, the document is deemed to be served on the day of service, or (ii) on a Saturday or holiday or after 4 p.m. on any other day, the document is deemed to be served on the next day that is not a Saturday or holiday.	onwards on any given day, the document is deemed to have been served on the next day that is not a Saturday or holiday (subrules 189 (a) (ii), (c) (ii), (d) (ii), (e) (ii)). If the document is served by mail, a document is deemed to have been served on the 14th day after it is mailed (subrule 189 (b)).
Documents served on the Director of Maintenance Enforcement **190** A document may be served on the Director of Maintenance Enforcement by mailing the document to the postal address provided by the director.	This rule carries over that to serve a document on the Director of Maintenance, it can be mailed to the postal address provided by the director.
Documents served on a person who is not a party **191** A document other than a summons or subpoena may be	This rule sets out that to serve a document other than a subpoena or summons on a person who is not a

served on a person who is not a party by leaving the document with the person or by mailing by ordinary mail the document to that person's postal address.	party, it can either be given to them directly, or be mailed to them. This rule differs from the existing rule 9(1)(c) which requires the documents be mailed by registered mail.
Alternative methods of service **192** (1) If it is not practicable to serve a document in accordance with these rules, a party may apply under rule 81 *[case management orders – judge]* or 82 *[case management orders – family justice manager]* for an order by a judge or family justice manager, as applicable, that the document (a) must be served by a peace officer, or (b) may be served using an alternative method of service, if the court is satisfied that the person to be served (i) cannot be found after a diligent search, (ii) is evading service of the document, or (iii) is temporarily outside British Columbia. (2) If an order is made that permits an alternative method of service for a document, a copy of the order, the application under subrule (1) and any supporting documents must be served with the document, unless the permitted method of service is notice to be given by advertisement. (3) If the court orders notice to be given by advertisement, that advertisement must be in Form 43 *[Notice by Advertisement]* and the party who applied for the order must pay for the advertisement.	This rule substantially carries forward from the existing rules. Subrule (1) sets out that where it is not practicable to serve a document according to these rules, a party can apply under rule 81 or 82 for an order that the document be served by a peace officer or, under the specified circumstances, be served using an alternative method of service. Subrule (2) states that if the court orders an alternative method of service, a copy of the order must be served along with the document unless the permitted alternative method is notice by advertisement. Subrule (3) states that if the court orders that notice be given by advertisement, the party obtaining the order must pay for the advertisement and the advertisement must be in the specified form.
Proving service **193** (1) Subject to subrule (2), service of a document may be proved by filing a certificate of service in Form 7 *[Certificate of Service]*and attaching a copy of the document served. (2) Service of the following documents may be proved by filing the applicable affidavit: (a) for a summons or subpoena, an affidavit of personal service in Form 44 *[Affidavit of Personal Service]*;	Subrule (1) explains that generally, service of a document can be proved by filing a certificate of service along with a copy of the document that has been served. Subrule (2) states that service of a summons, subpoena or an order about a protection order can be proved by filing the specified affidavit. Subrule (3) explains that service of a document on a lawyer or articled student can be proved by filing a copy of the document signed by the lawyer, articling

(b) for an order about a protection order, an affidavit of personal service of a protection order in Form 45 *[Affidavit of Personal Service of Protection Order]*. (3) Service of a document on a lawyer or articled student may be proved by filing a copy of the document signed by the lawyer or articled student or by a partner or employee of the firm of the lawyer or articled student.	student, or a partner or employee of the firm of the lawyer or articling student. See also rule 194 (oral proof of service) and rule 195 (admissibility of other evidence of service).
Oral proof of service **194** Instead of requiring proof of service under rule 193, the court may allow a person to prove by sworn or affirmed oral evidence that the person has served a document.	This new rule sets out the alternative way to prove service other than the ways specified under rule 193. The court may allow a person to prove service of a document by swearing or affirming to the court orally that they have served the document. See also rule 195 regarding admissibility of other evidence of service.
Admissibility of other evidence of service **195** Nothing in rule 194 restricts the admissibility of any other evidence of service that the court may consider appropriate in the circumstances.	This rule sets out that rule 194 does not restrict the admissibility of any other evidence of service that the court considers appropriate. This rule carries over from existing rule 9(11).
Service outside British Columbia **196** An application or other document may be served on a person outside British Columbia if the order sought in the application is within the jurisdiction of the court under section 10 *[real and substantial connection]* of the *Court Jurisdiction and Proceedings Transfer Act* or Division 7 *[Extraprovincial Matters Respecting Parenting Arrangements]* or 8 *[International Child Abduction]* of Part 4 of the *Family Law Act*.	This rule explains that as long as the order sought in the application is within the court's jurisdiction, an application or a document may be served on someone living outside BC. This rule is carried forward from the existing rule 9(12).
Division 5 – Changing a Filed Document	Division 5 sets out procedures for changing a filed document. There are no provisions under the existing rules for changing a filed document.
Changing filed family law matter claim, reply or reply to counterclaim **197** (1) A party may change anything in a family law matter claim, a reply or a reply to a counterclaim,	Rule 197 is new. Subrule (1) sets out the procedure for changing a filed family law matter claim, reply, or reply to a counterclaim. Parties can change the claim or reply before a family management conference or readiness hearing without a court order, or at any time with a court order or by consent.

(a) without a court order, before the family management conference or readiness hearing, or (b) with a court order or consent of the parties, at any time. (2) A party may apply under rule 81 *[case management orders – judge]* or 82 *[case management orders – family justice manager]* for an order to change anything in a family law matter claim, a reply or a reply to a counterclaim. (3) If a party makes a change as described in subrule (2), the family law matter claim, reply or reply to a counterclaim must include (a) an indication of the changes, by underlining against the original and dating, and (b) a reference to the order.	Subrule (2) provides that parties may apply under rule 81 or 82. Subrules 81 (1) (e) and 82 (1) (d) set out that a judge or family justice manager can issue an order correcting or amending a filed document, including the correction of a name or date of birth. See also rules 198 and 199 which set out service requirements of changed claims and replies and how the other party can respond.
Service of changed family law matter claim, reply or reply to counterclaim **198** A family law matter claim, a reply or a reply to a counterclaim that is changed under rule 197 must be served on each other party within 7 days of filing the changed family law matter claim, reply or reply to counterclaim.	This new rule sets out the service requirements for a changed claim or reply. The changed claim or reply must be served on other parties within 7 days.
Response to change **199** A party who was served a changed family law matter claim or reply under rule 198 and is filing a response document must serve the response document within 14 days of service of the changed family law matter claim or reply.	This new rule sets out how a party can respond after being served with a changed claim or reply. The party can change and serve a response document within 14 days after being served.
Division 6 – Electronic Filing	Division 6 sets out the procedures for electronic filing. Rule 200 sets out the general procedure for electronic filing. Rule 201 sets out the procedure for filing signed documents including affidavits for evidentiary purposes. Rule 202 sets out the procedures for filing by fax.

Electronic filing **200** (1) A person wishing to file documents in a registry by means of electronic filing must (a) enter into an agreement with the Court Services Branch of the Ministry of Attorney General respecting the terms and conditions under which those filings may be made, and (b) submit documents for filing in accordance with that agreement. (2) A person may electronically transmit a document other than a certified copy of an order to a registry for filing.	This rule sets out the general procedures for electronic filing. The rule has been simplified from the existing rule 22. Subrule (1) explains that a person filing electronically must enter into an agreement with the Court Services Branch and submit documents in accordance with the agreement. Subrule (2) is new and states that any document except a certified copy of an order can be filed electronically.
Electronic filing of affidavits or other signed documents **201** (1) An affidavit or other signed document that is being filed for evidentiary purposes, if submitted for filing electronically, must clearly identify the signatory and must be accompanied by a statement, in Form 46 *[Electronic Filing Statement]*, of the lawyer acting for the person on whose behalf the document is submitted for filing or, if that person is unrepresented, by a statement of that person, in that electronic filing statement, indicating that (a) the original paper version of the document appears to bear an original signature of the person identified as the signatory and the person making the electronic filing statement has no reason to believe that the signature on the document is not the signature of the identified signatory, and (b) the version of the document that is being submitted for filing electronically appears to be a true copy of the original paper version of the document and the person making the electronic filing statement has no reason to believe that it is not a true copy of the original paper version. (2) A person who, under subrule (1), submits a document for filing electronically under these rules must (a) keep the original paper version of the document until the earliest of	This rule sets out the procedure for electronic filing of signed documents for evidentiary purposes. Electronic filing of signed documents for evidentiary purposes requires an accompanying statement as described in subrule (1) (a) and (b) from the lawyer or, if unrepresented, the person filing the document. The person submitting the document electronically must keep the original document until an event specified in subrule (2) occurs. This rule is carried forward from the existing rules 22(6) and (7).

(i) the date on which the proceeding, including any appeals, is finally disposed of, (ii) the date on which the appeal period for the proceeding has expired, if no notice of appeal respecting the proceeding is filed within that period, and (iii) the date on which a judge orders that the original paper version be filed, and (b) if an order is made under paragraph (a) (iii), file the original paper version promptly after that order is made.	
Fax filing **202** (1) A clerk may accept for filing any document, other than a certified copy of an order, that has been transmitted to the registry by fax. (2) A clerk may refuse to accept a document for filing that is transmitted by fax for any of the following reasons: (a) the document is not accompanied by a fax cover sheet in Form 47 *[Fax Filing Cover Page – Provincial Court Family]*; (b) the document relates to more than one court file; (c) in the opinion of the clerk, the document is illegible and cannot be used by the court; (d) the document is incomplete; (e) the document should have been transmitted to another registry; (f) the document does not otherwise conform to practice and procedure under these rules and any applicable enactment. (3) A document that is transmitted by fax and received by the registry will be filed as soon as possible unless the document is refused under subrule (2). (4) A person who, under subrule (1), submits a document for filing by fax under these rules must	This rule substantially carries over the procedures for filing by fax set out in the existing rule 5.1(2-4). Any document except a certified copy of an order can be filed by fax. A clerk can refuse to accept a document for filing by fax for the reasons listed in subrule (2). This subrule does not contain the provision in existing rule 5.1(3)(c) which allowed clerks to refuse a filing if the filing exceeded 20 pages in length. Subrule (4) is new and requires that the person filing the document by fax must keep the original document until an event specified occurs.

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