

# Preparing a Consent to an Informal Trial

## Provincial Court Family Rules Kamloops Registry ONLY

**Complete this form if you are consenting to an informal trial.**

There are two different types of trials available for resolving a family law case in Kamloops. They are an informal trial and a regular trial. Here's some key information about the two options:

Informal Trial	Regular Trial
The informal trial is less formal and has more relaxed court protocol.	There are court protocols that must be followed and more formal language.
Evidence is the information you use to prove your case. The judge may admit any evidence that is relevant (relates directly to the issues in your case), material (proves or disproves facts at issue in your case) and reliable (likely to be true or accurate), even if the evidence might be inadmissible (not allowed) under strict rules of evidence.	All the rules of evidence apply. The rules of evidence are used to determine what information can or cannot be given to the court to try to prove a case. They place limits on the things a witness can talk about and the kind of documents that can be given to the judge to read. Rules of evidence are a combination of legislation, court rules, and common law rules created from past legal decisions.
You can explain the issues in the case to the judge without worrying if the information is admissible (allowed under the strict rules of evidence) and provide any relevant documents or other evidence you want the judge to consider. The judge will decide if the documents, and what each person says, is relevant to the issues to be decided.	A party or their lawyer may object if they believe what someone says or a document or other evidence you want the judge to consider violates the rules of evidence. You are responsible for understanding the court process, the rules and the law that relates to your case.
The parties, or their lawyers, do not question another party or witness directly or interrupt while they give their evidence. The parties speak directly to the judge not each other. The judge is the only person directly asking a witness questions. The judge will ask if there are any questions a party (or their lawyer) wants the judge to ask a witness.	Lawyers, or people who represent themselves, usually present information to the court by calling witnesses and asking them questions. You also get to ask the other person and their witnesses questions (cross-examination). Generally, the judge does not ask many questions.
Fewer witnesses may be needed in an informal trial because the rules of evidence do not strictly apply.	People with something to say about the issues will need to give evidence during the trial about what they heard or saw. If you have documents you want to present to the court, you may need to have another person explain them or tell the court they are real.
The judge will make a final order about the issues. The final order has the same effect as if it were made at any trial.	The judge will make a final order about the issues.

You can find more information about informal trials at [www.gov.bc.ca/FamilyInformalTrial](http://www.gov.bc.ca/FamilyInformalTrial).

### **Step 1: Complete the Consent to an Informal Trial form**

This form is available online at [www.gov.bc.ca/court-forms](http://www.gov.bc.ca/court-forms) or at the Kamloops court registry.

To prepare the form for filing:

- print or make copies of the completed form: one for you and one for the Court
- bring all copies to the court registry for filing **or** send by mail or by fax filing using the [Fax Filing Cover Page Form 52](#)

### **Step 2: File the Consent to an Informal Trial form at the Kamloops Registry**

This form is only to be used at the Kamloops Registry.

### **Step 3: Schedule your trial with the Judicial Case Manager or as directed by the Judge**



## TIPS FOR COMPLETING THE FORM:

### **Registry location and court file number –**

Copy this information from the top right corner of any document filed with the court in your case.

### **Information about the parties –**

Copy your full name and the full name(s) of each other party from the first document filed in your case with the court.

### **Consent to an informal trial –**

If you are choosing an informal trial, you must complete and file the consent. To complete this section, you must check each statement, sign, and date the document.

### **Key terms explained:**

**“Withdraw”** means to take away or remove. You can withdraw your consent at any time before the informal trial begins by telling the judge. If you want to withdraw after your trial is scheduled, you should apply for an order respecting the management of your case using the Application About a Case Management Order Form 10 so the judge can make sure all the right orders and directions are in place before the trial.

**“Elected”** means choosing or selecting. The trial judge will check again to confirm you have elected an informal trial.

**“Evidence”** is the information you use to prove your case. Evidence can come from you, your documents, or your witnesses.

A **“witness”** is a person who gives evidence to the court. You are usually a witness at your own family trial but there may also be other witnesses.

**“Weight of evidence”** is the importance given to any evidence by the judge to help them in deciding the facts in issue.

More information about informal trials can be found at [www.gov.bc.ca/FamilyInformalTrial](http://www.gov.bc.ca/FamilyInformalTrial).

For help understanding the informal trial process, you can review the other resources about informal trials at the website above or talk to a legal information provider. Only a lawyer can give you advice about what might be the best choice for you.

### **Legal information**

Family Justice Centre: 250-828-4688 | 150 Victoria St, Kamloops, BC

Courthouse Library: 250-828-4385 | 455 Columbia St, Kamloops, BC

Elizabeth Fry Legal Clinic – Family Law Advocate 250-374-2119 or [ally@kamloopsefry.com](mailto:ally@kamloopsefry.com)

### **Legal advice**

If you don't have a lawyer and you have a low income, you can talk to a free lawyer at Kamloops **Family Duty Counsel** at 250-434-0669 or **Family LawLINE** at 1-866-577-2525

Visit [Clicklaw](http://www.clicklaw.bc.ca/helpmap) at [www.clicklaw.bc.ca/helpmap](http://www.clicklaw.bc.ca/helpmap) to find other free and low-cost legal services in your community

### **Signature and date –**

The court will always accept your signature using pen and ink. You may also be able to sign and submit the form using other electronic methods. See the Provincial Court's [Practice Direction on electronic signatures on family forms and orders](#) to see if the method you want to use is allowed.

# Consent to an Informal Trial

Provincial Court Family Rules Part 9 Division 5  
(for use in Kamloops Registry only)

Registry Location:
Court File Number:

My name is \_\_\_\_\_  
(full name of party)

The other party is \_\_\_\_\_  
(full name of other party)

I confirm that:

*Please check each statement, sign, and date below.*

1.  I understand how an informal trial works.
2.  I understand that my participation in an informal trial is voluntary and that I can withdraw my consent at any time prior to the informal trial.
3.  I understand that the other party must also consent to the informal trial and that the trial judge must agree that an informal trial is appropriate.
4.  I understand that the trial judge will confirm that I have elected an informal trial at the beginning of the trial.
5.  I confirm that there have been no threats or promises made to do anything in exchange for agreeing to an informal trial.
6.  I understand that if the trial judge determines that the informal trial process is no longer appropriate my trial will continue as a regular trial, and that this can occur at any point before or during the informal trial.
7.  I understand that by signing this document I consent to participate in the informal trial pilot and:
  - I agree that the trial judge may take a facilitative role to direct, control, and manage the conduct of the trial.
  - I understand that each party may explain the issue(s) and ask the trial judge to consider supporting documents or other related evidence, including evidence from other witnesses.
  - I agree that the trial judge may ask me, the other party, and witnesses (if any) questions about any relevant issue or matter.
  - I understand that the trial judge may admit evidence at an informal trial that might be inadmissible under the strict rules of evidence.
  - I understand that the trial judge will determine the appropriate weight of all evidence that is provided during the informal trial.
  - I understand I may appeal a final decision from an informal trial.

**I have read and understood this document, and I consent to an informal trial.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date