



GUIDEBOOK | Preparing a Written Response to Application

PROVINCIAL COURT FAMILY RULES

This guidebook will provide you with legal information and tips for preparing a Written Response to Application Form 19. 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 11 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
Replying to applications for other orders	3
2 Filling out a Written Response to Application Form 19.....	4
Written response to application.....	4
Registry location and court file number.....	4
Part 1 About the parties.....	5
Part 2 Replying to an application	5
Part 3 Agreement with order.....	6
Part 4 Disagreement with order	6
Part 5 Address for service	6
3 Filing the written response.....	7
4 Serving the written response	8
Proof of service	9
5 Attending the court appearance.....	9

***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

Replying to applications for other orders

If a party is served with an application under [Part 5](#) of the Provincial Court Family Rules and chooses to reply, the party:

- **must attend court** on the date and time referred to in the application, and
- **may file a written response** in reply to the application in Form 19



A written response is used in addition to, not in place of, attending court.

Part 5 includes the following applications that may have been served to you:

- Application for Case Management Order Form 10
- Application About a Protection Order Form 12
- Application About Priority Parenting Matter Form 15
- Application for Order Prohibiting Relocation of a Child Form 16

The form may also be used to file a written response if you were served with the following applications:

- Application About Enforcement Form 29
- Application for Order under the *Family Maintenance Enforcement Act* Form 35

To reply to an application listed above you must attend court on the date and time referred to in the application for the court appearance and you may also file a written response using Form 19. You are not required to file a written response.

The written response must be filed and served on each other party before the date referred to in the application for the court appearance.

What if I can't attend court on the date and time referred to in the application?

If you can't make it, you'll need to change the appearance to another date. First try contacting the other party. If you both agree to move it, you can ask the registry for a consent adjournment. If you don't agree, you'll need to apply to adjourn (postpone) the application to another date. This can be tricky if there isn't much time until the court appearance since it requires you to file your own application using the Application About Case Management Form 10.

If you can't change the date, you can get someone to go to court on that day for you.

If you don't attend court, the judge can still make orders that affect you.



2 | Filling out a Written Response to Application Form 19

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 86, Rule 137 and Rule 142.1 set out the requirements for the Written Response to Application Form 19.

To write your response, you'll need to refer to the application you were served. Review their application carefully, including any attachments. It'll explain what order they want the court to make and why they think it should be made.

You can:

- agree to one or more of the orders requested in the application
- if you don't agree, explain why and suggest a different solution for the same problem



If you want an order about something else, including a related matter, you must file your own application. The form you use to file your application will depend on the type of issue you need resolved.

Written response to application

Look at the top left corner of the application you were served. It'll have the form name and number.

They applied for one of the following:

- a case management order (Form 10)
- a protection order (Form 12)
- an order about a priority parenting matter (Form 15)
- an order to prohibit (stop) the relocation of your child (Form 16)
- an order to enforce a support order under the Family Maintenance Enforcement Act (Form 35)
- an order about enforcement (Form 29)

Select the option that applies under the title on the Written Response.

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 the application you were served.

Registry location:

Court file number:



Part 1 | About the parties

Copy your full name from any document you 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 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

Copy the other party's name from the application.

Part 2 | Replying to an application

There may be more than one active application in case, and it may be about the same type of issue. This Part confirms which application the written response is replying to and confirms that you must attend court to reply.

Refer to the application you were served and provide the requested details on the form.

For the **type of application**, your options are:

- case management
- a protection order
- a priority parenting matter
- prohibiting the relocation of a child
- enforcement under the Family Maintenance Enforcement Act
- enforcement

You can find the **filed date** of the application on the court stamp.

Remember, you must attend court on the date and time of the court appearance referred to in the application if you want to reply. You may **also file the written response**.

You are responsible for making sure the other party receives a copy of the Written Response to Application after it has been filed and before the date of the scheduled 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.

Part 3 | Agreement with order

Review the application you received. For each order listed, decide whether you agree or disagree.

You need to complete this part only if you agree with some or all of the order(s) the other party has requested.

If you agree to some, but not all, of the order, explain what you agree with. You'll also need to complete the next part to explain what you disagree with.

You don't need to answer Question 6 unless there's something you'd like to tell the court.

Part 4 | Disagreement with order

You need to complete this part only if you don't agree with some or all of the order the other party has requested.

If you disagree with some or all of the order the person is asking for, you must:

- explain why
- suggest a different solution for the same problem
- explain why the different solution should be granted by the court

TIP: Consider what alternative order about the issue you would agree to instead. Propose this as the order you want the court to make, rather than what the other party asked for. Then explain why your order should be made.

Remember, you can't request an order about a different issue in your written response, including a related matter. If you need something different, you'll need to file your own application.

Provide the facts that you feel support the court not making the order requested by the other party or making the order you've proposed instead.

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 5 | 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 written response

You must file the written response 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.

TIP: If you are filing in person, you must make extra copies of the written response 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. You'll be given a copy for your records along with a copy for the other party.



4 | Serving the written response

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 written response.

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 written response 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 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?

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 legaid.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.