



GUIDEBOOK | Preparing a Request for Scheduling

PROVINCIAL COURT FAMILY RULES

This guidebook will provide you with legal information and tips for completing the Request for Scheduling Form 39. It provides additional information to expand on 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 10 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.

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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 | Getting started

When to file a request for scheduling

There are lots of reasons why you might need to reschedule an application for a new court appearance, but you don't always need to file a Request for Scheduling to get your next appearance.



Rule 156 sets out when a Request for Scheduling is to be used to request a conference or hearing.



Were you directed by the court to schedule your next appearance with a judicial case manager (JCM)?

If you were directed by the court to schedule your next appearance with a judicial case manager or together with the other party, you probably don't need to use any form. Check with the judicial case manager (JCM) or registry staff in your court location to confirm and to schedule your court appearance.

Contact information for the JCM can be found on the [Provincial Court's website](https://www.provincialcourt.bc.ca/locations-contacts) under each courthouse location at www.provincialcourt.bc.ca/locations-contacts

For contact information for each court registry visit:

www.gov.bc.ca/courthouselocations

The Request for Scheduling is used to schedule (or reschedule) an unresolved application.

The application may be scheduled for a new court appearance if:

- the matter was adjourned by the court without setting a new court date (adjourned generally)
- the matter was struck from the court list by the court (usually because the parties did not attend the court appearance)
- a party was referred or directed by the court to a family justice counsellor, mediator, or counsellor, to participate in a full section 211 report or views of the child report, or any other requirement directed by the court before returning to court
- the court directed a party to correct a document or address how another person was served (a deficiency under the rules) before returning to court
- the court ordered a review of one or more terms of a court order on a specific date, after a specified amount of time, or after a specified event happened (such as when the child turns 19 or a spouse is eligible to start receiving benefits under a pension)
- you have an interim order (temporary order for the time until the court can make a final decision) you are applying to change, suspend, or cancel an under [section 216\(3\) of the Family Law Act](#) because your family circumstances have changed or you have new information

- you have attended a family management conference and now need an interim order under [section 216 or 217 of the Family Law Act](#)

? How do I know if my application is unresolved?

An application is usually unresolved if the court has not made a final order. Sometimes you will be given an interim order that gives a temporary solution while you wait to go to trial. Even if this was in place for a while, it is still not a final order.

A final order is a decision by a judge usually after a hearing or trial, or a consent order between the parties that decides the issues.

An order will often say if it is interim, final or a consent order. If there is an order and you are not sure if it is final, you can ask your lawyer or the registry staff.

There is a different process to follow if you need to go back to court with a final order unless the order says you can come back to court to review the order.

Order – General

- ☐ Interim Order
- ☐ Final Order
- ☐ By Consent
- ☐ Without Notice

? How do I schedule a new appearance if I have a final order?

To change or cancel a final order, you will need to complete a [Notice to Resolve a Family Law Matter Form 1](#) or [Application About a Family Law Matter Form 3](#).

To enforce a final order, you will need to complete an [Application About Enforcement Form 29](#).

If you aren't sure what need, you may want to talk to a lawyer.

2 | Filling out the Request for Scheduling Form 39

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.

Registry location and court file number

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

Part 1 | About the parties

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

Part 2 | Request for scheduling and notice

In this Part, you'll identify which document that's already been filed, you want scheduled for a court appearance. You must also acknowledge that you know you are required to give notice to the other party.

Request for scheduling

Locate the application you want scheduled. It may be any application or a reply with counter application. It does not have to be a document that you filed. You'll need to refer to the document to complete this Part.

TIP: You'll find the date of filing on the court stamp. The document number should be in the field labelled "Document number:" in the top right corner of the form. If this field is blank, check with the registry before you file so can fill it in. The document number is used as a reference by the court for scheduling purposes in case there is more than one of the same type of document that has been filed.

Notice

You are responsible for making sure the other party receives a copy of the Request for Scheduling 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 [Providing notice to each other party](#) for more detail on how to serve them.

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.

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 | Reason for requesting a court appearance

For this Part, you'll need to identify your reason for requesting a court appearance.

Start by adding the date of the last scheduled court appearance or consent adjournment for the application.

TIP: If you aren't sure what date the court appearance or adjournment was, you can check the original application or your notice of the court appearance for the date. If you still aren't sure, ask the court registry staff.

Next, select the option for why you are requesting a court appearance.

Was your matter **adjourned generally** without scheduling a new date? Usually this happens when one or both parties weren't ready to proceed quite yet.

Was your matter **struck off the court list**? Usually a matter is struck off (removed from) the court list if none of the parties show up at the scheduled date, time and place.

Did the court **order or direct a party to attend, participate or complete a requirement** before returning to court? The court may have the parties meet with a family justice counsellor, mediator, or counsellor. They may also ask parties to participate in getting a full section 211 report or views of the child report, or perhaps have them complete their financial disclosure before coming back to court.

Did an agreement or court order include a term that allows for **a review of one or more terms of the order or agreement**? The court may order, or an agreement may include, that an order about support be reviewed on a specified date, after a specified amount of time, or after a specified event has happened (such as when the child turns 19 or a spouse is eligible to start receiving benefits under a pension). If the agreement or order includes a term allowing for a review, and that date, time or event is here, you can schedule a court appearance for the review.

Do you have an **interim (temporary) order about a family law matter that needs to be changed, suspended, or cancelled** before your hearing or trial? An interim order is usually in place until the court can make a final decision. If your family circumstances have changed or you have new information, you can apply to change, suspend, or cancel the interim order under [section 216\(3\) of the Family Law Act](#).

TIP: If this is your reason for requesting a court appearance, you must explain why the interim order can't remain in place and what order you want made instead. The court may change, suspend, or cancel an interim order if satisfied that at least one of the following circumstances exist:

- a change in circumstances has occurred since the interim order was made
- evidence of a substantial nature that was not available at the time the interim order was made has become available

Have you **already attended a family management conference for your family law matter, but you now need an interim order** before your next court appearance?

A family management conference is the first court appearance for a family law matter. If you've attended court about your family law matter, chances are that it was a family management conference. If you aren't sure, you can check with the registry staff.

Sometimes an interim order may not be made at the family management conference, but you may feel a need for one before your next scheduled court appearance. If this happens, you can get another court appearance scheduled specifically for this purpose.

TIP: If this is your reason for requesting a court appearance, you'll need to select which family law matter there's already an application for that you need an interim order about. You're asking the court to make an interim (temporary) order about it until a final decision can be made.

3 | Filing the form

You can file the form:

- electronically online 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.

TIP: If you are filing in person, you must print or make extra copies of the form 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 | Providing notice to each other party

Remember, you are responsible for making sure the other party receives a copy of the Request for Scheduling 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.

How do I give notice?

Under the Provincial Court Family Rules, there are different ways you may be able to give notice to someone. The rules about service are found in [Part 12 Division 4 of the Provincial Court Family Rules](#).

There are two types of service – personal service and ordinary service.

A party who does not have an address for service must be served by personal service.

A party's **address for service** is the address they have provided to the court.

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.

If the other party has an address for service, they can be served a copy of the Request for Scheduling by ordinary 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. If you are serving the Request for Scheduling by ordinary mail, you must put it in the mail at least 21 days before the date scheduled for the court appearance (14 days for it to be deemed served + 7 days notice). Check first!

Proof of service

The court may need proof you had the Request for Scheduling 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

Depending on the application you are requesting to schedule, your court appearance may be a family management conference or another type of court appearance. Family management conferences are being conducted by telephone, audioconference, or videoconference, while other appearances are usually in-person.

TIP: Check the method of attendance on the Request for Scheduling 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 Request for Scheduling?

You can request the court's permission to attend court using a different method of attendance by filing an [Application for Case Management Order without Notice or Attendance Form 11](#). Be sure to file the form as soon as possible to give the court time to review your application and respond.

Going to court can be stressful. Here are some things you can do to help yourself get prepared:

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