

Application for Order Prohibiting the Relocation of Child Form 16

Provincial Court Family Rules

You can complete and file most family forms online using the Family Law Act Online Forms Service.

Access the service at justice.gov.bc.ca/apply-for-family-order.

The free service includes guided pathways that ask you questions and put your answers into the required court forms. When you're finished, you can save and file your forms electronically or print them to file in person.



A PDF version of this form is available online for download at www.gov.bc.ca/court-forms.

For courthouse locations, addresses, and contact information visit:

www.gov.bc.ca/courthouselocations

Need assistance with how to complete this form?

Refer to the guidebook if you need more information about prohibiting the relocation of a child and how to complete this form. Find it online, with interactive links, at www.gov.bc.ca/court-forms or pick up a printed copy from your local court registry.

Family law:

The Provincial Court Family Rules set out the steps that you must take and the forms you must complete in a family law case. These rules apply to cases in Provincial Court about matters under the Family Law Act and the Family Maintenance Enforcement Act.

You can find the Rules and Acts on the BC Laws website at www.bclaws.gov.bc.ca.

Preparing an Application for Order Prohibiting the Relocation of a Child Form 16

Complete this form if you need an **order prohibiting the relocation of a child under section 69 of the Family Law Act**.

Section 69 [orders respecting relocation] of the Family Law Act applies if:

- a guardian wants to **change the location of their residence or a child's residence** that can reasonably be expected to have a significant impact on the child's relationship with another guardian or person having a significant role in the child's life; **and**
- there is an **existing written agreement or court order about parenting arrangements for the child**.

Note: An application prohibiting the relocation of a child under section 69 of the Family Law Act must be filed within 30 days after receiving written notice that the guardian plans to relocate the child [s. 68 Family Law Act].

What if there is no written agreement or court order about parenting arrangements for the child?

If so, you may be able to apply for an order under section 46 [*changes to child's residence if no agreement or order*] of the Family Law Act using an Application About a Priority Parenting Matter Form 15 or an Application About a Family Law Matter Form 3 to determine the parenting arrangements for a child including the location of the child's residence.



Need legal help?

It's important to understand the law and make sure you have the right information. If you don't, it can make solving your problem harder. Getting advice from a lawyer can help. You can find a lawyer through:

Lawyer Referral Service

Visit www.accessprobono.ca/our-programs/lawyer-referral-service or call at 604-687-3221

Legal Aid, Duty Counsel and Family Advice Lawyers

Visit <https://legalaid.bc.ca/> or call 1-866-577-2525

Legal Services and Resources

Visit the ClickLaw HelpMap at www.clicklaw.bc.ca/helpmap



Filling out the form and preparing to file it

Make sure you follow the instructions in the form and include all the required information.

If you complete the form by hand, be sure it's readable.

How do I prepare the form for filing?

- collect the application, a copy of the existing written agreement or court order about parenting arrangements, and a copy of the notice of relocation, if applicable
- print or make copies of all documents: one set for you, one set for the court, and one set for each other party
- staple or secure each package of documents together



Filing the application at the registry

After you've filled out your form, you must file it at the [Provincial Court Registry](#):

- where the existing Provincial Court case with the same parties is filed (you already have a court file number), or
- nearest to where the child lives most of the time

File the form:

- electronically using the [FLA Online Forms Service](#)
- in person at the court registry
- by mail
- by email, as referenced in Notice to the Profession and Public [NP 28 Current Court Operations](#), or
- by fax filing using the [Fax Filing Cover Page Form 52](#)

There are no fees for filing Provincial Court family documents.

Be sure to bring all copies of the documents to the registry if you are filing in person.

The registry clerk will review your package to make sure it's complete before filing it. They'll give you a copy for your records along with a copy for the other party.



Serving the application

Serve a copy of the application on each other party.

They must be served with at least 7 days' notice of the date and time of the appearance unless the court has ordered something different. This means there must be at least 7 days between the date the application document is served and the date and time of the court appearance.

The application can be served by **ordinary service to the address of service** for each party. Their address for service is the address they have provided to the court.

A party who does not have an address for service must be served by **personal service**. An adult (at least 19 years old) who is not a party must hand-deliver the documents to the party to be served.

See the guidebook if you need more information about serving the application.

You may need to prove service of the document. The person serving the documents must complete a [Certificate of Service Form 7](#) to prove service. You must attach a copy of the documents to the Certificate of Service. Remember to make a copy before the documents are served.

What if I can't find the other party or they are avoiding service?

If you're in this situation, you can apply to the court to allow you to use an alternative method of service. You must complete and file an [Application About a Case Management Order Without Notice or Attendance Form 11](#).



Attending the court appearance

A judge can make decisions based only on the information presented by the parties. In addition to your application, you can provide evidence including any additional affidavit(s) and spoken evidence provided in court.

If you can't attend court using the method of attendance set out in your application, you can request the court's permission to attend using a different method of attendance by filing an [Application for Case Management Order without Notice or Attendance Form 11](#).

Can I get help in another language?

Free spoken-language interpreters for people who do not speak English and visual language interpreters for people who are deaf or hard of hearing are available **for all family law court appearances**.

It's important to let **court registry staff know as soon as possible** that you need an interpreter. If they can't arrange an interpreter in time, the judge may have to re-schedule your case.

For most things that go on outside the courtroom, you'll need to find your own interpreter. Some people ask a friend or family member. Others hire a professional interpreter.

Application for Order Prohibiting the Relocation of a Child

Form 16

Provincial Court Family Rules
Rule 80

COURT STAMP

Registry location: _____
Court file number: _____
Document number: _____
For registry use only

This Application for Order Prohibiting the Relocation of a Child sets out the details of an order prohibiting the relocation of a child that a person is applying for under section 69 of the *Family Law Act*.

Please read before completing the form:

- This application is to be used only if a child's guardian plans to relocate themselves, the child, or both, and there is a written agreement or order respecting parenting arrangements or contact with the child applies to the child [s. 65 *Family Law Act*].
- If there is no written agreement or court order, you may apply for an order under s. 46 of the *Family Law Act* [changes to child's residence if no agreement or order] using an Application About a Priority Parenting Matter Form 15 or Application About a Family Law Matter Form 3 to determine the parenting arrangements for the child including the location of the child's residence.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

i An application prohibiting the relocation of a child under s. 69 of the *Family Law Act* must be filed within 30 days after receiving written notice that the guardian plans to relocate the child [s. 68 *Family Law Act*].

Part 1 | About the parties

1. My **full name** is: _____
Full name of party
- My **date of birth** is: _____
(dd/mmm/yyyy)
2. The **other party's full name** is: _____
Their **date of birth** (dd/mmm/yyyy) is: _____
- There is an additional party.
The **additional party's full name** is: _____
Their **date of birth** (dd/mmm/yyyy) is: _____


i The other party is any other parent or guardian of the child(ren).

Part 2 | Information about children

3. This application is about the following child(ren) that I am a guardian of:


Child's full name	Child's date of birth (dd/mmm/yyyy)	Child is currently living with

4. I understand that I must consider the **best interests of the child** with respect to each order I am asking the court to make about the child. The "best interests of the child" is a legal test used to decide what would best protect the child's physical, psychological, and emotional safety, security and well-being [*Family Law Act* s. 37].

 For more information about best interests of the child, see the guidebook.

Part 3 | Notice of the application

5. I understand I **must give notice** of this application to each other party, including any other person who may be directly affected by the order.
To give notice, they must be served with the application and supporting documents **at least 7 days before** the date of the court appearance **unless** the court allows the application to be made without notice or with less than 7 days' notice.

 For more information about serving court documents, see the guidebook.

Part 4 | About your court appearance

For registry or judicial case manager use only

The application, which requires a court appearance, will be heard by the court

on _____ at _____ a.m./p.m.

date

time

in person at _____

court location

by another method of attendance, as specified

Do not attend the courthouse in person. The registry will send within 24 hours before the hearing date noted above the link to connect by MS Teams, including a dial-in conferencing number to be used by any party that is unable to use MS Teams or has problems with their video connection. If you have not provided your email address or telephone number to the registry on your Notice of Address Change ([Form 46](#)), you must contact the registry to obtain the MS Teams conference information.



The registry or judicial case manager will work with you to schedule a date for the court appearance and will fill in the actual date and method of attendance on the form. Be prepared to talk about your availability if there are options for dates.

NOTE TO THE OTHER PARTY:

If you do not attend court on the date and time scheduled for the court appearance, the court may make an order in your absence.

You may also choose to **file a written response** in reply to the application in Form 19 Written Response to Application.

The court must be satisfied that:

- the proposed relocation is being made in good faith,
- the relocating guardian has proposed reasonable and workable arrangements to preserve the relationship between the child and the child's other guardians, persons who are entitled to contact with the child, and other persons who have a significant role in the child's life, and
- the relocation is in the best interests of the child.



You can make an application under s. 69 of the *Family Law Act* only if there is an existing written agreement or court order about parenting arrangements [s. 65 *Family Law Act*].



You must attach a copy of the agreement or order to this application for filing.



You must attach a copy of the notice of relocation, if applicable, to this application for filing.

Part 5 | About the order

- I am applying for an order to prohibit the relocation of a child or children.
- There is a written agreement or order respecting parenting arrangements referred to in section 65 of the *Family Law Act* made on _____ that applies to
Date (dd/mmm/yyyy)
the child(ren) that are the subject of this application (**see attached copy of agreement or order**).
- Select only one of the options below and complete the required information
 Notice of relocation was given to me on _____ (**see attached copy**)
Date (dd/mmm/yyyy)
 I did not receive written notice of relocation but became aware of the planned relocation on _____
Date (dd/mmm/yyyy)

I understand the date of the relocation of the child(ren) to be _____
to _____
Date (dd/mmm/yyyy)

Location

I learned about the planned relocation:

Briefly explain how you found out about the planned relocation if you did not receive written notice

IMPORTANT INFORMATION ABOUT YOUR APPEARANCE

What do parties need to know about attending by another method other than in person?

If your notice indicates that you are to attend by another method of attendance, parties, including the judge, will attend using the Microsoft Teams audio- and video-conferencing (video) platform. **Do not attend the courthouse in person.** Parties will receive remote MS Teams appearance details within 24 hours prior to the appearance, this notification is sent to you by email.

Microsoft Teams allows participants to join the conference using video or audio from a desktop, laptop, tablet, or smartphone, or to dial-in to a proceeding from a telephone. **If you are appearing by video**, please ensure that you have downloaded Microsoft Teams or have the latest version of Google Chrome or Microsoft Edge.

If you received this Notice by mail and intend to appear using video or audio from a desktop, laptop, tablet, or smartphone, and you did not provide an email address for service, please file an Notice of Address Change (PCFR Form 46), with the court registry that includes your email address and the court registry will send you the MS Teams meeting invite within 24 hours prior to your appearance.

The link and dial up information may be shared with your lawyer if you have retained counsel; and with your client if you are counsel.

Please do not forward or share the MS Teams link or dial up information to any unauthorized parties.

Preparing for your Family Management Conference

Legal Aid BC - Family Law Legal Advice

If you do not have a lawyer for your family law matter, visit legalaid.bc.ca/family-court-notice to find out about **free in person and remote legal advice services** that you may be eligible for that can help you prepare for your court date. Contact the advice services at least three weeks before your court date or as soon as you receive this notice. If you are unable to access the internet, contact the Family LawLINE at 604-408-2172 in Greater Vancouver or 1-866-577-2525 elsewhere in BC.

Family Justice Services

Family justice counsellors provide services to British Columbians going through separation and divorce and are specially trained to help families resolve their issues about guardianship, parenting arrangements, contact and support. There is no charge for their services.

At this time all services are available in-person as well as virtually (through telephone and videoconference) across the province. For more information, parties can call [1-844-747-3963] or contact their closest [Family Justice Centre](#).

Society for Children and Youth of BC Child and Youth Legal Centre

Free legal assistance directly for children and youth. Services may include legal advice and information, referral, or full representation, depending on circumstances. Availability and wait times may vary. Services are for children and youth who want legal assistance, are able to express their views and preferences, and who can instruct a lawyer.

For more information: <https://www.scyofbc.org/child-youth-legal-centre/>
Contact the Child and Youth Legal Centre cylc@scyofbc.org - (778)-657-5544

Interpreter

The court provides interpreters for family proceedings in provincial court. If you require an interpreter, please advise the registry as soon as possible. This link includes all court locations (address and phone numbers): www.gov.bc.ca/courthouselocations

Before the scheduled hearing date, please visit the Provincial Court website at <https://www.provincialcourt.bc.ca> and review:

- *Policy on Use of Electronic Devices in Courtrooms and Access to Court Proceedings Policy* (there is a general prohibition on the recording or broadcasting of court proceedings unless authorized by the Court and there are penalties for breach)
- *NP 21 Remote Attendance in the Provincial Court* (for etiquette and directions on connecting by another method of attendance) (counsel attendance requirements when attending Family matters remotely)
- *NP 24 Form of Address for Parties and Lawyers* (provide the judge or justice with each person's name, title (e.g. "Mr./ Ms./Mx./Counsel Jones") and pronouns to be used in the proceeding)
- *Guide for Appearing in the Provincial Court using MS Teams*
- *eNews - What to expect at a family management conference?*

If you are unable to dial-in or are dropped from the appearance immediately call the court registry.

Part 6 | Best interests of the child

9. I believe it is in the best interests of the child(ren) to prohibit the proposed relocation because:

Multiple horizontal lines for text entry.

i
To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the *Family Law Act*.
The parties and the court must consider the best interests of a child when making a decision about contact with a child.
For more information, see the guidebook.

Part 7 | Filing location

10. I am filing this application in the court registry:

Select only one of the options below


- Where my **existing case** with the same party/parties is located. I already have a court file number.
- Closest to **where the child lives** most of the time, because my case involves a child-related issue
- Permitted by **court order**

Part 8 | Address for service

11. My **address for service** of court documents and contact information is:

You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:
City: Province: Postal Code:
Email: Telephone:
Lawyer's name and firm name (if applicable):


For more information about how this information will be used and who will have access to it, see the guidebook.