

Preparing an Application About Priority Parenting Matter

Form 15

Provincial Court Family Rules

Complete this form if you need an order about a priority parenting matter, including a new order or to change or cancel an existing order.

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 the following:

- a guardian giving, refusing or withdrawing consent to health treatments for a child, that if delayed will result in risk to the health of the child
- a guardian applying for a passport, licence, permit, benefit, privilege or other thing for the child, if delay will result in risk of harm to the child's physical, psychological or emotional safety, security or well-being
- a guardian applying for travel with a child or participation by a child in an activity because consent to the travel or activity is required and is alleged to have been wrongfully denied
- a change in location of a child's residence, or a guardian's plan to change the location of a child's residence when no written agreement or order respecting parenting arrangements applies in respect of the child, and the change of residence can reasonably be expected to have a significant impact on the child's relationship with another guardian
- relating to the removal of a child under section 64 [*orders to prevent removal of child*] of the *Family Law Act*
- determining matters relating to interjurisdictional issues under section 74(2)(c) [*determining whether to act under Part 5 – Care of and Time with Children*] of the *Family Law Act*
- relating to the alleged wrongful removal of a child under section 77(2) [*wrongful removal of child*] of the *Family Law Act*
- relating to the return of a child alleged to have been wrongfully removed or retained under the Convention on the Civil Aspects of International Child Abduction signed at the Hague on October 25, 1980

Legal Assistance

Understanding the law and making sure you get correct information is important. If you get the wrong information or do not know how the law applies to your situation, it can be harder to resolve your family law case. 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

What you need to get started

Try to collect as much information as possible before you start to complete the form.

You might need:

- birth dates, names, and other related information about the other party and your children
- any agreements or court orders you already have about a family law matter
- details about the order you are asking the court to make

Step 1: Complete the Application About Priority Parenting Matter 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 advice about legal problems. If you need help filling in the forms and don't have a lawyer, ask 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: Determine if your situation is urgent

You normally need to give notice to the other party that you are applying for a court order. You give notice by having the application documents served on the other party. The time between the day that a party is served and the day that the application is heard is called the "notice period" or "notice". Normally, the other party must be served with at least 7 days notice of the court appearance.

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

Application With Short Notice

The court may allow an application about a priority parenting matter to be made with less than 7 days notice to the other party, if the situation requires a court order sooner but notice should be given to the other party.

Application Without Notice

Under special circumstances, the court may allow an application about a priority parenting matter may be made without notice to the other party. For example, you are concerned that serious consequences will result if you notify the other party before the application is heard by the court.

In order to proceed without notice to the other party, you will have to satisfy the court that there is a real risk of some serious consequence if the other party is given notice before your application is heard. If a judge decides that your situation is urgent and the application can be heard without notice to the other person, the application will be heard right away.

If you need your order in less than 7 days 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 7 days notice or without notice to the other party. It will be up to the court to determine if your request is approved.

Step 3: File the Application About Priority Parenting Matter 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 your child lives most of the time

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 4: Serve the Application about Priority Parenting Matter on each other party

Service is the act of giving or leaving documents with the required person. It is important that each other party know that a family 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 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 documents is served on the other party and the date and time of the court appearance.

An Application About Priority Parenting Matter 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 documents 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. A party who does not have an address for service must be served by leaving a copy of the application documents directly with the person (this is called personal service). 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 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 5: 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.

Tips for Completing the Form:

Registry location and court file number –

Copy this information from the 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 case with the court. If this is the first document in your case, see the instructions for the Application About a Family Matter for more information about how to complete this section.

Contact information: The court needs to know where to send documents to you and the other party and how to reach each of 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 Matter for more information about how to complete this section.

Who to give notice to: It is important that each other party 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.

If this is your first document on your file, you will need to give notice to each parent and/or guardian of the child. They need to know you have an issue to resolve.

Giving notice –

You normally need to give notice to the other party that you are applying for a court order. You give notice to the other party by having the application documents served on the other party. The time between the day that a party is served and the day that the application is heard is called the “notice period” or “notice.” Normally, the other party must be served with at least 7 days notice of the court appearance.

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

Application with short notice: The court may allow an application about a priority parenting matter to be made with less than 7 days notice to the other party if the situation requires a court order sooner but notice should be given to the other party.

Application without notice: Under special circumstances, the court may allow an application about a priority parenting matter may be made without notice to the other party. For example, you are concerned that serious consequences will result if you notify the other party before the application is heard by the court.

If you need your order in less than 7 days 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.

Select the option for notice that you will be proceeding with.

Scheduling –

The registry 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 talk about your availability if there are options for dates.

Application About Priority Parenting Matter

Form 15

Provincial Court Family Rules

Rule 76

Registry Location:
Court File Number:

1. My name is _____ . My date of birth is _____ .
(full name of party) (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 need to give notice of this application to all parents or guardians of the child(ren) this application is about. They are the other party/parties. To give notice, they must be served with the application and supporting documents at least 7 days before the date set for the court appearance unless the court allows the application without notice or with less than 7 days notice.

Select only one of the options below

- I am giving at least 7 days notice to the other party
- I am also filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement for notice of this application
- I am also filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to modify the requirement for at least 7 days notice to the other party
- I have a court order that allows the application to be made without notice or with less than 7 days notice

3. The other party is _____ . Their date of birth is _____ .
(full name of other party) (mmm/dd/yyyy)

Their contact information, as I know it, is:

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

Additional party (complete only if applicable)

Full Name:	Date of Birth:(mmm/dd/yyyy)
Contact Information	
Lawyer (if applicable):	
Address:	
City: Province: Postal Code:	
Email: Telephone:	

For registry use only

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

NOTICE TO THE OTHER PARTY: 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.

Order –

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

NOTE: If you also need an order about long term parenting arrangements, including parental responsibilities and parenting time, you must also complete an [Application About a Family Law Matter Form 3](#).



Identification of the children –

Include each child that the application about a priority parenting matter is about.

To fill out the table indicate:

- 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 by indicating mmm/dd/yyyy example: Jan 12 2001 or January 12, 2001 if the child's birthday is not known indicate Unknown
- 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, etc. of the child



Existing written agreements or court orders –

The court needs to know if there were any agreements or court orders made in the past that involve family law matters so they can consider if the agreement or order is important to what you are asking the court to help with now. Include:

- any agreements between you and the other party about the child
- any court orders, in this court or any other court about the child



Court proceeding –

The court needs to know if there are any other court proceedings that have been started or are ongoing about parenting arrangements, contact with a child or guardianship of a child who is the subject of this application. This includes any court proceeding in another level of court, another court location, or another province, territory or country. It also includes any court proceedings in Provincial Court such as child protection proceedings or criminal proceedings.



About the Priority Parenting Matter

4. I am applying for an order about the following priority parenting matter(s):

Select all options that apply

- giving, refusing or withdrawing consent, by a guardian, to medical, dental, or other health-related treatments for a child, because delay will result in risk to the child's health
- applying, by a guardian, for a passport, licence, permit, benefit, privilege or other thing for a child, because delay will result in risk of harm to the child's physical, psychological or emotional safety, security or well-being
- applying, by a guardian, for travel with a child or participation by a child in an activity because consent to the travel or activity is required and is alleged to have been wrongfully denied
- relating to change in location of a child's residence, or a guardian's plan to change the location of a child's residence because no written agreement or order respecting parenting arrangements applies in respect of the child, and the change of residence can reasonably be expected to have a significant impact on the child's relationship with another guardian
- relating to the removal of a child under section 64 of the *Family Law Act*
- determining matters relating to interjurisdictional issues under section 74(2)(c) of the *Family Law Act*
- relating to the alleged wrongful removal of a child under section 77(2) of the *Family Law Act*
- relating to the return of a child alleged to have been wrongfully removed or retained under the Convention on the Civil Aspect of International Child Abduction signed at the Hague on October 25, 1980

5. This application is about the following child(ren):

Child's full name	Child's date of birth (mmm/dd/yyyy)	My relationship to the child	The other party's relationship to the child

6. There is an existing written agreement or court order about the child(ren) concerning parenting arrangements, child support, contact with a child, or guardianship Yes No

If yes, attach a copy of the agreement(s) and/or order(s) to your application

7. I know the following information about any court proceeding that is pending or that has been initiated about parenting arrangements, contact with a child or guardianship of a child who is the subject of this application:

If there is no pending or ongoing court proceeding, that you know of, in this court or another court or jurisdiction, you may leave this section blank

**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.

The facts –

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

Give a summary of the facts including:

- why you need the court to make the order, and
- why this is a priority parenting matter

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.

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.

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.



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

Tell the court and the other party the details of the order you are asking for

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

Provide the facts you want the court to consider. Include why you need the court to make the order and how your situation is a priority parenting matter.