

Form

2

# Notice of Intention to Proceed Form 2

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](https://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](https://www.gov.bc.ca/court-forms).

**For courthouse locations, addresses, and contact information visit:** [www.gov.bc.ca/courthouselocations](https://www.gov.bc.ca/courthouselocations)

**Need assistance with how to complete this form?**

Refer to the guidebook if you need more information about when to file a notice of intention to proceed and how to complete this form. Find it online, with interactive links, at [www.gov.bc.ca/court-forms](https://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](https://www.bclaws.gov.bc.ca).

## Preparing a Notice of Intention to Proceed Form 2

Complete this form **to proceed with an existing family law matter when the last step completed in the case by any party was more than one year ago and no final order has been made.**

This form is used to let the court and each other party know that you plan to continue with the family law matter.

**Family law matters** include:

- 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

**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. If a family management conference has never been scheduled, you may need to file proof of service, 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 next court appearance. 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.

**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 are not sure what need, you may want to talk to a lawyer.



## 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](http://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](http://www.clicklaw.bc.ca/helpmap)



## Getting started

If you have a family law matter in Provincial Court, there are three types of court registries you might file at:

- early resolution registry,
- family justice registry, or
- parenting education program registry.

Each one has its own requirements. [Rule 6](#) lists the different registries, or you can see the guidebook for more information.



## Filling out the form and preparing to file it

Make sure you follow the instructions in the form and include all the required information. You don't need to use any special wording. Try to be clear and concise.

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

### How do I prepare the form for filing?

- print or make copies of the completed form: 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 form 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.

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 form to make sure it is complete before filing it. You will be given a copy for your records along with a copy for the other party.



## Providing notice to each other party

Depending on what's been filed already, there are different ways you must give a copy to each other party.

**If you are proceeding on a filed Notice to Resolve a Family Law Matter** (an Application About a Family Law Matter has not been filed), you can give the other party a

copy using any way you believe will get it to them, including:

- giving them a copy in person
- sending a copy by email, text message, direct message, or mail
- getting a friend or someone else to give them a copy

**If you are proceeding on a filed Application About a Family Law Matter** or any step after the filing of the application, you must serve each other party with a copy of the Notice of Intention to Proceed.

The document 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 doesn't 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 for more information about how to give notice to the other party.

**To schedule a family management conference, you'll 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.

**Note:** If the Notice to Resolve 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.



## What's next

Once you've filed your form and notified the other party, you'll need to **follow Step 2** in Part 6 of the form.

The next step to re-start your case will depend on whether your case is in an early resolution registry or another registry, and what the last step taken was. The form will help to identify what's next – either participating in a needs assessment or scheduling and attending a family management conference.

**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:

- 1) the filing of a reply by the other party, or if a reply has not been filed, based on the filed certificate of service, 30 days has passed since the application was served **and**,
- 2) if at the time of filing the application
  - a. 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
  - b. 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.

At the needs assessment or family management conference, you'll receive help to determine the next steps to resolve your matter.

# Notice of Intention to Proceed

## Form 2

Provincial Court Family Rules  
Rules 15 and 42

COURT STAMP

Registry location:

Court file number:

Document number:   
For registry use only

This Notice of Intention to Proceed provides notice that a party is seeking to proceed with a family law matter that has already been initiated but no step in the case has been taken for over one year and no final order has been made.

### Please read before completing the form:

- This form is only to be used to proceed with a family law matter when the last step completed in the case by any party was more than one year ago and no final order has been made.
- For guidance filling in this form, please read the guidebook. The guide is available online at [www.gov.bc.ca/court-forms](http://www.gov.bc.ca/court-forms) or from your local court registry.



For more information about how to proceed with your family law matter if less than a year has passed since your last step or a final order was made, see the guidebook.

## 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:



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

## Part 2 | Intention to proceed

3.  More than one year has passed since the parties have taken any step in my case and **I want to proceed with the family law matter(s) as set out in the following document** filed with the court:
  - Notice to Resolve a Family Law Matter
  - Application About a Family Law Matter
  - Other (*specify*):



If you have already filed an Application About a Family Law Matter, you do not need to also select the Notice to Resolve.

### IMPORTANT NOTE:

**Before proceeding any further** with your case, you must participate in a needs assessment or attend a family management conference depending on the last step taken in your case, as described in the rules and **set out in Part 6 of this Notice**.

## Part 3 | Notice

4.  I understand **I must give notice** of my intention to proceed to each other party.  
To give notice, each other party must be:
  - **provided with a copy of this document**, if I am proceeding on a filed Notice to Resolve a Family Law Matter (an Application About a Family Law Matter has not been filed)
  - **served with a copy of this document**, if I am proceeding on a filed Application About a Family Law Matter



For more information about how to give notice to the other party, see the guidebook.

## Part 4 | Latest step taken in case

5. The last step completed in my case, by any party, on  was:  
Date (dd/mmm/yyyy)

Select only one of the options below and complete the required information

- Filing of the **Notice to Resolve a Family Law Matter**
- Filing of the **Application About a Family Law Matter**
- Participation in a **needs assessment**
- Completion of a **parenting education program**
- Participation in **consensual dispute resolution**
- Other (*specify*):



Different registry types have different steps that may be required for a family law matter. A step listed here may not apply to you.  
The timing when a step is required is also different for different registry types.

## Part 5 | Current address for service

6. My current **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.

### NOTE TO THE OTHER PARTY:

If your address for service and/or contact information filed with the court is not current, you must file a Notice of Address Change in Form 46 and serve a copy of the notice on each other party. Your address must be current to receive notice of any court appearance.

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

You **do not** need to **complete this Part** to file the form. It provides you with a checklist of the next steps you must take to proceed with your family law matter.

### Step 1:

- Give **notice** of the Notice of Intention to Proceed to **each other party**

**Note:** If the Notice to Resolve 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.



For more information about how to serve or provide notice to the other party, including proof of service, see the guidebook.

### Step 2:

If your case is in an **early resolution registry and no Application About a Family Law Matter has been filed**, you must participate in a **needs assessment**.

- Contact** Family Justice Services Division to **schedule** your individual **needs assessment**

FJSD  
contact information



At the needs assessment, you will receive to help identify the next steps for you.

You may be required to meet the other early resolution requirements, if applicable, including:

- Completion of a parenting education program
- Participation in a consensual dispute resolution session

- Participate in a needs assessment**

If your case is in an **early resolution registry and an Application About a Family Law Matter has been filed or your case is in any other registry**, you must attend a **family management conference**.

- File** proof of service of the Notice of Intention to Proceed on each other party
- Schedule** a family management conference

The court registry will provide you with information about how to schedule the family management conference after you have filed a Certificate of Service to prove service of the Notice of Intention to Proceed on each other party.

To schedule a family management conference, you must also have met any other requirements for scheduling including any of the following as applicable:

- filing proof of service of the Application About a Family Law Matter, **or** a reply was filed by the other party
- participating in a needs assessment and filing a Referral Request Form 21
- completing a parenting education program and filing a certificate of completion

- Attend** the family management conference



The requirements for scheduling a family management conference are set out in Rules 37 to 40, as applicable.



At the family management conference, the judge will help to determine the next steps that are right for your case.