



GUIDEBOOK |

Preparing an Application About a Priority Parenting Matter

PROVINCIAL COURT FAMILY RULES

This guidebook will provide you with legal information about priority parenting matters and tips for preparing an Application About a Priority Parenting Matter Form 15. 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 22 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.

Table of Contents

Tips for completing court forms.....	1
Help navigating the court forms	1
1 Understanding the law	3
Resolving your case without going to court	3
Provincial Court Family Rules	3
Priority parenting matters	3
2 Filling out an Application About a Priority Parenting Matter Form 15.....	6
Part 1 About the parties	7
Part 2 Information about children	7
Part 3 Notice of the application.....	7
Part 4 About your court appearance	8
Part 5 About the priority parenting matter.....	9
Part 6 Details of the order.....	9
Part 7 The facts.....	9
Part 8 Existing orders and agreements.....	10
Part 9 Filing location	10
Part 10 Address for service	10
Schedule 1 	12
Schedule 2 	14
3 Filing the application	17
4 Serving the application	17
Proof of service	18
5 Attending the court appearance.....	18
Appendix A: Serving Nisga'a Lisims Government and Treaty First Nations	20

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. BC laws encourage people to try to resolve their family law disputes out of court through agreement and family dispute resolution processes.

Section 40 of the Family Law Act sets out that unless an agreement or order allocates parental responsibilities differently, each child's guardian may exercise all parental responsibilities with respect to a child **in consultation with the child's other guardians, unless consultation would be unreasonable or inappropriate in the circumstances.** A child's guardian must exercise their parental responsibilities in the best interests of the child.

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.

Priority parenting matters

Priority parenting matters capture a distinct and defined list of **time sensitive** matters about a child that may proceed to a hearing with a judge on a **priority basis** separate from any family law matter.

A priority parenting matter is NOT a family matter that you need an urgent court order about.

The Rules allow parties to apply for orders about priority parenting matters with just **7 days'** notice to the other party. It may be possible to have a priority parenting matter heard by a judge with less than 7 days' notice if the matter is urgent.



Priority parenting matters are defined in [Rule 2](#) of the Provincial Court Family Rules.

Priority parenting matters are usually:

- decisions about a child or children where all guardians are not in agreement, and
- a court order is needed on the priority parenting matter before any other parenting issues can be addressed, or separately from any other parenting issues, because something must be done quickly

Priority parenting matters include issues such as:

- time sensitive or emergency health-related treatments for a child
- a guardian is applying for a passport, licence, permit, benefit or other privilege that if delayed would risk harm to the child safety, security or well-being
- a child's upcoming travel or activity requires consent of the guardians, and consent is being wrongfully denied
- the relocation of a child's residence when there is no order or agreement about parenting arrangements, and it would have a significant impact on the other guardian (if you need an order about relocation of a child's residence and you already have an order or agreement about parenting arrangements, you must make your application using the [Application for Order Prohibiting the Relocation of a Child Form 16](#))
- a child's removal or return to B.C.
- parenting arrangements or guardianship of a child who has or may be removed by the Ministry of Children and Family Development, if a priority parenting matter order would prevent it



How can I get a court order on an urgent family law matter?

Getting a court order on most family matters takes time. You must file an application and serve it on (deliver it to) the other party. They then have 30 days to file a reply before you are given your first court date. Depending on your court location, you may have to take other steps as well.

But sometimes, either before or after this process has begun, an urgent issue arises. If you have an urgent need for a court order, there are ways of getting your application into court more quickly.

You must make your application about a family law matter using the [Application About a Family Law Matter Form 3](#).

The [Application for Case Management Order Without Notice or Attendance Form 11](#) can be used to ask for any of the following orders to have your application about a family law matter scheduled for an urgent court appearance:

- postpone or not require any early resolution, family justice or parenting education program registry requirements to be met before filing the application or scheduling an appearance
- shorten the time for the other party to file a reply

- schedule a family management conference before or without waiting for a reply to get an emergency interim (temporary) order in place

Most applications for a case management order without notice can be decided by a judge based on the written application, without requiring the parties to attend court. These decisions can be made quickly in an emergency where an immediate court order is necessary.

Depending on the steps you have taken already, and how you want to proceed on an urgent basis, you must decide what case management orders you want. Getting advice from a lawyer can help.



How can I get an order about a parenting issue that doesn't fit the definition of a priority parenting matter, for example, applying for a passport that isn't urgent?

Decision making with respect to a child is part of a guardian's parental responsibilities. Parental responsibilities are listed in [section 41 of the Family Law Act](#). They include:

- making decisions about where a child lives
- giving, refusing or withdrawing consent to health-related treatments
- applying for a passport or other privilege for the child
- giving, refusing or withdrawing consent for the child, if consent is required

When parents separate, they can share or divide parental responsibilities in whatever way works best for the children.

Under an agreement or court order, you can:

- share all the parental responsibilities, or
- you can each take full responsibility for certain decisions.

If the parental responsibilities are shared, or the other parent has responsibility for a decision, and you can't agree on what is in the best interests of the child, you can apply to the court for help.

Using the [Application About a Family Law Matter Form 3](#), you can apply to the court for an order about parenting arrangements, including:

- how to divide or share parental responsibilities (allocation of parental responsibilities)
- how to resolve disputes about an agreement or order about parental responsibilities
- directions about an issue affecting the child

Orders about priority parenting matters usually address a specific time sensitive issue only and are not a long-term solution for ongoing parenting issues.



How do I apply for an order about ongoing parenting issues?

You can apply to the court for an order that sets out parental responsibilities and parenting time for each parent using the [Application About a Family Law Matter Form 3](#). It's a good idea to get some legal help to decide what you need.



2| Filling out an Application About a Priority Parenting Matter Form 15

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 76 to 79 set out the requirements for making an application about a priority parenting matter in Form 29.

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:

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 | About the parties

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 an application. The other party is each other person you identify by name on your application as a party.

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.

The other party must include:

- all parents and current guardians of each child who is the subject of the priority parenting matter,
- 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.

Part 2 | Information about children

Include each child the priority parenting 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
- the child's relationship to each party, including yourself, using whatever wording best describes it, for example, indicate whether each party is a parent, guardian, step-parent, grandparent, etc. of the child

Part 3 | Notice of the application

In most cases you need to give notice to the other party that you are applying for a court order.

You are responsible for making sure the other party receives a copy of the Application About a Priority Parenting Matter 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.

Under special circumstances where the matter is urgent, the court can allow an application to be made with less than 7 days' notice or without notice to the other party.

A judge can review your application without the other party being given notice if they determine:

- it is unreasonable to give notice because of special circumstances, or
- providing notice in advance would probably have serious consequences.

A judge can also decide to change the amount of notice you give the other party. A judge may order that you can give the other party less than 7 days' notice if they believe your situation requires a court order sooner than 7 days. If this happens, remember that notice must still be given to the other party before a judge will hear the application.

You must ask a judge for permission to apply without notice to the other party or with less than 7 days' notice.

If you need your order in **less than 7 days** because it is urgent or if there are special circumstances where the application should proceed **without notice to the other party**, you must complete and file the [Application for Case Management Order Without Notice or Attendance Form 11](#) with this application to request that your Application About Priority Parenting Matter be heard with less than seven days' notice or without notice to the other party. It will be up to the court to determine if your request is approved.

NOTE: Sometimes the court has already made an order that you can apply for a priority parenting matter without notice or with less than 7 days' notice. You may have already applied for the case management order, or the court may have made the order during another court appearance if they thought you might need to make the application.

Select the option on the form for how you much notice you plan to give the other party.

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

Part 4 | About your court appearance

You don't fill out this part of the form, but there are things you can do to help the registry staff or judicial case manager schedule a date for the court appearance.

TIP: The court prefers to schedule court appearances for a date that works for everyone. Check with the other party 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.

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.

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 5 | About the priority parenting matter

You must indicate what you're applying for. You can apply for one or more priority parenting matter orders.

Remember for an issue to be a priority parenting matter, it must:

- be a decision about a child or children that is listed under the definition of a priority parenting matter, and
- require a priority court order, usually because something must be done quickly

TIP: Read the list of priority parenting matters carefully and select the option(s) you require. If you aren't sure your issue is a priority parenting matter, talk to a lawyer for help.

? Are you applying for a priority parenting matter order about parenting arrangements or guardianship of a child because the **child has been removed or is at risk of removal**?

If so, you must get the **Director to complete Schedule 1** before filing the application. Go to Schedule 1 in this guidebook for more information about how to contact the Director.

? Are you applying for a priority parenting matter order about **guardianship of a child**?

If so, you must complete Schedule 2.

Part 6 | Details of the order

You need to tell the court and the other party what priority parenting matter 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 7 | The facts

List the facts you want the court to consider.

Include:

- why you are making this application, including why it is a priority parenting matter, and

- why the court should make the order you are applying for

Talk to a lawyer if you need help figuring out why this is a priority parenting matter and 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 8 | Existing orders and agreements

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

- **A written agreement** includes a separation agreement or mediation agreement.
- **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.



If you have an existing written agreement or court order, you must attach a copy to your application. If you don't have a copy, contact the court location where the order was made to get a copy.

If there is a court proceeding that has been started, even if there hasn't been any order made, you also need to provide information in your application. Provide as much detail as you can.

Part 9 | 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 10 | 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 you cannot or do not want to use email, you do not have to give an email address unless your address for service is outside British Columbia.

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 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 Change of Address Form 46 and serve a copy on each other party as soon as possible.

Schedule 1 | Application for order respecting parenting arrangements or guardianship



This schedule must be completed by a Director under the Child, Family and Community Service Act or their delegate.

It must only be completed if:

- you are applying for a priority parenting matter order under section 45 [*orders respecting parenting arrangements*] or 51 [*order respecting guardianship*] of the Family Law Act, and
- the order will allow the child to be returned or placed with another person in accordance with the Child, Family and Community Service Act, or
- the child will be removed under section 30, 36 or 4 of that Act unless the order is made.

To get the schedule completed, contact the child welfare worker who is working with the child. Provide them with a copy of Schedule 1 and your completed application so they can understand what you're applying for.

How do I reach the child welfare worker?

If you don't have contact information for the child welfare worker, contact the Provincial Centralized Screening team at any time for assistance at 1-800-663-9122 or 604-660-4927 (Lower Mainland and outside BC).

You can share the information about completing Schedule 1 with the Director if they have any questions about what may be required.

Completing Schedule 1 (instructions for the Director) -

Part 1 | About the director and completion of the schedule:

- Provide the name and address of the person completing the form.
- Indicate the date the schedule is being completed.
- The address for the Director is the address where the party can send notice of the application to the Director.

Part 2 | About the children, parents, and child protection case:

- Provide the names and date of birth of the child or children as they appear in the child protection case. If there is already a child protection case in the court, copy the names from that. These names will help ensure that the *Family Law Act* matter and any *Child, Family and Community Service Act* matter stay together.
- Provide the names of the parent(s) as they appear in the child protection case.
- Indicate if there is a court proceeding already commenced under the CFCSA, and if so, the court location, file number and date of the next CFCSA court appearance. If there is no scheduled court appearance on the CFCSA matter or you do not know the date, you may indicate "not applicable" or "unknown".

Part 3 | Priority parenting matter:

Check the box if you have been advised of an application for a priority parenting matter about a child whose case you have conduct of. Insert the name of the person(s) making the application.

TIP: Information about the person making the application, and the application they are applying for, can be found in the main part of the application, Part 1 and Parts 5 and 6.

To apply for an order under section 45 or 51 of the *Family Law Act* as a priority parenting matter, the child must have been removed or be at risk of removal under s. 30, 36 or 42 of the CFCSA and if granted, the FLA order must, in your belief, enable the child to get out of care or keep them out of care.

If there is any additional information you would like to share with the court, you may include it here. Please only share information that is needed by the court to understand why it is in the best interest of the child under s. 4 of the CFCSA to address this matter as a priority. As per s. 79 (a) of the CFCSA, please only disclose information that is necessary to ensure the safety or well-being of a child.

You can attach an additional page if more space is needed.

Schedule 2 | Application for order respecting Guardianship of a child

Complete this schedule only if are applying for a priority parenting matter order for guardianship of a child under section 51 [order respecting guardianship] of the Family Law Act because the order is needed to transfer a child from the care of the Director or to prevent the removal of a child under the Child, Family and Community Service Act.

A guardian is a person who is responsible for a child's care and upbringing.

? Who is a guardian of a child?

A child's parents are most often the child's guardians, but other people can be guardians too.

A parent who has never lived with a child is a guardian if:

- they have regularly taken care of the child,
- there is an agreement or court order that says they are a guardian of the child, or
- under a will if the other parent dies.

A parent can be added or removed as a guardian by agreement or court order. A person who is not a parent can become a guardian of a child by court order or under a will.

Only a guardian may have parental responsibilities and parenting time.

Before the court takes away a person's guardianship, they may:

- limit a guardian's parenting time
- order parenting time to be supervised
- limit the types of decisions a guardian can make

TIP: It's a good idea to talk to a lawyer before you make decisions about your future parenting arrangements or guardianship of a child.

Part 1 | Order about guardianship

Indicate if you are applying to be appointed as a guardian and/or for someone to no longer be the guardian of a child.



You cannot apply to have someone else appointed as a guardian of a child. They must make their own application.

If you are applying for someone to no longer be a guardian, provide the details required by the table including:

- the full name of the guardian
- since when they have been a guardian, for example the date of a court order or agreement making them a guardian or "since birth"
- the name of the child(ren) if the information does not apply to every child the application is about

Part 2 | Best interests of the child

You must always think about the best interests of the child when you are asking the court for decisions about them.

Every family situation is unique. In this Part, you must explain why you believe the order you are asking for is best for the child.

Remember that a judge must only consider the best interests of the child when making an order about guardianship of a child.



Go to [section 37 of the Family Law Act](#) for the list of factors that you or the court must think about when you're deciding what's in the best interest of the child.

You can also return to the [Information about children](#) section of this guidebook for a summary of the factors.

List the reasons the order is in the best interests of the child. You don't need to use any special wording.

Part 3 | Indigenous ancestry of child(ren)

This Part helps you to identify any Indigenous ancestry of the child for the court and to identify any further requirements for notice of the application.

If a child is Indigenous, answer Question 4.

For an application about a Nisga'a child or Treaty First Nation child, [sections 208 and 209 of the Family Law Act](#) require that:

- the Nisga'a Lisims Government or Treaty First Nation to which the child belongs, be served with notice of the application
- the court must also consider any evidence or representations respecting:
 - Nisga'a laws and customs as provided in paragraph 94 of the Nisga'a Government Chapter of the Nisga'a Final Agreement
 - the laws and customs of the Treaty First Nation

NOTE: If your application is about a Nisga'a child or Treaty First Nation child, go to [Appendix A | Serving Nisga'a Lisims Government and Treaty First Nations](#) for more information about how to give notice including contact information.

Part 4 | Guardianship affidavit and supporting documents

There is another form that you must complete when you are applying for guardianship of a child. It is called [Guardianship Affidavit Form 5](#).

Before you can complete the affidavit, you must complete the following background checks referenced in the form:

- a criminal record check
- a Ministry of Children and Family Development record check, and
- a protection order record check from the Protection Order Registry

To get a criminal record check, ask at the police station or RCMP detachment in your community.

To get the Ministry of Children and Family Development and Protection Order Registry record checks, you must fill out:

- a [Consent for Child Protection Record Check](#), and
- a [Request for Protection Order Registry Search](#).

These forms to initiate your record checks must be filed with your application, or you need permission of the court to file your application without them. The record checks take time to complete and filing them with your application helps to reduce any delay in getting your court order.

NOTE: The court can make an interim order for guardianship of a child without the completed affidavit and record checks. The interim order will last up to 90 days. During this time, you must get the background checks and fill out and file the affidavit.

Give the forms to the court registry with your application. The registry will let you know when the results arrive and give you copies to attach to your affidavit.

TIP: You can get a copy of the forms by clicking on the name above if you are using an online version of this guidebook. If you aren't, go to www.gov.bc.ca/court-forms to access a PDF version or go to any Provincial Court registry to request a paper copy.

If you can't complete the consent and request for record check to file with your application, you can apply to the court to file your application first using the [Application for Case Management Order Without Notice or Attendance Form 11](#). Use Question 7 to indicate if you will be filing the required documents or an Application for Case Management Order Without Notice or Attendance Form 11.



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
 - ☐ including Schedule 1, if applicable
 - ☐ including Schedule 2, if applicable
- ☐ additional page(s) for the facts, if applicable
- ☐ a copy of any existing order, agreement or plan, 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.



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 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

Your application will be scheduled for a court appearance. 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. Even 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 About a Priority Parenting Matter 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 About a Priority Parenting Matter?

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 legalaids.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.

Appendix A: Serving Nisga'a Lisims Government and Treaty First Nations

If you are applying for an order about guardianship of a child and the child is a Nisga'a or Treaty First Nation child, you **must serve** the Nisga'a Lisims Government or the Treaty First Nation to which the child belongs with notice of this application as described in section 208 or 209 of the Family Law Act.

To serve them notice, they must receive a copy of your application.

Contact information is provided below for each nation. Please contact them directly to find out how they would prefer to receive a copy of the application.

Nisga'a Lisims Government

Contact: Office of the Designated Representative for Nisga'a

Email: janet.nisyok@nisganation.ca

Direct phone: (250) 975-5293

Phone: (250) 633-3000 or 1-866-633-0888 [toll free]

Mail address: PO Box 231 2000 Lisism Dr, New Aiyansh, BC V0J 1A0

Tsawwassen First Nation

Contact: Manager of Family Services, Tsawwassen First Nation

Email: <https://tsawwassenfirstnation.com/contact-us/>

Phone: (604) 943-2112 or 1-888-943-2112

Mail address: 1926 Tsawwassen Drive, Tsawwassen, BC, V4M 4G2

Maa-nulth First Nations

Huu-ay-aht First Nations

Contact: Shannon Zimmerman, Director of Child and Family Wellness

Email: shannon.z@huuayaht.org

Phone: (250) 723-0100

Mailing Address: 4644 Adelaide Street, Port Alberni, BC V9Y 6N4

Fax: (250) 723-4646

Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations

Contact: Colleen Rudderham, Director of Community Services

Email: colleenr@kcfirstnations.com

Phone: (250) 332-5952

Mailing Address: 1250C Ironwood Street, Campbell River, BC V9W 6H5

Toquaht Nation

Contact: Lisa Morgan

Email: lisam@toquaht.ca

Phone: (250) 266-4400 [cell], (250) 726-4230, 1-877-726-2430 [toll free]

Mailing Address: PO Box 759, 1971 Peninsula Road, Ucluelet, BC V0R 3A0

Fax: (250) 726-4403

Uchucklesaht Tribe

Contact: Christina Lucas, Director of Human Services

Email: Christina.Lucas@uchucklesaht.ca

Phone: (250) 724-1832

Mailing Address: 5251 Argyle Street Suite A, Port Alberni, BC V9Y 1V1

Fax: (250) 724-1806

Yuułuʔiłʔatḥ Government

Contact: Gloria Valentine, Community Wellness Worker

Email: Gloria.Valentine@ufn.ca

Phone: (250) 726-7948

Contact: Simblejeet Kaur, Director of Health and Social Services

Email: Simblejeet.Kaur@ufn.ca

Mailing Address: PO Box 699, Ucluelet BC, V0R 3A0

Tla'amin Nation

Contact: Manager, Child and Family Services

Email: familyservices@tn-bc.ca

Phone: (604) 413-7053

Mailing Address: 4779 Klahanie Road, Powell River, BC V8A 0C4

Fax: (604) 413-3232