

Chapter 5 – Forms

The new Rules propose replacing or updating all the forms to improve their accessibility and usability. The Forms can be found at Appendix 4.

Specifically, new forms are included to replace the existing application and Notice of Motion processes, including forms for family law matter claims, protection orders, extraordinary parenting matters, case management orders, consent orders, relocation and enforcement matters.

The development of the proposed forms has been informed by feedback received from real court users. Self-represented litigants reported problems with the existing forms including:

- difficult to understand language
- use of technical and legal jargon
- lack of instructions
- unclear use for each form
- inability to provide important information, or having to provide too much irrelevant information, and
- lack of guidance presenting information to the court or what the other party needs to know

The proposed forms follow user experience design principles to enhance accessibility including the use of:

- plain language
- a first-person conversational format
- a question and answer approach, including yes/no questions and tick boxes where appropriate
- minimizing repeated requests for the same information
- purpose specific forms

The forms prompt a person to consider the evidence that may be required to support their application and use guided questions to help them to provide their story in a meaningful way. The content of the forms strives to balance the need of a person to clearly articulate the orders they require with the information the court and the other party need to know to make decisions.

The package of the forms in entirety is long; however, that is because the forms are purpose specific. For example, rather than one notice of motion form, there are a number of subject specific applications and parties only complete the sections that are relevant to their issues.

Some key changes to the structure of the forms and rationale include:

Key Changes	Rationale
Use of Schedules and Parts.	Assists in being able to direct a person to only those questions that are required for them where a form may have multiple uses.
Elimination of style of proceedings on the claim, reply and applications submitted for filing by a party.	The life of a family court file can be complex and claims or applications may be started by either party at different stages. Completing a style of proceedings at a point in time is confusing and creates an adversarial environment that isn't necessary. The style of proceedings will continue to be included on orders by the court.
Limited use of signature fields. The signature field has been removed in all instances where the information provided is neither certified, sworn or affirmed to be true.	The signature on existing forms serves little purpose and is rarely afforded much attention. With the movement towards documents that are not always based on paper, and the increasing use of electronic filing methods, the reliance on a physical signature becomes inconvenient for many people. Further, the electronic systems that are used for generating or submitting documents authenticate users in a more rigorous manner than a signature.

To enhance usability, the Ministry will be leveraging technology to better support people needing to complete court documents. Development is underway for an interactive web-based application that will use question and answer prompts and fillable information fields. Based on the answers provided, the application will pre-populate the required form(s) for the person to file. In the web-based application environment, guided information, definitions, explanatory text and referrals to resources can be integrated throughout the user experience. The web-based application can also use conditional questions to limit the user to only those questions or portions of forms that are relevant for them. The existing BC Government Online Divorce Assistant provides an example of the look and feel planned for the Provincial Court family forms. It can be accessed at <https://justice.gov.bc.ca/divorce>.

The forms will also be available in paper format, with workbooks for key forms that include when to use the form, the steps to take to complete and file it, and additional guidance on how best to approach different questions and where more information or assistance can be obtained. New Provincial Court family forms and workbooks are currently being prototyped in the Victoria Court Registry as part of the Early Resolution and Case Management Model.

User feedback received on these forms will help to inform final versions of the proposed forms. The Early Resolution and Case Management Registry Forms found here are all the fillable versions with workbooks <https://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/prov-family-forms>

Discussion Questions:

1. Do you have any general feedback on the Forms?