



GUIDEBOOK | Preparing a Notice of Intention to Proceed

PROVINCIAL COURT FAMILY RULES

This guidebook will provide you with legal information and tips for completing the Notice of Intention to Proceed Form 2. 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 10 pages total.

Tips for completing court forms

A court form is a tool for you to communicate your information to the court and the other party. The forms help you provide the information the court will need to make an informed decision.

1. **Take your time to read each question and instruction.** Don't rush. Make sure you understand what is asked before answering.
2. **Write your answers in clear and simple language.** You don't need to use special wording or legal terms.
3. **Stick to the facts. Present them in a logical order.** Avoid unnecessary details or explanations unrelated to your case.
4. **Provide complete answers to each question.** If a question has multiple parts, answer each part.
5. **Be accurate.** Especially names and dates. You should follow the date format in the instructions, usually dd/mmm/yyyy, for example 12/MAY/2024.
6. **Ask for help.** If you're unsure how to answer a question or fill out a section, ask for help.
7. **Review the form before filing.** Once you've completed the form, review it to make sure you haven't missed anything or made any errors. It's a good idea to ask a trusted friend, family member, or other person to review it. They may catch any mistakes you missed.

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, staff at a Justice Access Centre or Family Justice Centre, and the
Provincial Court cannot provide legal advice.***

1 | Getting started

Do you have an unresolved family law matter before the court?

Sometimes after starting the court process there can be a pause in your case about a **family law matter** and you want to start it up again. If the last step taken was over 1 year ago, you must complete a Notice of Intention to Proceed and give a copy to each party before taking any further steps.

The Notice lets the other party know that you plan to continue, as it might have seemed to them that the case was ended. It also lets you get your case re-started.

How do I know if my family law matter is unresolved?

A family law matter is unresolved if the court has not made a final order. Sometimes you will be given an interim order that gives a temporary solution while you wait to go to trial. Even if this was in place for a while, it is still not a final order.

A **final order** is a decision by a judge usually after a hearing or trial, or a consent order between the parties that decides the issue.

An order will often say if it is interim, final, or a consent order. If there is an order and you aren't sure if it's final, you can ask your lawyer or the registry staff.

What if a final order has been made?

If a final order has been made on the family law matter but you want to go back to court about the same issue, you need to determine which court process to use.

To change or cancel a final order, you will need to complete a [Notice to Resolve a Family Law Matter Form 1](#) or [Application About a Family Law Matter Form 3](#).

To enforce a final order, you will need to complete an [Application About Enforcement Form 29](#).

If you aren't sure what need, you may want to talk to a lawyer.

What if it hasn't been a year?

If it hasn't been a year, but your family law matter doesn't seem to be moving forward, you may need to take some action to get it back in court.

There are three **types of court registries** your case might be filed 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 either before filing an application about a family law matter or before scheduling a first court appearance for a family law matter.

If your case is in an early resolution registry and you have been completing the early resolution registry requirements, **talk to the family justice manager about how to proceed.**

If a family management conference has never been scheduled, you may need to file proof of service of the Application About a Family Law Matter, proof that you have completed a parenting education program or a referral request.

If a family management conference was scheduled but no next steps have occurred, you may need to complete a [Request for Scheduling Form 39](#).

Talk to a lawyer or the registry staff for help determining how to schedule your court appearance.



What if I need to proceed with a matter that is not a family law matter?

You do not need to file a Notice of Intention to Proceed. It is only for family law matters.

Talk to a lawyer or the registry staff for help determining how to proceed. It'll depend on the type of matter and what's already happened in the court process.



2 | Filling out the Notice of Intention to Proceed Form 2

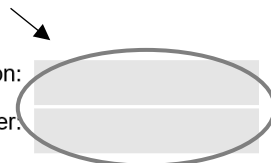
Here you'll find information to help you complete the form. Each section corresponds to a different part of the form. It includes information and tips to help you navigate the form and court process with confidence.

Registry location and court file number

Copy the registry location and court file number from the top right corner of any filed document in your case.

Registry location:

Court file number:



Part 1 | About the parties

Copy the party information from a filed document in your case. It should match.

Part 2 | Intention to proceed

Sometimes there can be a pause in your court case about a family law matter and you want to start it up again. In this Part, you'll identify which document you've already filed that you want to proceed to court on. This makes it clear to the other party and the court what your intention is.

TIP: Remember, it must be a family law matter. It may be a notice to resolve, application, reply, or counter application.

If your case is in an early resolution registry, you may have filed both a Notice to Resolve a Family Law Matter and an Application About a Family Law Matter. If this is true for you, you only want to proceed on the most recent document. Just select the Application About a Family Law Matter.

Part 3 | Notice

It is important that all parties involved are aware of legal proceedings. Providing notice is not only a legal requirement but also important for fairness and transparency of the legal process. It gives the other party the opportunity to prepare and participate equally in the process.

You are responsible for making sure the other party receives a copy of the Notice of Intention to Proceed after it has been filed.

Under the Provincial Court Family Rules, there are different ways you may be able to give notice to someone, usually depending on the document.

If you are proceeding on a filed Notice to Resolve a Family Law Matter, the notice requirements are the same as for that document. You must provide the other party with a copy using any way you believe will get it to them.

If you are proceeding on a filed Application About a Family Law Matter or Reply to an Application About a Family Law Matter and/or with a Counter Application, you must serve the other party with a copy.

Go to the section of this guidebook on [Providing notice to each other party](#) for more detail on how to provide the other party with a copy or how to serve them.

Part 4 | Latest step taken in case

You'll need to identify the date the last step completed in your case occurred and what that step was. It may be something you completed, the other party, or both of you together.

TIP: If you aren't sure what date the step was completed, here are some suggestions:

- For court documents, the date of filing will be on the registry stamp
- For completion of a parenting education program or any steps at the Justice Access Centre or Family Justice Centre, including a needs assessment or consensual dispute resolution, contact the Justice Access Centre or Family Justice Centre to confirm the date of completion
- For a court appearance date, contact the court registry

If you aren't sure what happened last, you can ask the court registry staff or staff at the Justice Access Centre for help checking your court record.

Part 5 | Current address for service

Each party must provide an address for service where they can receive notice or service of documents. You are also responsible for ensuring your address information is kept up-to-date.



The other party and the court will have access to the address for service and contact information. You do NOT need to provide your home address.

[Rule 175](#) sets out the requirements for an address for service.

Address: The court requires an address where you can get mail but it doesn't need to be your home address.

If you do not have a stable mailing address, or you're worried about your safety, you can give the address of your lawyer, a friend or family member, or somewhere that mail can be collected for you.

Email Address: The quickest way for the court and the other party to contact you is by email. If you give an email address, the court and the other party can send documents or communicate with you by email instead of using mail.

If your address for service is outside of British Columbia, you must include an email address.

TIP: Remember, if you agree to use email to receive court documents, you will get copies of court documents much faster than by mail. Make sure to check your junk box if you are expecting something from the court. Sometimes email filters will prevent you from receiving an important document.

Telephone number: It is also important for the court to have a telephone number where they can reach you. Make sure the telephone number is somewhere you can be reached during the day.

TIP: If your address for service changes, you must file a [Notice of Address Change Form 46](#) and serve a copy on each other party as soon as possible.

Part 6 | What you must do to proceed with your family law matter

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

Your **first** step will be to give notice of the Notice of Intention to Proceed to each other party.

Go to the section of this guidebook on [Providing notice to each other party](#) for more detail on how to provide the other party with a copy or how to serve them.

Your **next** step will depend on which type of registry your case is in, and what your last step was.

The form sets out the steps you need to take depending on your situation.

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.

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



4 | Providing notice to each other party

Remember, you are responsible for making sure the other party gets notice of the Notice of Intention to Proceed after it has been filed.

How do I give notice?

Under the Provincial Court Family Rules, there are different ways you may be able to give notice to someone, usually depending on the document. The rules about service are found in [Part 12 Division 4 of the Provincial Court Family Rules](#).

If you are proceeding on a filed Notice to Resolve a Family Law Matter, there are no formal requirements for how you must give notice to the 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

If you are proceeding on a filed Application About a Family Law Matter or Reply to an Application About a Family Law Matter (with a Counter Application), you must serve the other party with a copy.

There are two types of service – personal service and ordinary service.

A party who does not have an address for service must be served by personal service.

A party's **address for service** is the address they have provided to the court.

Personal service means an adult person who is at least 19, **other than you**, must hand-deliver the documents **directly to the person** being served. A party cannot personally serve a document on the other party.

Some documents must be personally served, like the Application About a Family Law Matter and the Application About a Protection Order.

If the other party has an address for service, they can be served by ordinary service.

Ordinary service means that a party must be served to their address for service in one of the following ways:

- by leaving the documents at the party's address for service

- by mailing the documents by ordinary mail to the party's address for service
- by mailing the documents by registered mail to the party's address for service
- if the party's address for service includes an email address, by emailing the documents to that email address
- if the party's address for service includes a fax number, by faxing the documents to that fax number

TIP: If the Notice to Resolve a Family Law Matter or Application About a Family Law Matter has not been given to the other party, you must include a copy of it along with the Notice of Intention to Proceed.

Proof of service

The court may need proof you had the Notice of Intention to Proceed served. The person serving the documents must complete a [Certificate of Service Form 7](#) so that you can prove service of the documents. You must attach a copy of the documents to the Certificate of Service. Remember to make a copy before the documents are served.

5 | What's next

Once you've given notice to the other party, you'll need to follow Step 2 in Part 6 of the form. The next step will depend on whether your case is in an early resolution registry or another registry, and what the last step taken was.

Before proceeding any further with your court case, you must either:

- participate in a needs assessment, or
- attend a family management conference

At the needs assessment or family management conference, the needs assessor or judge will determine where your case is at and the most appropriate next step.

To schedule a family management conference, you must also meet the requirements for scheduling set out in [Rules 37, 38, 39 and 40](#), as applicable, including:

- A reply has been filed by the other party
- OR**
- A reply has not been filed and based on the filed certificate of service, 30 days has passed since the application was served

AND

If the application was filed in a family justice registry

- A party has filed:
 - a referral request following the completion of a needs assessment, and
 - a certificate of completion or notice of exemption for the parenting education program

If the application was filed in a parenting education program registry

- A party has filed:
 - a certificate of completion or notice of exemption for the parenting education program

TIP: If you aren't sure what you must do to schedule your family management conference, talk to the staff at the court registry.
