



GUIDEBOOK | Preparing a Notice to Resolve a Family Law Matter

PROVINCIAL COURT FAMILY RULES

For family law matters in an early resolution registry only

This guidebook will provide you with legal information and tips for completing the Notice to Resolve a Family Law Matter Form 1. It provides information in addition to what's in the form instructions and content.

It contains helpful information and links to other resources and information. We recommend using the online version available at www.gov.bc.ca/court-forms or scan the QR code to access it.



If you prefer to have a physical copy of this guidebook, you can print it out. You may choose to print only specific pages. The printed guidebook is 12 pages total.

Help navigating the court forms

If you're unsure about how to answer a question or fill out a section of the form, ask for help.

- Court registry, [Justice Access Centre](#) and [Family Justice Centre](#) staff can help answer questions about the forms. They can't help filling out your forms or give advice about legal problems.
- [Justice Access Centres](#) and [Family Justice Centre](#) staff can support you in navigating and completing court forms. For more information about their services, including how to reach them, visit www.gov.bc.ca/family-justice-services-division.
- Only lawyers can fill out a court form for you, tell you what to write, or give you advice about legal problems. If you need help filling in the forms and do not have a lawyer, ask court registry staff, Justice Access Centre or Family Justice Centre staff to refer you to someone who can help. There are some lawyers who might be able to help you for free.

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This guidebook provides general information only and is not provided as legal advice. If you have a legal issue, you should contact a lawyer for legal advice about your own situation. Registry staff, Justice Access Centre or Family Justice Centre staff, and the Provincial Court cannot provide legal advice.

1 | Getting started

Resolving your case without going to court

Going to court is not the only way to resolve a family issue. BC laws encourage people to try to resolve their family law disputes out of court through agreement and family dispute resolution processes.

There are formal dispute resolution processes such as mediation, parenting coordination and collaborative family law to help people reach agreement on family law issues.

Agreement can also be reached on your own or through informal dispute resolution, such as negotiation between lawyers.

The Association of Family and Conciliation Courts' Professional British Columbia Chapter (AFCC-BC) provides a Parenting Plan Guide to help develop parenting plans. Find the guide at www.afccbc.ca/resources.

[Justice Access Centre](#) or [Family Justice Centre](#) staff can provide you with more information about the court process and other ways to resolve a family law dispute.

A lawyer can help you determine the best process for a particular issue.

Provincial Court Family Rules

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.

Resolving a family law matter

Family law matters are defined under [Rule 2](#) as:

- Parenting arrangements, including parental responsibilities and parenting time
- Child support
- Contact with a child
- Guardianship of a child
- Spousal support
- Property division in respect of a companion animal (family pet)

The Notice to Resolve a Family Law Matter Form 1 can be used if:

- you have never had an agreement or court order about the family law matter
- you have an existing agreement or final court order about a family law matter that you want changed or cancelled

If you have a family law matter that you want help from the Provincial Court to resolve, there are three **types of court registries** you might file at:

- 1) Early resolution registry – Surrey and Victoria
- 2) Family justice registry – Kelowna, Nanaimo and Robson Square (Vancouver)
- 3) Parenting education program registry – all other registries

Each registry type has its own requirements that must be met before filing an application about a family law matter or before scheduling a first court appearance for a family law matter.

About early resolution registries

In Surrey and Victoria, the Provincial Family Court is an early resolution registry.

In these registries, the early resolution process applies to family law matters. The process aims to build knowledge, support problem solving and help parties prepare for next steps.

Before filing an application about a family law matter in an early resolution registry, you must:

- file a Notice to Resolve a Family Law Matter Form 1,
 - provide a copy of the notice to resolve to each other party,
 - participate in a needs assessment under [Rule 16](#),
 - complete a parenting education program under [Rule 17](#), and
 - participate in at least one consensual dispute resolution session under [Rule 18](#), if appropriate.
-

How to apply for a court order about other matters

You may have other matters you need help resolving. The [Provincial Court Family Rules](#) set out the steps you must take and the forms you must complete in a family law case. The specific forms and processes you must use depend on the issue. Different issues often need to be addressed in different ways. You may need to file more than one application form.

Do you need a protection order from family violence?

If so, you will need to complete an [Application About a Protection Order Form 12](#).

Do you have a priority parenting matter you need to resolve?

If so, you will need to complete an [Application About Priority Parenting Matter Form 15](#).

Do you have an interim (temporary) family law matter order that you need to change or cancel?

If so, you will need to complete a [Request for Scheduling Form 39](#).

Do you want to restart a family law matter that's been paused?

If the last step taken was over 1 year ago, you'll need to complete a [Notice of Intention to Proceed Form 2](#). If it's been less than 1 year, talk to staff at the court registry or Justice Access Centre. They will help you find out what you need to do to move forward with resolving your family law matter.



2 | Filling out the Notice to Resolve a Family Law Matter Form 1

Here you'll find information to help you complete the form. Each section corresponds to a different part of the form. It includes information and tips to help you navigate the form and court process with confidence.

Registry location

[Rule 7](#) states that you must file at the registry location:

- where the existing Provincial Court case with the same parties is filed
- nearest to where the child lives most of the time, if the family law matter involves a child-related issue, or
- nearest to where you live if the family law matter does not involve a child-related issue

The diagram shows a portion of the form with three fields: 'Registry location:', 'Court file number:', and 'Document number:'. The 'Registry location:' field is circled in red, and an arrow points from the text 'Rule 7 states that you must file at the registry location:' to this field. Below 'Document number:' is the text 'For registry use only'.

? What if the child splits their time between two homes, or is located between two court registries?

You can decide where to file your case. If the other party doesn't agree, they can always ask the court to decide where the case should be.

? What if I have an existing case but I've moved?

You can apply to transfer your case to a new registry by filing an [Application for Case Management Order Form 10](#) in the registry where your existing case is filed. Until your case has been transferred to the registry nearest to you, you need to keep filing where your existing case is filed.

For a list of court registry locations, addresses, and contact information visit:

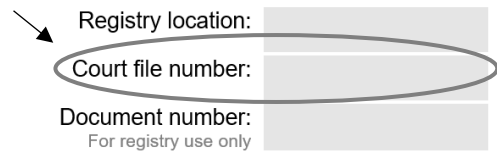
www.gov.bc.ca/courthouselocations

For a map of all B.C. Provincial Court locations visit: www.provincialcourt.bc.ca/locations-contacts

Court file number

Do you have an existing court file?

If so, copy the file number from the top right corner of any filed document. If you have an existing child protection case, a new court file number will be assigned for this family law case.



Registry location:

Court file number:

Document number:
For registry use only

Is this the first court document being filed?

If so, registry staff will give your case a file number when you file your document.

Part 1 | Notice

Under the Provincial Court Family Rules, a party is a person named in a case. You are a party if you are starting a case or filing a notice to resolve. The other party is each other person you identify by name on your notice to resolve as a party.

It is important that all parties involved are aware of legal proceedings.

You are responsible for making sure the other party receives a copy of the Notice to Resolve a Family Law Matter after it has been filed. Providing notice is a legal requirement. It is important for fairness and transparency. It gives the other party the opportunity to prepare and participate equally in the legal process.

Part 2 | About the parties

Naming the parties

Copy your full name from the first document filed in your case with the court.

If this is the first document in your case:

- provide your legal names from your birth certificate or through [a legal name change](#)
- a maiden name or married name can be used as a legal family name unless the name was [legally changed](#)
- use full names, including middle names
- if you or the other party go by another name, such as a name you prefer to be called by, provide it after the full name by including AKA (also known as)

Example: If your legal name is Robert Paul Smith but you are known as Bob Smith, your name should be given as Robert Paul Smith AKA Bob Smith

- provide your date of birth and the other party's if you know it, you can indicate unknown if you don't

NOTE: There may be more than one other party. If there are more than two other parties involved in your priority parenting matter, you can add a page with their name and date of birth.

If your family law matter is about a child, you must name:

- all parents and current guardians of each child who is the subject of the family law matter,
- each other adult who the family law matter is about, for example, a grandparent, other family member or friend of the family, for an order appointing a guardian or contact with a child, and
- if your application is about guardianship of a child, under section 52 of the Family Law Act you must also give notice to each adult who the child usually lives with and who generally has care of the child.

? Do I name an adult child who is the subject of the family law matter as a party?

No. List them under the part of the form for children who the family law matter is about.

If your family law matter is not about a child because you are applying for spousal support or property division in respect of a companion animal, you only need to name your spouse.

Contact information

You must provide contact information. Include an email address and phone number where staff at the Justice Access Centre and the other party can contact you. You can provide a phone number other than your own if you are concerned about sharing your number with the other party, as long as messages can be forwarded to you quickly.

Make sure the telephone number is somewhere you can be reached during the day and you check your email junk box regularly.

If you proceed to court, you will be required to provide an address for service.

Part 3 | Family law matters that you need help resolving

Family law matter is a term that captures different matters specified under [Rule 2](#). It includes a case about any of the following:

Parenting arrangements, including parental responsibilities and parenting time

Parenting arrangements include how each guardian will parent their child(ren). This includes each guardian's responsibilities for decision making about a child and the time spent with a child by each guardian. One or more guardians can share parental responsibilities exclusively, separately, or jointly.

Child support

Child support is the amount of money a parent or guardian pays to another parent or guardian to help care for the child.

Contact with a child

Contact with a child is the time a child spends with someone who is not their guardian.

Guardianship of a child – Appointing a new guardian or cancelling guardianship

Guardianship is who is responsible for a child. Only guardians have parental responsibilities and parenting time with a child.

Spousal support

Spousal support is money that one spouse pays to another spouse for their financial support after separation.

Property division in respect of a companion animal

Property division in respect of a companion animal is who will have ownership and possession of a companion animal (family pet) when spouses separate. The court may only make an order for ownership and possession by one spouse.

TIP: When selecting each family law matter you need help resolving, it's okay if you're unsure. Your next step after filing involves meeting with a family justice counsellor. They help with identifying your legal and non-legal needs.

Part 4 | Identification of children

If your family law matter is about a child, include all the children your family law matter is about. Provide the details required by the table including:

- the child's legal name - usually their name from their birth certificate, unless they have had a legal name change
- the child's date of birth using the format requested of dd/mmm/yyyy, for example, 12 JAN 2011

Part 5 | Existing orders and agreements

It's important to know what orders, agreements or plans were made in the past. This ensures they do not conflict with any new agreement or court order, and to coordinate the proceedings where appropriate.

- **A court order** may be from the Provincial Court of BC or any other court, including the Supreme Court or another jurisdiction. An order can also be interim (temporary) or final.
- **A written agreement** includes a separation agreement or mediation agreement.

A court order, agreement or plan protecting one of the parties, or the child(ren), from another person usually requires the individual to have no contact, or limited contact, with the protected person or their children and/or family.

Part 6 | Filing location

Rule 7 sets out the requirements for which registry to use. These requirements help make sure there aren't multiple files about the same parties in different registries. It provides a fair and transparent way to determine where to locate a case when parties do not live in the same jurisdiction.

If the parties don't agree on where a case should be filed, the court can make a decision on application by a party using the Application for Case Management Order Form 10.

Part 7 | What you must do to meet the early resolution requirements

This part of the form doesn't need to be filled out. It gives you information about what you need to do next.

Before you can proceed with your family law matter in court, you must meet the early resolution registry requirements listed in Part 7 of the form:

- participate in a needs assessment
- complete a parenting education program
- participate in consensual dispute resolution, if appropriate

3 | Filing the form

You can file the form:

- electronically online 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.

For courthouse locations, addresses, and contact information visit:

www.gov.bc.ca/courthouse-locations

TIP: If you are filing in person, you must print or make extra copies of the form for filing. One set for you, one set for the court, and one set for each other party. **Be sure to bring all copies of the documents to the registry.**

The registry clerk will review your form to make sure it's complete before filing it. **A document is filed once the court registry applies a court stamp to it.**

You'll be given a copy for your records along with a copy for the other party.

4 | Providing a copy to each other party

Remember, you are responsible for making sure the other party gets notice of the Notice to Resolve a Family Law Matter after it has been filed.

How do I give notice?

There are no formal requirements for how you must give notice to the other party. [Rule 10](#) states that a party must provide a copy of the Notice to Resolve to each other party.

The key is to make sure they receive a copy of the document. You can give the other party a copy using any way you believe will get it to them, including:

- giving a copy to them
- sending a copy by email, text message, direct message, or mail
- getting a friend or someone else to give them a copy
- leaving a copy at their home address

TIP: The Notice to Resolve a Family Law Matter is a 3-page form. Remember to give the other party a copy of all the pages.



5 | Completing the early resolution process

Contact the [Justice Access Centre \(JAC\)](#) in person or by phone to get started.

In most cases, the early resolution process will look like this:

- 1) You must complete an individual needs assessment with a [Family Justice Counsellor](#) at the JAC. An assessment involves talking to a Family Justice Counsellor about your situation, issues to be resolved and what supports might be helpful to your family. You will also be provided with referrals to get early legal advice.

As part of the needs assessment, the Family Justice Counsellor will discuss with you whether consensual dispute resolution (usually mediation) is appropriate.

If there are issues of power imbalances, safety or family violence, the Family Justice Counsellor will consider whether or not it's possible to adapt the dispute resolution process to make it safe for people to take part or may determine that mediation is not appropriate. The other parties involved will also complete an individual needs assessment.

- 2) You will need to complete the [Parenting After Separation Program \(PAS\)](#) unless you have completed it within the last two years or meet one of the few exemptions. Learn about what exemptions exist by talking to staff at the JAC. PAS is free and available online 24/7.

- 3) If the Family Justice Counsellor determines consensual dispute resolution is appropriate, you must take part in at least one consensual dispute resolution session, and preparation for the session. This can happen several ways.

A Family Justice Counsellor or Child Support Officer at the [Justice Access Centre](#) can provide dispute resolution services free-of-charge.

Or you may decide to hire a private family mediator or participate in a private collaborative law process under a collaborative participation agreement. A private family mediator must meet the requirements of being a family dispute resolution professional under s. 4 of the Family Law Act.

For more information about the early resolution process, including how to reach Family Justice Services Division, go to www.gov.bc.ca/family-justice-services-division.

Access the Parenting After Separation courses at www.gov.bc.ca/ParentingAfterSeparation



6 | What's next

If you resolve some or all family law matters with the help of the family justice counsellor, they'll help you to document the agreement. You'll also be referred to resources who can give legal advice.

You can choose to file a written agreement or consent order with the court.

If you don't resolve all your family law matters during the early resolution process, either party can apply to the Provincial Court for a court order by filing an [Application About a Family Law Matter Form 3](#). Family Justice Services Division will confirm you've met the early resolution requirements.