Preparing an Application for Case Management Order

Form 10

Provincial Court Family Rules

Complete this form if you need a case management order that is by consent of all other parties, or that requires a court appearance.

Case management orders can be made by a judge at a family management conference, family settlement conference or other court appearance without application by a party. You can use this form to:

- apply for a case management order by consent without attending before the court, or
- request a court appearance to apply to the court for a case management order.

The Application for Case Management Order Form 10 can be used to apply to the court for one or more of the following case management orders:

- transferring the court file to another registry for all purposes or specific purposes;
- relating to the management of a court record, file or document, including access to a court file;
- correcting or amending a filed document, including the correction of a name or date of birth;
- setting a specified period for the filing and exchanging of information, including a financial statement in Form 4 [*Financial Statement*];
- specifying or requiring information that must be disclosed by a person who is not a party to the case;
- requiring that a parentage test be taken under section 33 [*parentage tests*] of the *Family Law Act*;
- adjourning a court appearance;
- respecting the conduct of a party or management of a case;
- relating to a report under section 211 [*orders respecting reports*] of the *Family Law Act*, requiring that a person who prepared a report attend a trial as a witness;
- adding or removing a party to the case, including leave to intervene under section 204 (2) of the *Family Law Act*;
- settling or correcting the terms of an order made under these rules;
- respecting the appointment of a lawyer to represent the interests of a child, or a party
- cancelling a subpoena;
- changing, suspending or cancelling an order made in the absence of a party.

The application must be made with notice to the other party. If the other party agrees to the order, you can apply by consent and you can choose to have the application reviewed by a judge with or without attending a court appearance. To give notice, each other party must be served with a copy of the application and any supporting documents.

The following case management orders can be requested without notice and without attendance at a court appearance by filing an Application for Case Management Order without Notice or Attendance Form 11; however, Form 10 can also be used to apply for the same case management orders, if they are by consent or you want a court appearance:

- allowing a person to attend a conference or hearing using electronic communication, including by telephone or video;
- waiving or modifying any requirement related to service or giving notice to a person, including allowing an alternative method for the service of a document;
- waiving or modifying any other requirement under these rules, including a time limit set under these rules or a time limit set by an order or direction, even after the time limit has expired;
- requiring access to information in accordance with section 242 [*orders respecting searchable information*] of the *Family Law Act*;
- recognizing an extraprovincial order other than a support order.

Legal Assistance

Understanding the law and making sure you get correct information is important. Getting advice from a lawyer can help.

Lawyers – To find a lawyer or to have a free consultation with a lawyer for up to 30 minutes, contact the Lawyer Referral Service at 1-800-663-1919.

Legal Aid, Duty Counsel and Family Advice Lawyers – To find out if you qualify for free legal advice or representation, contact Legal Aid BC at 1-866-577-2525.

Legal Services and Resources – Visit Clicklaw at www.clicklaw.bc.ca/helpmap to find other free and low-cost legal services in your community.

Step 1: Complete the Application for Case Management Order form ☐

This form is available online at www.gov.bc.ca/court-forms or at any Provincial Court Registry.

You can complete the form online and print it for filing. You can also complete it by hand. If you complete it by hand, be sure it's readable. Registry staff and staff at any Justice Access Centre or Family Justice Centre can help answer questions about the forms but they cannot help complete your forms or give you advice about legal problems. If you need help filling in the forms and do not have a lawyer, ask the court registry staff or staff at the Justice Access Centre or Family Justice Centre to refer you to someone who can help.

Follow the instructions in the form and include all the information that is asked for.

To 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 each package of documents together
- 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 Application for Case Management Order form at the Provincial Court Registry ☐

You must file at the Provincial Court Registry:

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

The registry clerk will review your package to make sure it is complete before filing it. You will be given a copy for your records.

There are no fees for filing Provincial Court family documents.

Step 3: Serve the Application for Case Management Order on each other party and every other person who may be directly affected by the case management order ☐

Service is the act of giving or leaving documents with the required person. It is important that each other party, and every other person who may be directly affected by the case management order, know that a case is going on, are aware of what step is being taken, and are given a chance to tell their side of the story to the court.

You must serve the other party and every other person who may be directly affected by the case management order with at least 7 days' notice of the date and time of the court appearance, unless the court has ordered something else. This means there must be at least 7 days between the date the application document is served on the other party or person and the date and time of the court appearance.

An Application for Case Management Order must be served to the address of service of each other party in any 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 document(s) to that email address
- if the party's address for service includes a fax number, by faxing the documents to that fax number

A party's address for service is the address they have provided to the court. If a party does not have an address for service, the application must be served by personal service.

Personal service requires that an adult (at least 19 years old) who is not a party hand deliver the documents to the party to be served.

A person, who is not a party may be served by:

- mailing a copy of the application by ordinary mail or registered mail to the person's postal address; or
- leaving a copy of the application directly with the person (this is called personal service)

The court may need proof you had the documents 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.

Step 4: If applicable, attend the Court Appearance ☐

A judge can make decisions based only on the information presented by the parties as evidence. Your evidence includes your application, any additional affidavit(s), and spoken evidence provided in court.

Note: 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 reviews your application and unless the judge has any questions about what you are asking for, approves your order without a court hearing.

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

- approve and sign the order without the need for the parties to come to court
- ask you to provide more information or evidence in writing or by coming to court to give that information
- require notice to be given to any other party
- make changes to the draft consent order and ask the parties to come to court to review and sign the changes if approved
- 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. If you have provided an email address in your address for service, they can usually let you know the results of your application by email.

Tips for Completing the Form:

Registry location and court file number –
Copy this information from top right corner of the Notice to Resolve a Family Law Matter or other document filed with the court.

If you don't have an existing court file, registry staff will give your case a file number when you file this document.

Information about the parties –
Party names: Copy your full name from the first document you filed in your court case with the court. If this is the first document in your case, see the instructions for the Application About a Family Law Matter for more information about how to complete this section.

Contact information –
The court needs to know where to send documents to you and how to reach you. If your contact information and/or address for service has changed, you can give updated information here. If this is the first document you are filing, see the instructions for the Application About a Family Law Matter for more information about how to complete this section.

Who to give notice to –
It is important that each other party, and any other person who may be directly affected by the order, know that you are making this application to the court and are given a chance to talk to the court.

To give notice, you must serve a copy of this application on each other party and to any person, who is not a party, that may be directly affected by the order (for example, someone you want to produce information or documents).

If this is your first document on your file and you don't know who to name as the other party, consider the following:

- If your case includes a child-related issue, you will need to give notice to each parent and/or guardian of the child and any other adult who the application is about. They need to know you have an issue to resolve.
- If your case does not include a child-related issue, you only need to give notice to your spouse.

Note: If there are more than two other parties involved in your case, you can add a page with their name and contact information.

Consent –
Before filing your application for case management order, it is good practice to contact the other party to see if they will consent to the order. If they consent, it can save you time and energy. If they do agree to the case management order, you can choose to either:

- prepare the Consent Order Form 18, or
- go to a court appearance

If you prepare a consent order, it usually means a judge can review your application and approve your order without you having to go to court. Make sure all the parties sign the consent order.

Sometimes, it might be hard for you to prepare the consent order yourself, or to get each party to sign it, in which case you can ask for a court appearance. The choice is yours.

Scheduling –
The court prefers to schedule court appearances for a date that works for everyone. Check with the other party or person to see if there are dates that may work better for all of you. It is usually better for you if the court appearance is scheduled for a date when everyone can be there. Try to pick a few dates that may work for you and the other party or person, the registry or Judicial Case Manager will work with you to schedule the date based on the court's availability too. Remember that you must give each party or person at least 7 days' notice of the date and time of the court appearance.

The registry will fill in the actual date on the form. Be prepared to tell them the dates you are considering.

Application for Case Management Order

Form 10
Provincial Court Family Rules
Rules 54, 55, 64, 83, and 159

Registry Location:
Court File Number:

1. My name is _____ (full name of party/person). My date of birth is _____ (mmm/dd/yyyy). My contact information and address for service of court documents are:

Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

2. ☐ I understand I must give notice of this application to other party, including any other person who may be directly affected by the order. To give notice, they must be served with the application and supporting documents at least 7 days before the date of the court appearance unless the court allows the application to be made without notice or with less than 7 days' notice.

3. The other party is _____ (full name of other party/parties)

4. *Complete only if applicable. You may leave this section blank.*
The following other person(s) who may be directly affected by the order is/are:
(full name of other person(s))

5. *Complete only if everyone consents to the order you are asking for. You may leave this section blank.*

☐ Each party, including any person directly affected by the order, has consented to the case management order and:
Select only one of the following options
- ☐ a **draft Consent Order** in Form 18 signed by each party, and any other person directly affected by the order, or their lawyer, is submitted with this application and supporting documents for review without attending before the court
- ☐ a court appearance is requested

6. I have contacted the other party to discuss available dates and times for the court appearance ☐ Yes ☐ No

If yes, have they have agreed to a date and time for the court appearance? ☐ Yes ☐ No

For registry use only

This application will be made to the court at _____ (court registry, street address, city)
on _____ (date) at _____ (time) am/pm.

NOTICE TO PARTIES: If you do not attend court on the date and time scheduled for the court appearance, the court may make an order in your absence.

Case Management Order –

You can apply for one or more case management orders using this form. Select each option that you would like to make an application for.

This application can be used to apply for an order to change, suspend, or cancel an order made in the absence of a party **if** the absent party applies within a reasonable time after the order was made **and** either did not receive notice of the application or court appearance, or there is a good reason to reason to change, suspend or cancel the order.

If circumstances have changed since the order about a family law matter was made in a party's absence, you may apply to change or cancel the order using the Application About a Family Law Matter.

Details of the order –

You need to tell the court and the other party what order you want the judge to make. You do not need to use any special wording. The key is to be clear about what you mean and what you are asking the court to order.

7. I am applying for the following case management order(s):

- ☐ transferring the court file to another registry for all purposes or specific purposes
- ☐ relating to the management of a court record, file or document, including access to a court file
- ☐ correcting or amending a filed document, including the correction of a name or date of birth
- ☐ setting a specified period for the filing and exchanging of information or evidence, including a financial statement in Form 4 *[Financial Statement]*
- ☐ specifying or requiring information that must be disclosed by a person who is not a party to the case
- ☐ requiring that a parentage test be taken under section 33 *[parentage tests]* of the *Family Law Act*
- ☐ requiring access to information in accordance with section 242 [*orders respecting searchable information*] of the *Family Law Act*
- ☐ recognizing an extraprovincial order other than a support order
- ☐ waiving or modifying any requirement related to service or giving notice to a person, including allowing an alternative method for the service of a document
- ☐ waiving or modifying any other requirement under these rules, including a time limit set under these rules or a time limit set by an order or direction, even after the time limit has expired
- ☐ allowing a person to attend a conference or hearing using electronic communication, including by telephone or video
- ☐ adjourning a court appearance
- ☐ respecting the conduct of a party or management of a case
- ☐ 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
- ☐ adding or removing a party to the case, including leave to intervene under section 204(2) [*intervention by Attorney General or other person*] of the *Family Law Act*
- ☐ respecting the appointment of a lawyer to represent
  i) the interests of a child or,
  ii) a party
- ☐ settling or correcting the terms of an order made under the rules
- ☐ cancelling a subpoena
- ☐ changing, suspending or cancelling an order made in my absence

8. The details of the order(s) I am applying for are as follows:

Tell the court and the other party the details of the order(s) you are asking for.

The facts –

What are the facts that support what you are asking the court to order?

Give a short summary of the facts. You do not need to use any special wording. The key is to be clear about what you mean and why you are asking the court to make the order.

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.

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.

9. *Select only one of the options below and complete the required information:*

- ☐ I am not a party to the case
- ☐ I am a party to the case and the case does not involve a child related issue
- ☐ I am a party to the case and the case involves a child-related issue about the following child or children:

Child's full name	**Child's date of birth** (mmm/dd/yyyy)

10. The facts on which this application is based are as follows:

Provide the facts you want the court to consider. If you are applying to change, suspend or cancel an order made in your absence, you must explain why you did not file a reply or attend court when required, why the order should be made and the reasons(s) for any delay in making this application.