



GUIDEBOOK |

Preparing a Trial Readiness Statement

PROVINCIAL COURT FAMILY RULES

This guidebook will provide you with legal information and tips for completing the Trial Readiness Statement Form 22. 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 12 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 | Understanding the law

A trial readiness statement helps you, the other party, and the court to plan for your trial. It must be filed if you are scheduled for a trial preparation conference, or you were ordered or directed by the court to complete the form.

- i** A trial preparation conference is a court appearance that is scheduled before a trial. It is used to discuss how the trial will proceed and what, if any, other steps should be taken to help the trial proceed smoothly and finish within the scheduled time.

You must file the trial readiness statement and serve a copy on each other party at least 7 days before the trial preparation conference or the date indicated by the court.



Rule 110 sets out the filing requirements for a trial readiness statement.



2 | Getting started

Going to a trial can be stressful, especially if you've never been to a trial before. Legal procedures may be unfamiliar and intimidating. Being well-prepared can help you feel more confident and calm.

Trial preparation involves creating a plan for the entire trial. You'll need to think about:

- the issues to be resolved and the order you want,
- what evidence you need to support your case,
- who you might need as a witness,
- if an expert witness is needed, and
- how long you think you need to present your case.

The Trial Readiness Statement will help you document some of this information as you prepare for trial.

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

TIP: Family court is open to the public. That means you can watch someone else's family court trial to learn what you might expect at your own trial. Talk to the registry staff to find out when a family court trial is happening.



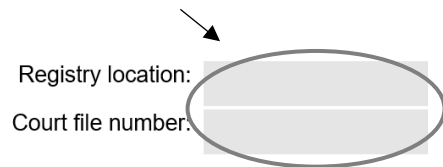
3 | Filling out the Trial Readiness Statement Form 22

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

These fields are used to help match your trial readiness statement to the correct court file.

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



Part 1 | Parties and lawyers at trial

This Part will help identify who is expected to be participating in the trial.

You don't need a lawyer to go to trial. If you don't have a lawyer, you may choose to hire one just for the trial.

TIP: Some lawyers offer unbundled legal services. Unbundling legal services is where a lawyer provides legal services for part of a client's legal issues instead of helping from start to finish.

The People's Law School website explains unbundled legal services including a self-assessment tool, directory of lawyers offering unbundled services and tips for working with a lawyer on an unbundled matter.

Visit www.unbundlinglaw.peopleslawschool.ca

If your case involves a child-related issue, there may be a lawyer appointed for a child.

If there is more than one lawyer for the children, add each lawyer's name separated by a comma.

NOTE: You must serve each other party, and any lawyer appointed for a child, with a copy of the trial readiness statement at least 7 days before the date of the trial preparation conference or as ordered by the court.

Part 2 | Issues for trial

You may have resolved some issues already, or you may have issues that are being addressed on a different timeline.

In this Part, indicate which issue(s) you understand are proceeding to the trial. Review the application(s) filed on your case and any order the court has made. You can also request a copy of the clerk's notes from the registry for each court appearance to see if the court made note of which issues are proceeding to the trial. If you're still unsure, talk to the registry staff or a lawyer.

Part 3 | Background information

The questions in this part will help the judge to better understand what efforts may have been made to reach an agreement about the issues in dispute and what orders may have already been made.

A **family settlement conference** is a type of court appearance where parties meet with a judge to explore the issues in dispute and whether there is any common ground between

the parties. Often the family settlement conference discussions can help parties reach an agreement. Your scheduling notice would have indicated the type of appearance.

In many family law cases, the parties reach an agreement before going to trial. It can happen at any time in the process, even right before your trial begins. It is helpful for the court to know if you are still trying to reach an agreement together.

Existing court orders

To properly consider an issue, the court should be aware of all relevant information, including other court orders involving the parties or the children.

There are many types of court orders that you may already have:

- 1) An **interim order** is a temporary court order that is in place during the time until a final order can be made.
- 2) **Child protection orders** are made under the [Child, Family and Community Service Act](#). They include any interim or final court order that is part of the process for child protection cases, such as supervision orders, continuing custody orders, and protection orders.
- 3) A **Supreme Court order** about separation or divorce may be made under the [Family Law Act](#) or [Divorce Act](#).
- 4) A **protection order** under [section 183 of the Family Law Act](#) is a civil court order that helps protect one family member from another family member if there is a risk of family violence.
- 5) A **peace bond** is a criminal court order with conditions that are to be followed to protect a person from another person.
- 6) Bail is also called "judicial interim release". If a person is granted bail (released until a next court appearance), certain rules and conditions are usually included in a **bail order** that a person needs to follow.
- 7) A **probation order** is a type of sentence and an alternative to jail. It sets out what an offender can or cannot do.

Part 4 | Disclosure of information

This Part will help the court to understand what information needs to be shared between the parties to help get ready for the trial.

If you have a child support or spousal support issue to be resolved at the trial, it is your responsibility to make sure your **financial information** on file with the court is up-to-date. If there have been changes to your financial information since you filed your Financial Statement, you will be required to file an up-to-date Financial Statement, unless otherwise ordered by the court.

Your evidence is how you will prove your case. Evidence at your trial can include:

- up-to-date financial information,
- witnesses (spoken evidence), and
- documents such as letters, receipts, or photos.

Both you and the other party must give each other copies of any information you plan to rely on during the trial.

TIP: Your list of witnesses usually includes the name of each witness and a short summary of what each witness will say (often referred to as a “will say” statement).

Part 5 | Witnesses

If you’re going to trial, you need to prepare to present your case. Your evidence is how you will prove your case. Your evidence may come from witnesses.

A witness must have direct knowledge of the things you want them to give evidence about. The evidence must also be relevant to the issues to be decided at trial.

Think about the facts you want to present to the court. Who do you need to have at the trial to tell your story. Remember, a witness can only tell the court the facts about something they saw or were involved in.

The questions in this Part will help the court to understand who you plan to have as witnesses, including if a report (opinion evidence from an expert witness or trained professional) has been ordered, completed, and if the writer may be required to attend the trial.

Witnesses

For your witnesses, list each person you want the judge to hear from. Think about how long you’ll need to ask questions to each witness, you’ll be asked to give an estimate of the time for the trial later.

TIP: You can be a witness at your trial so be sure to list yourself if you plan to give evidence.

Expert witnesses

Expert’s reports provide information to help the court. They are written by an expert who has special knowledge about a certain area because of their training, education and work experience.

An expert’s report must be served on the other party at least 60 days before the expert is to give evidence or the report is given to the court, unless a judge shortens the time requirement.

If the other party had an expert report prepared, they must give you a copy.

The expert may be called as a witness at the trial to give evidence or to be asked questions. The expert’s report may also be introduced as evidence without them being called as a witness.

If you need the expert witness to attend, you will want to ask them about what fees you will have to pay for them to attend court.

If the other party gets an expert's report, you may call the expert to attend the trial for cross-examination (to ask them questions). If you are choosing to have them attend the trial, you must serve the other party notice requiring the expert to attend the trial for cross-examination at least 30 days before the trial date. Before you decide if they need to be at the trial, consider if they need to attend. If the judge determines it was not necessary to have them attend, you may have to pay the other party costs associated with the expert's attendance at court.

? How do I get an expert report?

Expert's reports are a type of opinion evidence that can be introduced at trial to help the court in making their decision. If you plan on introducing expert evidence at trial, you must ask the expert to prepare a written report. You will usually be required to pay the expert to write the report.

If you are not sure whether an expert report is needed, talk to a lawyer to get some legal advice.

There are a lot of different requirements that must be included in the expert's report that are set out in [Rule 120](#). There are also different rules about when the report must be prepared and when you must give a copy to the court and the other party.

Reports for views of the child or under section 211 of the Family Law Act

For family law matters where parenting arrangements, contact with a child or guardianship of a child are in dispute, a section 211 views of the child or needs of the child report may be prepared.

? What is a section 211 views of the child or needs of the child report?

Views of the child or needs of the child reports give children an opportunity to tell a neutral person their view. The neutral person, who is a trained professional, interviews the child and then writes a report summarizing what the child has said. The report is shared with the court and their parents. Report writers include family justice counsellors, who can prepare views of the child reports for free, trained lawyers and mental health professionals. The report talks about what the child has said, they do not include the professional's assessment of the child's best interests.

The reports are described under [section 211](#) of the *Family Law Act*.

? How do I get an order for a section 211 views of the child or needs of the child report?

To have a section 211 report prepared for free by a family justice counsellor, the report must be ordered by a judge. The parties can also agree that a views of the child or needs of the child report will be prepared and can hire someone to prepare it.

If the issues in your case are about parenting arrangements, contact with a child or guardianship of a child, the court may order a views of the child or needs of the child report at the family management conference or other court appearance. The order will usually include the type of report, who will be preparing the report, and can also

include how the report will be paid for if it isn't being prepared by a family justice counsellor.

The views of a child can be presented to the court in different ways, including through the parties' evidence, letters from the child to the court, interviews with the judge, or a lawyer appointed to represent the child. Talk to a lawyer before requesting a views of the child or needs of the child report if you are not sure which option is best for your case.

You can apply to court for an order that a report be prepared by completing an [Application About a Case Management Order in Form 10](#). Go to Apply for an Order at the beginning of this service and select Case Management for help completing the form.

Because of the demand for family justice counsellors to prepare views of the child reports for free, they can take some time to be prepared. Other report writers may be able to provide the reports sooner for a fee.

It is helpful for the court to know if you are still waiting for the report to be completed.

If you want to challenge the facts or opinions in a section 211 report, you can cross-examine the report writer. A report writer can be asked to attend the trial for cross-examination but you need a court order for them to attend.

You can apply to court for an order that a report writer attend the trial by completing an [Application About a Case Management Order in Form 10](#). Go to Apply for an Order at the beginning of this service and select Case Management for help completing the form.

Getting a witness to attend the trial

If you want a witness to give evidence at your trial, you must make sure they can come to your trial and are ready to give evidence.

How do I arrange for a witness to come to my trial?

You must arrange for your witness to attend court unless the judge has directed otherwise. You must also pay the witness reasonable estimated travel expenses, such as gas and parking.

If you need an expert witness to attend, you will want to ask your expert about what fees you will have to pay for them to attend court. For information about costs see <https://family.legalaid.bc.ca/bc-legal-system/if-you-have-go-court/costs-and-expenses>.

If you think a witness might not show up, or they need a court order to show an employer, you must complete and personally serve them with a subpoena (Form 23) at least 7 days before trial. You can get the subpoena form at the court registry or at www.gov.bc.ca/courtforms/prov-family. If a witness is served with a subpoena and does not attend the trial, the judge can issue a warrant to bring them before the court.

For more information about subpoenas, including how to serve them, see [Rule 118](#) of the Provincial Court Family Rules.

Part 6 | Requirements and considerations

There are resources available to provide support to individuals during the court process. This includes:

- technology resources to support attendance at court, evidence submissions or other technology needs, such as video monitors
- interpreters for people who have difficulty understanding or speaking English, or deaf and hard of hearing persons
- safety planning for the courtroom with the sheriffs
- accommodations for disability such as courtroom access and setup and audio aids

Resource availability may be limited in some court locations so early identification and booking may be required.

TIP: Did you know you can bring a support person with you to trial to provide emotional support, take notes and help organize documents?

The Provincial Court generally welcomes ‘support persons’ to provide quiet help to self-represented litigants in family court trials. For more information, go to the [Guidelines for Using a Support Person in Provincial Court](#).

Part 7 | About the trial

Scheduling cases for trial involves a lot of planning. There are a lot of cases that need to get before limited judicial resources, so it’s important to be honest and accurate when you are answering the questions in this Part. It’ll help make sure everyone is ready to proceed on your trial date and you’ve got the right amount of time booked for it. If a case is not ready to proceed on the trial date, it can take some time to reschedule.

Remember, your evidence is how you will prove your case. You need to prepare your evidence – it is the information you must rely on during the trial. Your evidence may come from you, your documents, or your witnesses. Consider the evidence you plan to present when you are making an estimate for how much court time is needed for your trial.

The judge at the trial preparation conference will make the final decision on how long the trial needs to be scheduled for.

For your estimate, consider:

- how long it will take you to present your evidence
- how many witnesses you’ll have
- how many witnesses the other party may have
- how many questions you think you’ll have for each witness
- how long each witness will speak
- how long it will take you to introduce yourself, your case and make your argument

Part 8 | Orders at the Trial Preparation Conference

At the trial preparation conference a judge may make orders or directions. The orders or directions are usually about how the trial will proceed or things that need to be done before the trial to get ready for it. The judge will be prepared to make some of these orders or directions without you asking but if there is something you need a court order to do, it is helpful if you include it here.



Rule 112 includes a list of orders or directions a judge can make at the trial preparation conference.



4 | Filing the trial readiness statement

You must file the trial readiness statement at the court registry where the case is located. **It must be filed and served at least 7 days before the date of the trial preparation conference if a trial preparation conference is scheduled, or as ordered by the court.** 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

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. **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.



5 | Serving the trial readiness statement

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 trial readiness statement at least 7 days before the trial preparation conference or by the date indicated by the court.

The trial readiness statement can be served by **ordinary service to the address of service** for each party.

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!

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

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 trial readiness statement 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.