

# Request for Scheduling Form 39

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](http://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](http://www.gov.bc.ca/court-forms).

**For courthouse locations, addresses, and contact information visit:**

[www.gov.bc.ca/courthouselocations](http://www.gov.bc.ca/courthouselocations)

**Need assistance with how to complete this form?**

Refer to the guidebook if you need more information about how to complete this form and apply for a court order about a family law matter. Find it online, with interactive links, at [www.gov.bc.ca/court-forms](http://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](http://www.bclaws.gov.bc.ca).

## Preparing a Request for Scheduling Form 39

Complete this form if you need a court appearance to be scheduled because any of the circumstances set out in [Rule 156](#) apply and, with the exception of a review, less than a year has passed from the date the parties took any step under the Rules.

This form is used **to proceed with a filed application** that has previously been scheduled for a court appearance.

The Request for Scheduling can be used **to ask for an interim order about a family law matter** if you have already attended a family management conference. To apply for an interim order about a family law matter, a filed Application About a Family Law Matter, Reply to an Application About a Family Law Matter, and/or Counter Application must already include the details of the final order you are asking for an interim order about.

It can also be used **to apply to change, cancel, or suspend an interim order** about a family law matter that can't remain in place until a final decision can be made.

**If more than one year has passed since you last took a step in your case**, except in the case of a review, you must instead file a [Notice of Intention to Proceed Form 2](#). Your next step will be either to schedule a needs assessment or a family management conference to determine the next step in your case.

**NOTE:** 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 this form. Check in with the judicial case manager or registry staff if you are not sure.



## 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](http://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 Legal Services page at [www.clicklaw.bc.ca/services](http://www.clicklaw.bc.ca/services)



## Filling out the form and preparing to file it

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?

- print or make copies of the completed form: one set for you, one set for the court, and one set for each other party
- staple or secure each package of documents together



## Filing the form at the registry

After you've filled out your form, you must file at the [Provincial Court Registry](#) where your existing Provincial Court case is filed.

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. They'll give you a copy for your records along with a copy for the other party.



## Serving the document

**Serve** a copy of the document to each other party at least 7 days' before 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 document is served and the date and time of the court appearance.

The document 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 document.

You may need to prove service of the documents took place. The person serving the document must complete a [Certificate of Service Form 7](#) to prove service. You must attach a copy of the document 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

Depending on the application you are requesting to schedule, your court appearance may be a family management conference or another type of court appearance. The registry will provide you with this information on your document when you file it.

The document will also tell you the method of attendance for the appearance.

Family management conferences are being conducted by telephone, audioconference or videoconference. Do not attend the courthouse in person for a family management conference unless a court order tells you to.

If you can't attend court using the method of attendance set out in your request for scheduling for the court appearance, 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.

# Request for Scheduling Form 39

Provincial Court Family Rules  
Rules 156

COURT STAMP

Registry location: \_\_\_\_\_  
Court file number: \_\_\_\_\_  
Document number: \_\_\_\_\_  
For registry use only

This Request for Scheduling provides notice of a court appearance that has been scheduled for an application previously before the court and where any of the circumstances set out in Rule 156 apply.

### Please read before completing the form:

- This form is only to be used to proceed with an application that has previously been scheduled for a court appearance.
- For guidance filling in this form, please read the guidebook. The guide is available online at [www.gov.bc.ca/court-forms](http://www.gov.bc.ca/court-forms) or from your local court registry.



For more information about scheduling a court appearance if no appearance has ever been scheduled, see the guidebook.

## Part 1 | About the parties

1. My full name is \_\_\_\_\_  
Full name of party
2. The other party's full name is \_\_\_\_\_  
Full name of party/parties



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

## Part 2 | Request for scheduling and notice

3. I request that the application filed on (date) \_\_\_\_\_, document number \_\_\_\_\_, be scheduled for a court appearance. The court appearance is being requested for the reason set out in Part 4.
4.  I understand I must give notice of this request for scheduling to each other party. To give notice, they must be served with the document at least 7 days before the date set for the court appearance.



For more information about how to give notice to the other party, see the guidebook.

## Part 3 | 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

at a \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

appearance type

date

time

in person at \_\_\_\_\_

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.

## 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 or Family Court Appearance

#### Legal Aid BC - Family Law Legal Advice

If you do not have a lawyer for your family law matter, visit <https://www.familylawinbc.ca/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, support and companion animals. There is no charge for their services.

All services are available in-person as well as virtually (through telephone and videoconference) across the province. For more information, you can call [1-844-747-3963] or contact the [Family Justice Centre or Justice Access Centre](#) closest to you.

For more information about Family Justice Services Division, go to [www.gov.bc.ca/family-justice-services-division](http://www.gov.bc.ca/family-justice-services-division).

#### 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://scyofbc.org/child-youth-legal-centre/>

Contact the Child and Youth Legal Centre [cylc@scyofbc.org](mailto: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](http://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 4 | Reason for requesting a court appearance**

5. On (date of court appearance or consent adjournment) \_\_\_\_\_ :  
(dd/mmm/yyyy)

- This matter was **adjourned by the court** without setting a new date (adjourned generally)

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- This matter was **struck off the court list** by the court without setting a new date

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- An order or direction was made by the court referring or **requiring the party/parties to attend, participate or complete** a requirement before returning to court

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- An order or direction was made by the court **requiring that a deficiency under these rules be addressed** by a party before returning to court

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- An order was made by the court providing for **the review of the order**

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- An **interim order on a family law matter was made** by the court and I am **applying for the interim order to be changed, suspended or cancelled** under section 216(3) of the *Family Law Act* because:  
*Please describe why the interim order can't remain in place until a final decision can be made*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I would like the interim order about a family law matter **changed, suspended or cancelled as follows:**

*Please describe the order you want the court to make instead of the current interim order*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- I **attended a family management conference** regarding this family law matter. I am **applying for an interim order** under section 216 or 217 of the *Family Law Act* for the following family law matter order(s) applied for in my application, reply or counter application:
  - Parenting arrangements, including parental responsibilities and parenting time
  - Child support
  - Contact with a child
  - Guardianship of a child
  - Spousal support
  - Property division in respect of a companion animal

**i** If you are applying for an interim order, select the family law matter(s) you need an interim order for. The Application for a Family Law Matter, Reply to an Application About a Family Law Matter, and/or Counter Application must already include the details of the final order you are asking for an interim order about.