

Form

15

Application About a Priority Parenting Matter Form 15

Provincial Court Family Rules

You can complete and file most family forms online using the Family Law Act Online Forms Service.

Access the service at justice.gov.bc.ca/apply-for-family-order.

The free service includes guided pathways that ask you questions and put your answers into the required court forms. When you're finished, you can save and file your forms electronically or print them to file in person.



A PDF version of this form is available online for download at www.gov.bc.ca/court-forms.

For courthouse locations, addresses, and contact information visit:

www.gov.bc.ca/courthouselocations

Need assistance with how to complete this form?

Refer to the guidebook if you need more information about applying for a priority parenting matter and how to complete this form. Find it online, with interactive links, at www.gov.bc.ca/court-forms or pick up a printed copy from your local court registry.

Family law:

The Provincial Court Family Rules set out the steps that you must take and the forms you must complete in a family law case. These rules apply to cases in Provincial Court about matters under the Family Law Act and the Family Maintenance Enforcement Act.

You can find the Rules and Acts on the BC Laws website at www.bclaws.gov.bc.ca.

Preparing an Application About a Priority Parenting Matter Form 15

Complete this form to ask the Provincial Court for an **order about a priority parenting matter** including a new order or to change or cancel an existing order.

Priority parenting matters capture a distinct and defined list of time sensitive matters that may proceed to a hearing with a judge on a priority basis separate from any family law matter. Priority parenting matters are defined in Rule 2 of the Provincial Court Family Rules and listed in Part 5 of this form.

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.

In most cases you need to give notice to the other party that you are applying for a court order. The other party must be served with at least 7 days' notice of the court appearance. 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.

Note: 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.

If you need a protection order you will need to complete an Application About a Protection Order Form 12

If you also need an order about a family law matter you will need to complete an Application About a Family Law Matter Form 3

What if I have an urgent need for a court order about a family law matter?

The rules allow you to apply to the court using the Application About a Case Management Order Without Notice or Attendance Form 11 to ask for permission to waive or modify any requirement under the rules. If you have an urgent need for a court order about a family law matter, this may include delaying completing a registry requirement, filing your application before filing additional required forms, shortening the notice period to the other party or excusing you from serving the other party. You must prepare an Application About a Family Law Matter Form 3 and the Application About a Case Management Order Without Notice or Attendance Form 11.



Need legal help?

It's important to understand the law and make sure you have the right information. If you don't, it can make solving your problem harder. Getting advice from a lawyer can help. You can find a lawyer through:

Lawyer Referral Service

Visit www.accessprobono.ca/our-programs/lawyer-referral-service or call at 604-687-3221

Legal Aid, Duty Counsel and Family Advice Lawyers

Visit <https://legalaid.bc.ca/> or call 1-866-577-2525

Legal Services and Resources

Visit the ClickLaw HelpMap at
www.clicklaw.bc.ca/helpmap



Filling out the form and preparing to file it

You need to **complete the main application (4 pages)**.

If **Schedule 1** is required, it must be completed by a director under the Child, Family and Community Service Act.

You need to complete **Schedule 2** (2 pages) only if you are applying for a priority parenting matter order for guardianship of a child.

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

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

How do I prepare the form for filing?

- collect the completed application, schedules and any existing orders or agreements referenced in the form
- collect any additional forms that must be filed with the application
- print or make copies of all documents: one set for you, one set for the court, and one set for each other party
- staple or secure each package of documents together



Filing the application at the registry

After you've filled out your form, you must file it at the Provincial Court Registry:

- where the existing Provincial Court case with the same parties is filed (you already have a court file number)
- 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

File the form:

- electronically using the [FLA Online Forms Service](#)
- in person at the court registry
- by mail
- by email, as referenced in Notice to the Profession and Public [NP 28 Current Court Operations](#), or
- by fax filing using the [Fax Filing Cover Page Form 52](#)

There are no fees for filing Provincial Court family documents.

Be sure to bring all copies of the documents to the registry if you are filing in person.

The registry clerk will review your package to make sure it's complete before filing it. You'll be given a copy for your records along with a copy for the other party.



Serving the application

Serve a copy of the application on:

- each other party
- the director under the Child, Family and Community Service Act if you are applying for a priority parenting matter because the child has been removed or at risk of being removed by the Director
- the Nisga'a Lisims Government or the Treaty First Nation to which the child belongs if the child is a Nisga'a or Treaty First Nation child and the application is for guardianship of the child

They must be served with at least 7 days' notice of the date and time of the appearance unless the court has ordered something different. This means there must be at least 7 days between the date the application is served and the date and time of the court appearance.

The application can be served by **ordinary service to the address of service** for each party. Their address for service is the address they have provided to the court.

A party who does not have an address for service must be served by **personal service**. An adult (at least 19 years old) who is not a party must hand-deliver the documents to the party to be served.

See the guidebook if you need more information about serving the application.

You may need to prove service of the documents took place. The person serving the documents must complete a Certificate of Service Form 7 to prove service. You must attach a copy of the documents to the Certificate of Service. Remember to make a copy before the documents are served.

What if I can't find the other party or they are avoiding service?

If you're in this situation, you can apply to the court to allow you to use an alternative method of service. You must complete and file an Application About a Case Management Order Without Notice or Attendance Form 11.



Attending the court appearance

A judge can make decisions based only on the information presented by the parties. In addition to your application, you can provide evidence including any additional affidavit(s) and spoken evidence provided in court.

If you can't attend court using the method of attendance set out in your application, you can request the court's permission to attend using a different method of attendance by filing an Application for Case Management Order without Notice or Attendance Form 11.

Can I get help in another language?

Free spoken-language interpreters for people who do not speak English and visual language interpreters for people who are deaf or hard of hearing are available **for all family law court appearances**.

It's important to let **court registry staff know as soon as possible** that you need an interpreter. If they can't arrange an interpreter in time, the judge may have to re-schedule your case.

For most things that go on outside the courtroom, you'll need to find your own interpreter. Some people ask a friend or family member. Others hire a professional interpreter.

Part 4 | About your court appearance

For registry or judicial case manager use only

The application, which requires a court appearance, will be heard by the court

on _____ at _____ a.m./p.m.

in person at _____ date _____ time _____

court location _____

by another method of attendance, as specified
Do not attend the courthouse in person. The registry will send within 24 hours before the hearing date noted above the link to connect by MS Teams, including a dial-in conferencing number to be used by any party that is unable to use MS Teams or has problems with their video connection. If you have not provided your email address or telephone number to the registry on your Notice of Address Change ([Form 46](#)), you must contact the registry to obtain the MS Teams conference information.



The registry or judicial case manager will work with you to schedule a date for the court appearance and will fill in the actual date and method of attendance on the form. Be prepared to talk about your availability if there are options for dates.

NOTE 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.

You may also choose to **file a written response** in reply to the application in Form 19 Written Response to Application.

Part 5 | About the priority parenting matter

6. 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 Aspects of International Child Abduction signed at the Hague on October 25, 1980
 - applying for an order under section 45 [*orders respecting parenting arrangements*] or 51 [*order respecting guardianship*] of the *Family Law Act* in one of the following circumstances:
 - i. the child to whom the order relates has been removed under section 30 [*removal of child*], 36 [*interim supervision order no longer protects the child*] or 42 [*enforcement of supervision order after the protection hearing*] of the *Child, Family and Community Service Act* and a director under that Act has advised that the order will allow for a child to be returned to the applicant;
 - ii. a director under the *Child, Family and Community Service Act* has advised that the child to whom the order relates will be removed under section 30, 36 or 42 of that Act unless the order is made;
- Complete **Schedule 1** and, if you are applying for guardianship, **Schedule 2**



A priority parenting matter is not the same as a family law matter that needs to go to court on an urgent basis [Rule 2].

For more information about priority parenting matters and how to apply for a family law matter on an urgent basis, see the guidebook.



If you are 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, you must get the Director to complete Schedule 1 before filing the application
- guardianship of a child, you must complete Schedule 2

IMPORTANT INFORMATION ABOUT YOUR APPEARANCE

What do parties need to know about attending by another method other than in person?

If your notice indicates that you are to attend by another method of attendance, parties, including the judge, will attend using the Microsoft Teams audio- and video-conferencing (video) platform. **Do not attend the courthouse in person.** Parties will receive remote MS Teams appearance details within 24 hours prior to the appearance, this notification is sent to you by email.

Microsoft Teams allows participants to join the conference using video or audio from a desktop, laptop, tablet, or smartphone, or to dial-in to a proceeding from a telephone. **If you are appearing by video,** please ensure that you have downloaded Microsoft Teams or have the latest version of Google Chrome or Microsoft Edge.

If you received this Notice by mail and intend to appear using video or audio from a desktop, laptop, tablet, or smartphone, and you did not provide an email address for service, please file an Notice of Address Change (PCFR Form 46), with the court registry that includes your email address and the court registry will send you the MS Teams meeting invite within 24 hours prior to your appearance.

The link and dial up information may be shared with your lawyer if you have retained counsel; and with your client if you are counsel.

Please do not forward or share the MS Teams link or dial up information to any unauthorized parties.

Preparing for your Family Management Conference

Legal Aid BC - Family Law Legal Advice

If you do not have a lawyer for your family law matter, visit legalaid.bc.ca/family-court-notices to find out about **free in person and remote legal advice services** that you may be eligible for that can help you prepare for your court date. Contact the advice services at least three weeks before your court date or as soon as you receive this notice. If you are unable to access the internet, contact the Family LawLINE at 604-408-2172 in Greater Vancouver or 1-866-577-2525 elsewhere in BC.

Family Justice Services

Family justice counsellors provide services to British Columbians going through separation and divorce and are specially trained to help families resolve their issues about guardianship, parenting arrangements, contact and support. There is no charge for their services.

At this time all services are available in-person as well as virtually (through telephone and videoconference) across the province. For more information, parties can call [1-844-747-3963] or contact their closest [Family Justice Centre](#).

Society for Children and Youth of BC Child and Youth Legal Centre

Free legal assistance directly for children and youth. Services may include legal advice and information, referral, or full representation, depending on circumstances. Availability and wait times may vary. Services are for children and youth who want legal assistance, are able to express their views and preferences, and who can instruct a lawyer.

For more information: <https://www.scyofbc.org/child-youth-legal-centre/>
Contact the Child and Youth Legal Centre cylc@scyofbc.org - (778)-657-5544

Interpreter

The court provides interpreters for family proceedings in provincial court. If you require an interpreter, please advise the registry as soon as possible. This link includes all court locations (address and phone numbers): www.gov.bc.ca/courthouselocations

Before the scheduled hearing date, please visit the Provincial Court website at <https://www.provincialcourt.bc.ca> and review:

- *Policy on Use of Electronic Devices in Courtrooms and Access to Court Proceedings Policy* (there is a general prohibition on the recording or broadcasting of court proceedings unless authorized by the Court and there are penalties for breach)
- *NP 21 Remote Attendance in the Provincial Court* (for etiquette and directions on connecting by another method of attendance) (counsel attendance requirements when attending Family matters remotely)
- *NP 24 Form of Address for Parties and Lawyers* (provide the judge or justice with each person's name, title (e.g. "Mr./ Ms./Mx./Counsel Jones") and pronouns to be used in the proceeding)
- *Guide for Appearing in the Provincial Court using MS Teams*
- *eNews - What to expect at a family management conference?*

If you are unable to dial-in or are dropped from the appearance immediately call the court registry.

Part 6 | Details of the order

- 7. The details of the order I am applying for are as follows:**

List the specific details of the order(s) you are asking for

Part 7 | The facts

- 8. The facts on which this application is based are as follows:**

Provide a summary of the facts you want the court to consider. Include why you are making the application and why the order you are requesting should be made.

To add more, select the box below and attach a page with the additional information

- Additional page(s) (see attached)



If you need more space, select the box, and remember to include your additional page(s).

Part 8 | Existing orders and agreements

9. 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 (see attached copy) No

No

- 10.** I know the following **information about any court proceeding** that is pending or that has been initiated about parenting arrangements, contact with a child, guardianship of a child, or protection 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



If yes, you must attach a copy of any order, agreement or plan to this application for filing.



Include any order (interim or final), agreement or plan from any level of court and any location.

Part 9 | Filing location

- 11. I am filing this application in the court registry:**

Select only one of the options below

- Where my **existing case** with the same party/parties is located. I already have a court file number.
 - Closest to **where the child lives** most of the time, because my case involves a child-related issue
 - Permitted by **court order**



A child protection case involving the director is different than a family law case.

If you have an existing child protection case, a different court file number will be assigned for this family law case.

Part 10 | Address for service

- 12. My address for service of court documents and contact information is:**

You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:

City:

Province:

Postal Code:

Email:

Telephone:

Lawyer's name and firm name (if applicable):



For more information about how this information will be used and who will have access to it, see the guidebook.

Schedule 1

Application for Order Respecting Parenting Arrangements or Guardianship

Complete this schedule only 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* because 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 be completed by a director under the *Child, Family and Community Service Act*

Part 1 | About the director and completion of the schedule

1. This information is provided on behalf of the director by:

Name:

Address:

City:

Province:

Postal Code:

Email:

Telephone:

2. This schedule is being completed on:

Date (dd/mmm/yyyy)

3. The director under the *Child, Family and Community Service Act* can be served with this application at:

Name:

Address:

City:

Province:

Postal Code:

Email:

Telephone:

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

4. In the matter of the child(ren):

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

5. The parent(s) of the child(ren) is/are:

Full name of parent(s)

6. There is a court proceeding under the *Child, Family and Community Service Act* concerning the child(ren)

Yes

Court Location:

File Number:

Date of next CFCSA proceeding:

No

Part 3 | Priority parenting matter

7. I have been advised that

is applying for a priority parenting matter order under section 45 [*orders respecting parenting arrangements*] or 51 [*order respecting guardianship*] of the *Family Law Act* about a child to whom I have been providing services under the *Child, Family and Community Service Act*.



To get the schedule completed, contact the child welfare worker who is working with the child.

If you don't know how to reach 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).

Provide the child welfare worker with a copy of the application so they can understand what you are applying for.



Insert the name of the party who is applying for an order about a priority parenting matter.

8. If granted, I believe the priority parenting matter order respecting parenting arrangements and/or guardianship of a child that is being applied for would likely allow the child(ren) to be returned to the applicant or prevent the removal of the child(ren) under the *Child, Family and Community Service Act*.

Yes No

- 9.** I would like to share the following information with the court:

You may choose to complete this section or leave this section blank.

Please only share information that is needed by the court to understand why it is in the best interest of the child under section 4 of the Child, Family and Community Service Act to address this matter as a priority.

As per section 79 (a) of the Child, Family and Community Service Act, please only disclose information that is necessary to ensure the safety or well-being of a child.

To add more, select the box below and attach a page with the additional information

Additional page(s) (see attached)



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 you need more space,
select the box and remember
to include your additional
page(s).

Schedule 2

Application for Order Respecting Guardianship of a Child

Complete this schedule only if you 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*.

Part 1 | Indigenous ancestry of child(ren)

1. Is the child or children **Indigenous**?

Yes → go to next question

No → Skip ahead to Part 2

Unknown → Skip ahead to Part 2

2. Complete this question only if a child is Indigenous.

If not, you may leave this question blank.

Please select the option below that best describes the **child(ren)'s Indigenous ancestry**:

First Nation

Nisga'a

Treaty First Nation, including:

- Tsawwassen First Nation
- Maa-nulth First Nations:
 - Huu-ay-aht First Nations
 - Ka:yu:k't'h/Che:k'tles7et'h First Nations
 - Toquaht Nation
 - Uchucklesaht Tribe
 - Yuułuʔilʔath Government
- Tla'amin Nation

the child is under 12 years of age and has a biological parent who is of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous

the child is 12 years of age or older, of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous



Anyone who wants to become a guardian can apply, including a parent who is not a guardian or anyone else (even if they are not related to the child) [s. 51 *Family Law Act*]. Only a guardian may have parental responsibilities and parenting time with respect to a child [s. 40].



A guardian's parental responsibilities include making decisions respecting the child's cultural, linguistic, religious and spiritual upbringing and heritage, including, if the child is an Indigenous child, the child's Indigenous identity [s. 41 *Family Law Act*].

IMPORTANT NOTE ABOUT A NISGA'A OR TREATY FIRST NATION CHILD:

If 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 this application.



For more information about serving Nisga'a Lisims Government or the Treaty First Nation to which the child belongs, see the guidebook.

Part 2 | Guardianship affidavit and supporting documents

A party applying to be appointed as a guardian of a child must provide the court with evidence using the Guardianship Affidavit in Form 5 respecting the best interests of the child [s. 51 *Family Law Act* and Rule 26].

If a child is 12 years of age or older, the court must not appoint a person other than a parent as the child's guardian without the child's written approval, unless satisfied it is in the child's best interests [s. 51 *Family Law Act*].

3. I understand that I am required to **file a Guardianship Affidavit** in Form 5 as described in Rule 26 **before the court can make a final order** about guardianship.
4. I have **initiated or completed a criminal record check** as required for the Guardianship Affidavit.



To complete Form 5, you are required to attach the results from various record checks as exhibits.

The record checks must be initiated at the time of filing this application.



For more information about how to complete a record check, including where to find the forms, see the guidebook.

5. Select only one of the options below

- I am **filing the following required documents** along with this application:
- a Consent for Child Protection Record Check in Form 5 under the *Family Law Act Regulation*
 - a request, in the form provided by the registry, to search the protection order registry
- I am **not able to file the required documents** with this application.
I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that the documents be filed with this application. I understand I will still be required to file the documents at a later date.



You must file a consent and request for record check or an Application for Case Management Order Without Notice or Attendance Form 11.