



# GUIDEBOOK |

## Preparing an Application About Enforcement

PROVINCIAL COURT FAMILY RULES

This guidebook will provide you with legal information and tips for completing an Application About Enforcement Form 29. 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](http://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 13 pages total.

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## 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.

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## 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](http://www.gov.bc.ca/family-justice-services-division).
- Only lawyers can fill out a court form for you, tell you what to write, or give you advice about legal problems. If you need help filling in the forms and do not have a lawyer, ask court registry staff, Justice Access Centre or Family Justice Centre staff to refer you to someone who can help. There are some lawyers who might be able to help you for free.

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***This guidebook provides general information only and is not provided as legal advice. If you have a legal issue, you should contact a lawyer for legal advice about your own situation. Registry staff, staff at a Justice Access Centre or Family Justice Centre, and the Provincial Court cannot provide legal advice.***



## 1 | Understanding the law

### 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](http://www.bclaws.gov.bc.ca).

### Enforcement

The Provincial Court Family Rules include a range of enforcement actions. Enforcement actions are steps taken to make a person follow a court order.

A written agreement or determination of a parenting coordinator that is filed with the court can be enforced as if it were a court order.

If you have a written agreement, determination of a parenting coordinator, or court order that the other party is not following, you can ask the court to help enforce it. In most cases, it is up to each person to let the court know that they believe the other party is not following an agreement, determination or order.

**TIP:** You can only apply to enforce an agreement, determination of a parenting coordinator, or order from another jurisdiction if it has **already been filed with the Provincial Court**.

A document is filed in the Provincial Court when it is accepted for filing, a registry stamp is applied to the document, and it is put on a court file. Check your document to see if it has a registry stamp and court file number on it.

If it hasn't been filed, go to the question below on [How do I file an agreement, determination of a parenting coordinator, or order in Provincial Court?](#)

You may want to talk to a lawyer or [family justice counsellor](#) to help you understand:

- if the other person is not following the agreement, determination, or order
- what consequences you can ask the court to order, and
- if there might be another way to solve the problem.

### When to use the application about enforcement?

The Application About Enforcement Form 29 can be used to apply to enforce orders or written agreements about parenting arrangements, including parenting time, and contact with a child, and to enforce, change or set aside the filed determination of a parenting coordinator.

It can also be used to apply to enforce disclosure orders, conduct orders, and orders generally under both the Provincial Court Family Rules and the Family Law Act.

Orders about enforcement also include setting expenses, determining arrears (amount of support that is unpaid or past due), and applying to set aside the registration of a foreign support order.

The application can't be used to enforce child support and spousal support orders under the Family Maintenance Enforcement Act.



How can I enforce a child or spousal support order under the Family Maintenance Enforcement Act?

The [BC Family Maintenance Agency](#) provides a free service that will collect the amounts owing under a support order or agreement including arrears and special or extraordinary expenses, monitor support payments as they are made, calculate interest on unpaid support and take steps to make sure payments are made.

The [Family Maintenance Enforcement Act](#) also gives the Director of Maintenance Enforcement power to take steps outside court to enforce payment of support orders.

**You may want to contact the BC Family Maintenance Agency first to see if they can help.**

Visit their website at [www.bcfma.ca](http://www.bcfma.ca) or contact them by telephone at 1-800-663-3455.

Individuals can also enforce child support and spousal support agreements or court orders on their own or with a lawyer using the [Family Maintenance Enforcement Act](#).



The Provincial Court Family Rules about enforcement under the Family Maintenance Enforcement Act can be found under [Division 2 of Part 10](#).

The [Application for Garnishment, Summons or Warrant Form 30](#) and [Application for Order Under the Family Maintenance Enforcement Act Form 35](#) may be used.

## How do I file an agreement, determination of a parenting coordinator, or order in Provincial Court?

- To file a written agreement, use the [Request to File an Agreement Form 26](#)
- To file a determination, use the [Request to File a Determination of Parenting Coordinator Form 27](#)
- To file an order from the BC Supreme Court, use the [Request to File an Order Form 28](#)
- To apply to the Provincial Court to recognize an extraprovincial order (other than an order about support) for enforcement under the Family Law Act in Provincial Court, use the [Application for Case Management Order Without Notice or Attendance Form 11](#)
- To register a support order from an extraprovincial or foreign jurisdiction under the Interjurisdictional Support Orders Act for enforcement in the BC Provincial Court, contact the designated authority. For more information visit Interjurisdictional Support Services at [www.isoforms.bc.ca](http://www.isoforms.bc.ca).



## 2 | Filling out an Application About Enforcement Form 29

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.



[Rule 135](#) sets out the requirements for making an application about enforcement in Form 29.

You'll need a copy of the order or agreement you want to enforce. If you don't have a copy of the court order, contact the registry where you got the order to find out how to get a copy.

### Registry location and court file number

These fields are used to help match your form to the correct court file.

Copy the registry location and court file number from the top right corner of any filed document in your case.

Registry location:

Court file number:

Document number:

For registry use only

### Part 1 | About the parties

Copy the party information from a filed document in your case. It should match.

If you are filing this application along with a request to file an order, agreement or determination of a parenting coordinator, copy the party names from that document.

### Part 2 | Notice of the application

You are responsible for making sure the other party receives a copy of the Application About Enforcement after it has been filed and at least 7 days before the scheduled court appearance. This means there must be at least 7 days between the date the document is served and the date and time of the court appearance.

Providing notice is a legal requirement. It is important for fairness and transparency. It gives the other party the opportunity to prepare and participate equally in the legal process.

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

#### **TIP: Are you applying to set aside the registration of a foreign support order?**

If so, your requirements for giving notice are a little different. Instead of serving the other party, you must give notice to the designated authority at least 30 days before the application is to be heard by the court. The designated authority acts in place of the other party. In B.C., the designated authority is the Interjurisdictional Support Services. They can be served by registered mail to their address:

Interjurisdictional Support Services  
PO Box 2074 Stn Main  
Vancouver, BC V6B 3S3

When you are serving a document by registered mail, it is deemed served on the date it is delivered. Give yourself lots of time to serve a document by mail. Remember, it must be delivered (served) at least 30 days before the application is to be heard by the court.

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### Part 3 | 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](http://www.provincialcourt.bc.ca/court-location).

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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 4 | Order about enforcement

You must indicate what you're applying for. The application about enforcement can be used to apply for different enforcement orders depending on what it is that you need help enforcing. More than one option may be selected.

Look at the document you want the court to help enforce.

#### **Do you have a court order or written agreement that you want to enforce?**

You can ask the court to help enforce an order or agreement if the other party isn't doing what the order or agreement says. The goal when you are applying to enforce an order or agreement is to get the other party to do what they are supposed to do.

For a court order, the date should be referenced in the preamble on the order. For example, "Before the Honourable Judge Jones on May 1, 2016". The date on the court stamp doesn't always match the date the order was made.

For a written agreement, provide the date the written agreement was signed.

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**TIP:** Remember, you can't use this application to ask the court to change an order or agreement to something else. It can only be used to enforce the existing terms of an order or agreement.

**If you want your family law matter order changed**, you must also file the [Application About a Family Law Matter Form 3](#). If you are in an early resolution registry, you will start the process for changing your order by filing a [Notice to Resolve a Family Law Matter Form 1](#). If you have an **interim family law matter order** that you want to change, you must file a [Request for Scheduling Form 39](#).

**To change an order about a different matter**, you must file the appropriate application to change the order.

**Do you have a determination of a parenting coordinator that you want to enforce, change, or set aside?**

A parenting coordinator can help parents resolve disagreements about how parenting agreements or orders are put into effect. If the parties can't agree, then a parenting coordinator may make the decision for the parents. This is called a determination.

Sometimes people don't follow a determination of a parenting coordinator. If this happens, you can apply to have the court help enforce it just like a court order and ask that the court impose consequences on the person who isn't following the determination.

A determination of a parenting coordinator that is filed with the court is enforceable under the Family Law Act as if it were an order of the court.

If you believe the parenting coordinator's decision was made outside their authority or that they made a mistake about the law or about how the facts and the law work together, the application about enforcement can be used to apply to change or set aside a determination of the parenting coordinator.

**Do you want the court to decide expenses you've reasonably and necessarily incurred because the other party didn't follow a court order?**

Going to court costs money. In Provincial Court, each party in a family proceeding is usually responsible for their own costs. This includes costs for lawyers, serving documents, and printing court documents.

If a party disobeys a court order or misuses the court process, you may have to pay for something unexpected as a result of the other party's actions. These are called expenses. The court can order a party to pay expenses to the other party. You can ask the court to determine the amount.



Go to the following sections of the Family Law Act for more information about expenses:

- [section 61](#) *[denial of parenting time or contact]*
- [section 63](#) *[failure to exercise parenting time or contact]*
- [section 212](#) *[orders respecting disclosure]*
- [section 213](#) *[enforcing orders respecting disclosure]*
- [section 228](#) *[enforcing orders respecting conduct]*



- [section 230](#) *[enforcing orders generally]*

**Do you want to know how if money may be owing on your child support or spousal support order where payments haven't always been made and if so, how much?**

When a person who must pay child or spousal support doesn't, a debt called arrears starts to add up. Determining if arrears are owing is important for a person who owes arrears (the payor) and the person who support is owed to (the recipient).

If you have an order about child support or spousal support and the payments haven't always been made, you can ask the court to help determine if there is money owing and the amount.

Support orders are usually enforced using the Family Maintenance Enforcement Act. For more information go to the question above [How can I enforce a child or spousal support order under the Family Maintenance Enforcement Act?](#)

**Did you receive notice of registration of a foreign order from the BC Provincial Court?**

If you received notice of registration of a foreign order from the BC Provincial Court, you can apply to set aside the registration within 30 days after receiving the notice. A foreign support order registered in BC Provincial Court under [s. 18 of the Interjurisdictional Support Orders Act](#) can be enforced under BC laws.

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**TIP:** Remember to attach a copy of the order, written agreement or determination to your application.

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## Part 5 | Details of the order

You need to tell the court and the other party what order you want the court to make. Include how you want to see the order or agreement enforced, the legal solution you want (remedy), or order you want made.

If you aren't sure about what enforcement options are available to you, you may want to talk to a lawyer or family justice counsellor, or check out the following resources:

- the [Family Law Act](#)
  - [section 61](#) *[denial of parenting time or contact]*
  - [section 63](#) *[failure to exercise parenting time or contact]*
  - [section 228](#) *[enforcing orders respecting conduct]*
  - [section 230](#) *[enforcing orders generally]*
  - [section 231](#) *[extraordinary remedies]*
- Legal Aid BC's family website at [www.familylaw.lss.bc.ca](http://www.familylaw.lss.bc.ca)
- Clicklaw's website at [www.clicklaw.bc.ca](http://www.clicklaw.bc.ca)

## Part 6 | The facts

Provide the facts you want the court to consider. You do not need to use any special wording.

Include:

- why you are making this application
- how the other party has failed to follow the order or agreement, if applicable
- why the court should make the order you are applying for

**If you are applying to set aside the registration of a foreign order under the Interjurisdiction Support Orders Act**, the British Columbia court may set aside the registration if it determines under [section 19](#) of the Act that:

- a party to the foreign order did not have proper notice or a reasonable opportunity to be heard in the proceeding in which the foreign order was made,
- the foreign order is contrary to the public policy of British Columbia, or
- the court or administrative body that made the foreign order did not have the jurisdiction to make the order.

Please include the reason why you believe the court should set aside the registration of the foreign order and the facts that support it.

**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.

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. 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.

## Part 7 | Address for service

Each party must provide an address for service where they can receive notice or service of documents. You are also responsible for ensuring your address information is kept up-to-date.



**The other party and the court will have access to the address for service and contact information. You do NOT need to provide your home address.**

[Rule 175](#) sets out the requirements for an address for service.

**Address:** The court requires an address where you can get mail but it doesn't need to be your home address.

If you do not have a stable mailing address, or you're worried about your safety, you can give the address of your lawyer, a friend or family member, or somewhere that mail can be collected for you.

**Email Address:** The quickest way for the court and the other party to contact you is by email. If you give an email address, the court and the other party can send documents or communicate with you by email instead of using mail.

**If your address for service is outside of British Columbia, you must include an email address.**

**TIP:** Remember, if you agree to use email to receive court documents, you will get copies of court documents much faster than by mail. Make sure to check your junk box if you are expecting something from the court. Sometimes email filters will prevent you from receiving an important document.

**Telephone number:** It is also important for the court to have a telephone number where they can reach you. Make sure the telephone number is somewhere you can be reached during the day.

**TIP: If your address for service changes,** you must file a [Notice of Address Change Form 46](#) and serve a copy on each other party as soon as possible.

### 3 | Filing the application

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

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

For courthouse locations, addresses, and contact information visit:

[www.gov.bc.ca/courthouse-locations](http://www.gov.bc.ca/courthouse-locations)

There are no fees for filing Provincial Court family documents.

You must file:

- ☐ the completed application form
- ☐ a copy of the court order, written agreement or determination you want to enforce

**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 actually considered to have been served the next day. A document served by ordinary mail is considered served 14 days after it is mailed. Check first!

**Personal service** means an adult person who is at least 19, **other than you**, must hand-deliver the documents **directly to the person** being served. A party cannot personally serve a document on the other party.

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

### Proof of service

The court may need proof you had the application served. The person serving the documents must complete a Certificate of Service Form 7 so that you can prove service of the documents. You must attach a copy of the documents to the Certificate of Service. Remember to make a copy before the documents are served.



## 5 | Attending the court appearance

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

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

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

If the judge can make a decision quickly by hearing brief evidence or reading your application or any short affidavits that have been filed, they may be able to make their decision on the first day you attend court. If the matter is more complicated or requires more evidence, you will be referred to a judicial case manager to schedule a date for a hearing.

**TIP:** Check the **method of attendance** on the Application About Enforcement 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 Enforcement?

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