



GUIDEBOOK | PREPARING AN APPLICATION FOR CASE MANAGEMENT ORDER

PROVINCIAL COURT FAMILY RULES

This guidebook will provide you with legal information about case management orders in Provincial Court and tips for preparing an Application for Case Management Order Form 10. 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 14 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](#) or [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 | Understanding the law

Resolving your case without going to court

Going to court is not the only way to resolve a family issue. B.C. 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.

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.

Case management orders

Case management orders are procedural or administrative orders. There are lots of different case management orders that a judge can make. When you apply for a case management order, you're asking a judge to make decisions about how your case will proceed.

A judge can make a case management order at any time to manage a case. Case management orders can be made by a judge at a family management conference, family case conference, or other court appearance without an application.

You can also apply for a case management order at any time if you need an order to help manage your case.

Form 10 and [Rule 62](#) provide a list of different things a judge can make an order about to manage a case.

- For some of these things, the order may be very specific, for example, adjourning a court appearance.
- For other things that are listed, the order may cover a wide range of possibilities. This means you can ask for any order about that part of your case. For example, if you

select relating to a report under section 211 [*orders respecting reports*] of the Family Law Act, including requiring that a person who prepared the report attend a trial as a witness, you can ask for any order you need about a report under section 211.

The Application for Case Management Order Form 10 must be used to apply for any case management order that requires notice to the other party or person impacted by the order.

The order may be made:

- at a court appearance with notice to the other party or person, or
- without a court appearance if everyone consents to the order.

Usually, an application must be made with notice to the other party or person if the order will potentially impact the other party or person.

Some case management orders can be made without notice to the other party and without a court appearance.

Other case management orders must be made with notice to the other party but may not need a court appearance if each party gives written consent for the order to be made.

Rule 65 sets out the **case management orders that you can apply for without notice or attendance** at a court appearance. They include:

- Allowing a person to attend a court appearance using another method of attendance
- Changing or cancelling any requirement for service or notice to a person, including allowing another method for the service of a document
- Changing or cancelling **any other requirement** under the rules, including a time limit

Note: Any other requirement includes any time the rules say a person or party must do something. This may include:

- filing at a specific court registry
 - meeting requirements before you can carry on with your court application at an early resolution or family justice registry
 - filing a document by a specific time or without being able to complete it fully
-

- Requiring access to information in accordance with section 242 of the Family Law Act
- Authorizing an official of the court, in accordance with section 10 [*authorization — information for the establishment or variation of a support provision or the enforcement of a family provision*] of the Family Orders and Agreements Enforcement Assistance Act (Canada), to make an application under section 12 of that Act for the release of information
- Recognizing an order from outside British Columbia (other than a support order)

If you need a case management order that can be made without notice or attendance, you can make your application using the Application for Case

Management Order Without Notice or Attendance Form 11. You may also choose to apply using Form 10 but it will require a court appearance unless you have written consent.



2 | Filling out an Application for Case Management Order Form 10

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.



Rules 64 sets out the requirements for making an application for case management order in Form 10. Rule 62 lists the case management orders a judge can make, and that you can apply for using this form.

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

Registry location:	
Court file number:	
Document number:	
<small>For registry use only</small>	



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

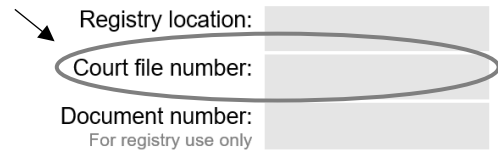
For a map of all B.C. Provincial Court locations visit:

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 | About the parties and any other person who may be directly affected

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 and filing an application. The other party is each other person identified by name on an application as a party. A party can also be added by court order.

Copy the party names from a 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
- the other party is usually the other parent or guardian of the child your case is about, or your spouse if your case is not about a child

A case management order may affect a person who is not a party. For example, if you are asking for a teacher to provide a document, they will need to know about the order.

If there is a person, who is not a party, who may be directly affected by the order, you must also add their name on the application.

Part 2 | Information about children

Indicate if you are a party to the case or not. If you are a party, provide the details required by the table for each child your case is about, if applicable. Include:

- 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 3 | Notice of the application

You are responsible for making sure the other party, and each other person who may be directly affected by the order, receives a copy of the Application for Case Management Order after it has been filed and at least 7 days before the scheduled court appearance. This means there must be at least 7 days between the date the document is served and the date and time of the court appearance.

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.

Go to the section of this guidebook on [Serving the application](#) for more detail on how to serve them.

Part 4 | Case management order

Case management orders are procedural or administrative orders. When you apply for a case management order, you're asking a judge to make decisions about how your case will proceed.

The form provides a limited list of different things a judge can make an order about to manage a case. Select the option for each part of your case you need a case management order about. You may select more than one.

Remember, for some of these things, the order may be very specific, for example, adjourning a court appearance.

For other things that are listed, the order may cover a wide range of possibilities. This means you can ask for any order about that part of your case. For example, if you select "Relating to a report under section 211 [*orders respecting reports*] of the Family Law Act, including requiring that a person who prepared the report attend a trial as a witness", you can ask for any order you need about a report under section 211.

TIP: Look for key words in the list to find the part of your case you need a case management order about. If you aren't sure where your order fits, ask the court registry, staff at the Justice Access Centre or Family Justice Centre, or a lawyer for help.

Part 5 | Details of the order

For each option you selected in the previous Part, provide the details of the order you want the court to make.

List everything that you are asking for. You don't need to use any special wording.

TIP: Think about the solution or outcome you'd like to the priority parenting matter. What do you need from the court to make that happen?

Part 6 | The facts

List the facts you want the court to consider.

Include:

- why you are making this application, including how it will help to manage your case, and
- why the court should make the order you are applying for

Are you applying to change, suspend, or cancel an order made in your absence?

If so, you must explain:

- why you did not file a reply or attend court when required,
- why the order to change, suspend, or cancel an order should be made, and
- the reason(s) for any delay in making this application

Are you applying for an order authorizing an official of the court to make an application under section 12 of the *Family Orders and Agreements Enforcement Assistance Act (Canada)* for the release of information?

If so, your application under section 7 of the [Family Orders and Agreements Enforcement Assistance Act \(Canada\)](#) requesting that a court authorize an official of the court to make an application under section 12 of the Act for the release of information **must be supported by an affidavit** that includes the information set out under section 8 (1)(a) or 9 (1)(a) of that Act, as applicable. The affidavit can be drafted using the [Affidavit – General Form 45](#).

Talk to a lawyer if you need help figuring out what facts you need to present to the court to support your application.

TIP: A judge can make decisions based only on the information presented by the parties as evidence. Evidence is presented in writing in an affidavit or as spoken evidence provided in court. The facts you set out in your application can help guide your evidence in court and a judge may ask you to swear or affirm that the facts set out in this application are true.

If you choose to, you can prepare an [Affidavit – General Form 45](#). If you do not wish to prepare an affidavit, be prepared to give evidence in court.

Part 7 | Consent of other party and any other persons

Before filing your application for a case management order, it is good practice to contact the other party, and any other person directly affected by the order, to ask if they will consent to the order. If they consent, it could save you time and energy.

TIP: Consent means that a person agrees the court should make the order you are asking for. They are voluntarily giving their approval for the order to be made.

If they agree to the case management order, you can choose to:

- prepare a [Consent Order Form 18](#) and have each party/person sign it, or
- go to a court appearance

If you file a consent order, it usually means a judge can review your application and approve your order without you having to go to court. You are responsible for preparing the consent order and you need to make sure all the parties and any other person who may be affected by the order sign the consent order. If you are not comfortable preparing the order and getting the signatures, you can ask for a court appearance. The choice is yours.

Part 8 | Availability for court appearance

The court prefers to schedule court appearances for a date that works for everyone.

It is usually better for you if the court appearance is scheduled for a date when everyone can be there. Check with the other party to see if there are dates that may work better for all of you. Try to pick a few dates that may work for you.

You don't have to contact the other party, but the court might ask why you didn't try.

Sometimes there are specific days of the week or times that family court appearances are held. These are usually listed on the Provincial Court's website for each court location. To see the court schedule, check your court location at www.provincialcourt.bc.ca/court-location.

Part 9 | About your court appearance

You don't fill out this part of the form. The registry staff or judicial case manager will work with you to schedule a date for the court appearance and will fill in the actual date on the form. Be prepared to tell them the dates you are considering.

Part 10 | 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 11 | 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.



3 | Filing the application

You must file the application at the court registry where the case is located. It can be filed:

- electronically online using the [Family Law Act 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](#)

For courthouse locations, addresses, and contact information visit:

www.gov.bc.ca/courthouse-locations

There are no fees for filing Provincial Court family documents.

You must file:

- ☐ the completed application form
- ☐ supporting affidavit, if applicable

- ☐ a draft consent order signed by each party and other person impacted by the order, if applicable

TIP: If you are filing in person, you must make extra copies of the application and any attachments 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.



5 | Next steps – application by consent

If you are making your application **by consent** and you have included a draft consent order, it usually means you can obtain the order without you having to go to court.

A judge reviewing an application for a consent order about a case management order may do any of the following:

- approve and sign the order without the need for you to come to court
- ask you to provide more information or evidence in writing or by coming to court to give that information
- require that notice be given to any other parties
- reject the application with an explanation

Depending on what you are requesting on your application, it may take the judge a few days to review your application. The registry staff will let you know when you can expect to hear from them.



4 | Serving the application

It is important that each other party is aware of what step is being taken in the case. Service is the act of giving or leaving documents with the required person.

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

You must serve each other party with a copy of the filed application and any supporting documents.

The application can be served by **ordinary service to the address of service** for each party.

A party's **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.**

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: Remember to take note of any deadline you might have for service. It might make a difference which method of service you choose and when you need to serve the document.

Rule 179 sets out when a document is considered to have been served depending on which method of service is used. For example, a document served after 4:00pm is actually considered to have been served the next day. A document served by ordinary mail is considered served 14 days after it is mailed. Check first!

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.

The rules about service are found in Part 12 Division 4 of the Provincial Court Family Rules.

Proof of service

The court may need proof you had the application 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 | Attending the court appearance, if applicable

Your application will be scheduled for a court appearance unless you have filed a signed consent order with your application. This appearance might be for a hearing, or a short appearance with the judge on a family list so they can assess the application and set a hearing date.

TIP: You'll need to be prepared for the hearing. If you are scheduled on a family list, the hearing may take place at the same time.

A hearing is similar to a trial. It is usually shorter and less formal. A hearing on some matters can be really quick.

If the judge can make a decision quickly by hearing brief evidence or reading your application or any short affidavits that have been filed, they may be able to make their

decision on the first day you attend court. If the matter is more complicated or requires more evidence, you will be referred to a judicial case manager to schedule a date for a hearing.

TIP: Check the **method of attendance** on the Application for Case Management Order so you know how you need to attend and can plan ahead.

? What if I can't attend court using the method of attendance set out in the Application for Case Management Order?

You can request the court's permission to attend court using a different method of attendance by filing an [Application for Case Management Order without Notice or Attendance Form 11](#). Be sure to file the form as soon as possible to give the court time to review your application and respond.

Going to court can be stressful. Here are some things you can do to help yourself get prepared:

- Visit the Provincial Court's resources at the link below to **learn more about going to court**, including protocols, what to expect in court, and tips for preparing: www.provincialcourt.bc.ca/about-the-court/preparing-for-court
- **Organize your documents** before your court date and bring them with you.
- **Talk to a lawyer.** If you have a lawyer, they can help you prepare. If you can't afford to pay a lawyer for your whole family law case, you can still get help with parts of it from a lawyer, including coaching for your court appearance. Look for a lawyer that provides unbundled services. **If you don't have a lawyer, talk to Family Duty Counsel.** For information about Family Duty Counsel, go to legalaid.bc.ca/fdc.
- **Invite a trusted friend, family member, or advocate** to attend court with you to provide you with support. The Provincial Court has Support Person Guidelines. You can find more information about them at www.provincialcourt.bc.ca/about-the-court/court-innovation/SupportPersonGuidelines.